

1           The Honorable Board of Lander County Commissioners met in  
2 regular session in the Commission Chambers of the Lander County  
3 Courthouse and Administration Building in Battle Mountain,  
4 Nevada, 50 State Route 305, on July 14, 2016, at 9:00 a.m.  
5 Transcript produced by Tiffany Elkington, C.C.R., #930.  
6

7           **PRESENT: STEVEN STIENMETZ, COMMISSIONER**  
8                   **PATSY WAITS, COMMISSIONER**  
9                   **SEAN BAKKER, COMMISSIONER**  
10                  **DOUG MILLS, COMMISSIONER**  
11                  **KEITH WESTENGARD, EXECUTIVE DIRECTOR**  
12                  **LAKEN MARINE, REPRESENTATIVE OF COUNTY CLERK**  
13                  **THEODORE HERRERA, DISTRICT ATTORNEY**  
14                  **ELIZABETH DIAS, FINANCE**  
15                  **BECKY JOHNSON, HUMAN RESOURCES DIRECTOR**  
16

17           **ABSENT: ART CLARK III, COMMISSIONER**  
18

19           (Let the record reflect the presence of a quorum of four  
20 commissioners. Let the record reflect the presence of Austin  
21 via teleconference.)  
22

23           CHAIRMAN BAKKER: I'd like to call this meeting to order --  
24 Lander County Commission meeting, Town Board of Battle Mountain,  
25 and Austin Board of County Highway Commissioners, July 14th,  
26 2016.

27           Steve, will you lead us in the pledge.  
28

29           (Pledge of Allegiance)  
30

31           CHAIRMAN BAKKER: Can I please have a moment of silence.  
32

33           (Moment of silence)  
34

35           CHAIRMAN BAKKER: Okay. Lander County Commissioners will  
36 break for lunch from 12:00 p.m. to 1:15 p.m.  
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1 COMMISSIONER REPORTS

2  
3 CHAIRMAN BAKKER: Commissioner reports on meetings and  
4 conferences and seminars attended.

5 COMMISSIONER STIENMETZ: The only thing I've had is we had  
6 a -- a Convention and Tourism meeting. I couldn't remember  
7 that. And that's it. That was the only meeting I had.

8 We went over and decided that we didn't want to --  
9 Convention and Tourism didn't want to run the civic center  
10 anymore.

11 Is that right, Paula?

12 And that's all I have.

13 CHAIRMAN BAKKER: Okay.

14 COMMISSIONER STIENMETZ: Because we're not having a -- a  
15 LEPC meeting this month.

16 CHAIRMAN BAKKER: Doug?

17 COMMISSIONER MILLS: Okay. We did have a hospital board  
18 meeting.

19 We did a little bit of looking into getting an outside  
20 organization to come and review our pay levels at the hospital.  
21 We have to review some of that. And at the end of the -- by the  
22 end of the meeting, we decided that we're going to table that  
23 idea, and we need to resolve some other issues at the hospital,  
24 mostly pertaining to our revenue cycle and getting some other  
25 things finalized and put in place, get things more stabilized at  
26 the hospital before we look at something like that.

27 Steve Boline is a -- contracted with the hospital, is hired  
28 to help us with that revenue cycle. And at our last meeting, he  
29 gave us a timeline for getting that accomplished, which is nice.

30 So we're -- we're looking, like, in the next six to eight  
31 months, we should have revenue cycle in place.

32 And revenue cycle at the hospital is something that is --  
33 is pretty common in the medical industry for hospitals. And the  
34 hospital used to do a form of it. About five or six years ago,  
35 they were putting it in place. And then they kind of got away  
36 from it, and things got messy. So we're going back to the  
37 revenue cycle.

38 And it -- it should really help streamline the way the  
39 billing process is done. And our payments on bills should  
40 improve and those kinds of things. It should be really helpful

1 to the hospital.

2 We're also looking at doing more telemedicine at the  
3 hospital, which is really -- for rural Nevada, the -- the state's  
4 looking at doing a lot more -- helping hospitals with telemedicine  
5 in rural Nevada. And that should help us a lot with the medical  
6 treatment and medical care people get here in Battle Mountain. It  
7 should be -- it should be a good thing.

8 We're still kind of in the early stages with that, but that  
9 will come along. And it's going to be a really good thing for  
10 the county.

11 As a follow-up to -- and I believe it was our last  
12 commission meeting, we had a presentation from Pershing County  
13 dealing with wilderness study areas.

14 As kind of a -- a similar topic, we've been meeting with --  
15 I can't remember the guy's name from Barrick.

16 KEITH WESTENGARD: Alan [verbatim] Cole.

17 COMMISSIONER MILLS: Alan [verbatim] Cole --

18 KEITH WESTENGARD: I believe it's --

19 COMMISSIONER MILLS: -- from Barrick.

20 KEITH WESTENGARD: -- Alan Cole.

21 COMMISSIONER MILLS: He approached us about something that  
22 Barrick is working on to try to acquire some public lands around  
23 their mine sites to help them out with some of the regulation  
24 that goes on with it they have to deal with. They're thinking  
25 if they can -- if they purchase that land, it would help them  
26 out a lot.

27 And they've approached us about seeing if there's some --  
28 some lands that the county might want to try and acquire and  
29 attach onto this bill. So we're looking into that. And we  
30 think there's a couple of areas where that would be really  
31 helpful to Lander County.

32 And one of those -- one of those areas we're looking at is  
33 possibly purchasing the land that the golf course is on.  
34 Because right now, that is -- we -- we have that property  
35 through a --

36 CHAIRMAN BAKKER: Patent.

37 COMMISSIONER MILLS: -- patent with BLM.

38 So we don't actually own the land the golf course is on,  
39 although we're using it. But there's -- there's restrictions  
40 and there's things attached to that because of that patent with

1 BLM.

2 And that's -- that's caused us some issues at the golf  
3 course. And we think that if we owned that outright, we could  
4 resolve some of those issues.

5 And -- and there are -- there -- we talked with BLM about  
6 this also. And they also identified a couple areas where, by  
7 privatizing the -- some small pieces of land, we could resolve  
8 some issues in the county that have been a -- just little --  
9 little problems here and there throughout the county. And I  
10 think this could be a good thing.

11 And it's -- I know when we talked to Pershing County, they  
12 told us they'd been working on that project for the wilderness  
13 study area thing for, like, 13 years or 15 years.

14 Well, this thing that Alan Cole brought to us is kind of a  
15 fast-track deal. And we're hoping to re- -- to -- to get some  
16 results on this pretty quickly.

17 So it's kind of an exciting thing. And it -- we think it  
18 could be a really good thing to help us resolve some issues with  
19 some properties in Lander County.

20 So that's kind of exciting.

21 Other than that, we did have a -- a LEDA meeting and a --  
22 livestock event center meeting. But I missed those due to other  
23 obligations. So I'll have to have somebody else report on those.

24 CHAIRMAN BAKKER: Okay.

25 Everything I have is in the packet.

26 As far as the live- -- and we had a livestock meeting. And  
27 just pretty much maintenance.

28 Bert gave an update on everything that's going on there: a  
29 new paint job. Everything's looking good. So if you have time,  
30 everyone, go check it out.

31 And then my other one's in my packet.

32 So Patsy.

33 COMMISSIONER WAITS: Thank you. I did have a NACO meeting  
34 on June 24<sup>th</sup>. Just a couple things I want to share with you on  
35 that.

36 Since April, we have had six different meetings, actually,  
37 with the congressional committee in Washington, D.C., our counties  
38 have attended and testified.

39 One of the latest ones was Commissioner Tipton from  
40 Hawthorne. And she talked about the -- the new labors overtime

1 rule. And NACO has published a report on how that will be  
2 affecting the counties. She testified against it and the expense  
3 it would cost on some of, like, her county, specifically, and what  
4 it was doing to the rural areas with the additional cost that it  
5 would be.

6 Our executive director, Jeff Fontaine, went back just last  
7 week and testified again on the BLM 2.0 report. And that's the  
8 second time. Because Commissioner French went earlier from  
9 Humboldt County and he testified. So this is the second time  
10 they're -- they're doing that.

11 So I don't know where we're getting on it. But they  
12 certainly at least are -- are paying attention to the counties  
13 and what's happening.

14 They've actually been talking about everything, even the  
15 wild horses. And so the -- the last -- like I said, the last  
16 six people that have testified.

17 Associate Chief Justice Hardesty spoke with us at the NACO  
18 meeting regarding the new supreme court building that they're --  
19 that they're under construction in Las Vegas.

20 And he said that they were putting a county seal all around  
21 the top of the courthouse. And he wanted the counties to know  
22 that, that they would be very well represented.

23 And, of course, with our -- with our new seal that we spent  
24 so much -- much time on and everything, that's kind of exciting  
25 for Lander County. But that will be, I thought, most  
26 appropriate, especially at a supreme court building with all the  
27 counties represented.

28 On July 8<sup>th</sup>, I did have a Pony Express Territory meeting that  
29 was held in Dayton, actually. We're trying to get Dayton a little  
30 bit more active on the Highway 50.

31 And we have some brand-new signs in conjunction with the  
32 Commission on Tourism, or Travel Nevada, and the Department of  
33 Transportation.

34 And if you've traveled Highway 50, you will have seen them.  
35 They do say "The Loneliest Highway." And then there's a special  
36 drop-down sign that says, the 30<sup>th</sup> anniversary. And it is the  
37 30<sup>th</sup> anniversary this year of us using the "I survived" motto.

38 So the different towns along Highway 50 are doing something  
39 special with advertising and -- and special water bottles. And  
40 some of them are doing little -- little key chain markers and

1 hashtags, like, to go along. So that will be done throughout all  
2 Highway 50, all the way through to Great Basin.

3 And then, of course, Great Basin is also celebrating their  
4 big 30<sup>th</sup> anniversary on -- on their birthday too of -- of coming  
5 in to be a national park.

6 And, let's see, there is a NACO annual meeting that's  
7 starting the end of July. And that's being held in Long Beach. I  
8 am not attending that. But that's the second one. I went to the  
9 legislative one in Washington, D.C., but not -- not this one.  
10 I've just been attending my national committees by phone right  
11 now.

12 So that's all I have.

13 Thank you.

14 CHAIRMAN BAKKER: Okay. Thank you, Patsy.

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16  
17 **STAFF REPORTS**

18  
19 CHAIRMAN BAKKER: Staff reports on meetings and conferences  
20 and seminars attended.

21 KEITH WESTENGARD: All right. First off, I -- I'm sure  
22 everybody's aware of this. BLM had the death of two  
23 firefighters earlier this week, outside of Winnemucca.

24 I've offered the county's condolences and support in any way  
25 that we can assist with this.

26 They will be holding some critical incident stress  
27 debriefing here in our community room today for the employees of  
28 those affected. So I'd like you to keep -- keep them in your  
29 thoughts and prayers.

30 We continue with our safety training. We did fire  
31 extinguisher training here in the admin courthouse this week, as  
32 well as we're doing some MSHA training, as well, for our Road  
33 and Bridge people.

34 I -- as everybody knows, our new finance director started  
35 this week, Miss Dias. She's working on training with Gene  
36 Etcheverry. He's come back to assist with that.

37 We have some -- I have set up several trainings as well in  
38 Reno to -- to get Liz up to speed and -- and get -- get things  
39 rolling for Finance.

40 CHAIRMAN BAKKER: Thank you, Liz.

1 COMMISSIONER MILLS: Welcome.

2 KEITH WESTENGARD: With that being said, I'm sure you're  
3 aware of the Hot Pot Fire. It was a -- a little over  
4 120,000 acres north of Battle Mountain here.

5 The reason I'm bringing that up is we signed that wildland  
6 fire agreement with the state.

7 As of last Tuesday, the fire was a little over 2 1/2 -- or  
8 \$2.2 million. Our cost to that -- or our cost part of that would  
9 have been a little over \$500,000 -- a little over \$550,000.

10 With that wildland fire agreement, our cost is -- part of --  
11 is included in the \$150,000 a year that we pay for that wildland  
12 fire protection agreement. So it's already paid for itself this  
13 year. The fire was only 80 percent contained at that time. So  
14 the costs have -- have gone up since then.

15 But the wildland fire agreement with the state has proven  
16 to be very beneficial to Lander County. And we -- we're -- fire  
17 season really hasn't even started yet.

18 So we -- Commissioners Mills and I met with BLM earlier this  
19 week on some fire issues. We had a very brief meeting with them  
20 due to their loss. But we did find out they're going to be  
21 bringing in -- or there -- there's a plan to bring in a whole lot  
22 of additional resources this year. The way it was put to us is  
23 there's probably not going to be any hotel rooms available in --  
24 in Battle Mountain due to the extra crews that they're bringing in  
25 on a rotational basis.

26 So hopefully we won't ever have to use them. But they're  
27 going to be here in case we do need them.

28 We did have the -- the lands meeting earlier this week,  
29 regarding land swaps, so forth.

30 I have a tentative meeting set up next week with Pat Irwin.  
31 He's the Pershing County commissioner that has pushed the lands  
32 bill through Pershing County.

33 We continue to work on our boards. Hopefully, the plan is  
34 that next commission meeting they will be on the agenda to get all  
35 our boards reappointed or appointed and up to date.

36 Also pretty common knowledge, we are running the civic center  
37 now. Battle -- or Lander County's running the civic center. And  
38 so far, things -- it's been a very smooth transition.

39 Paula has been very helpful with -- with our two employees.  
40 And I appreciate that.

1 I'll be going to their board meeting coming up to discuss  
2 purchasing of the equipment that's -- that's at -- at the civic  
3 center now.

4 Hospital board. I did attend that meeting. We talked about  
5 EMS. I'll hopefully have a -- a contract for you to review at the  
6 next meeting.

7 Our airport projects are both ongo- -- or in the move-forward  
8 mode. We've sent out letters of award for the Austin Airport fuel  
9 project and the Battle Mountain pavement rehab project.

10 So we're looking at, probably, mid-September for the Battle  
11 Mountain rehab project just because of the air tanker usage,  
12 maybe into October.

13 We don't want to -- we don't want to interfere with the air  
14 tankers during fire season.

15 And the fuel project is -- is going to move forward here  
16 within the next few weeks in Austin.

17 That's all I have.

18 Thank you.

19 CHAIRMAN BAKKER: Thank you, Keith.  
20  
21

## 22 PUBLIC COMMENT

23  
24 CHAIRMAN BAKKER: Public comment for non-agendized items  
25 only.

26 Persons are invited to submit comments in writing and/or  
27 attend and make comments on any non-agenda item at -- at the  
28 board meeting, if any, and discussion of those comments at the  
29 discretion of the board. All public comment may be limited to  
30 three minutes per person, again at the discretion of the board.  
31 Reasonable restrictions may be placed on public comment based  
32 upon time, place, and manner, but public comment based upon  
33 viewpoint may not be restricted.

34 Any public comment?

35 MARTIN PARIS: Martin Paris, for the record.

36 CHAIRMAN BAKKER: Good morning, Martin.

37 MARTIN PARIS: Good morning.

38 It's been a while since I've been here back here. I was  
39 passing through and -- and thought I should stop by and check in  
40 on everything.

1 I think this is the first time I've been back in my new  
2 position as Congressman Amodei's rural field representative.  
3 So I just wanted to extend the invitation to get ahold of  
4 me, if you guys need anything. That's -- that's what I'm here  
5 for. So reach out to me.  
6 I have cards. I'll -- I'll leave them with Keith. I think  
7 most of you probably have one of my numbers. But I'll -- I'll  
8 make sure you have all of them now.  
9 So, like I said, if I could be of any service, don't --  
10 don't hesitate to let me know.  
11 So thank you.  
12 CHAIRMAN BAKKER: Thanks, Martin.  
13 COMMISSIONER STIENMETZ: Thank you, Martin.  
14 COMMISSIONER WAITS: Thank you.  
15 KEITH WESTENGARD: Thanks, Martin.  
16 CHAIRMAN BAKKER: Any other public comment?  
17 KEITH WESTENGARD: I actually have something I need to --  
18 I received a message from Commissioner Clark this morning.  
19 And I'd like -- he asked me to read it into the minutes. So I'd  
20 like to do that right now.  
21 From Commissioner Clark. Please accept my apology for  
22 missing today's meeting. Cindy scheduled a surprise anniversary  
23 trip for us. And this week was the only week the trip could be  
24 scheduled. Thanks, Art Clark.  
25 P.S., Cindy caught a 30-pound trout. What an exciting  
26 time.  
27 And he sends his apologies. So...  
28 CHAIRMAN BAKKER: Thank you, Keith.  
29 KEITH WESTENGARD: One other thing I did have is there's a  
30 field tour tomorrow, if -- if anybody's interested, put on by  
31 the BLM, of the Hot Pot Fire. If you are interested, let me  
32 know. And I'll let BLM know that you're going to be there. It  
33 starts at 9:00 o'clock. And it'll probably go most of the day.  
34 And I forgot to mention that in my report.  
35 Thank you.  
36 CHAIRMAN BAKKER: Okay. Thanks, Keith.  
37 Any other public comment?  
38 (No comment.)  
39  
40

1     **CONSENT AGENDA**

2  
3           CHAIRMAN BAKKER: Okay. Consent agendas. All matters  
4 listed under the consent agenda are considered routine and may  
5 be acted upon by the Board of County Commissioners with one  
6 action, without extensive discussion. Any member of the board  
7 or any citizen may request that an item be taken from the  
8 consent agenda, discussed, and acted upon separately during this  
9 meeting. Consent agendas materials are available at the Lander  
10 County Clerk's Office for viewing, and copies are available for  
11 a nominal charge.

12           One, approval of agenda notice, July 14<sup>th</sup>, 2016; two,  
13 June 9<sup>th</sup>, 2016, meeting minutes; three, June 23<sup>rd</sup>, 2016, meeting  
14 minutes; four, June 29<sup>th</sup>, 2016, special meeting minutes; five,  
15 payment of bills; and six, payroll change requests.

16           I need to pull two? Or three and four?

17           COMMISSIONER WAITS: I didn't receive three or four.

18           CHAIRMAN BAKKER: Then --

19           So...

20           With that...

21           COMMISSIONER WAITS: I'll make a motion that we approve the  
22 consent agenda number one, two, five, and six.

23           COMMISSIONER STIENMETZ: I'll second that motion.

24           CHAIRMAN BAKKER: Patsy made a motion. Steve seconded.

25           Any public comment?

26           (No comment.)

27           CHAIRMAN BAKKER: All in favor?

28           COMMISSIONER STIENMETZ: Aye.

29           COMMISSIONER MILLS: Aye.

30           CHAIRMAN BAKKER AND COMMISSIONER WAITS: Aye.

31           CHAIRMAN BAKKER: Okay. Motion carries.  
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1 COMMISSIONERS

- 2
- 3 1) Discussion for possible action to approve/disapprove the  
4 temporary right-of-way occupancy request to close Highway  
5 305, September 12-17, 2016, for the 17th Annual World Human  
6 Powered Speed Challenge and to authorize the chair or  
7 co-chair to sign the permit, and all other matters properly  
8 related thereto.
- 9

10 CHAIRMAN BAKKER: Number 1. Discussion for possible action  
11 to approve/disapprove the temporary right-of-way occupancy  
12 request to close Highway 305, September 12<sup>th</sup> through the 17<sup>th</sup>,  
13 2016, for the 17<sup>th</sup> Annual World Human Powered Speed Challenge  
14 and to authorize the chair or co-chair to sign the permit, and  
15 all other matters properly related thereto.

16 PAULA TOMERA: Good morning.

17 COMMISSIONER STIENMETZ: Good morning.

18 COMMISSIONER WAITS: Good morning, --

19 PAULA TOMERA: Paula Tomera, --

20 COMMISSIONER WAITS: -- Paula.

21 PAULA TOMERA: -- executive director for the Lander County  
22 Convention and Tourism Authority.

23 This is our 17<sup>th</sup> Annual World Human Powered Speed  
24 Challenge.

25 To give you a little bit of background, the world's fastest  
26 humans from around the world, including U.S., Japan, France,  
27 Russia, Slovenia, Canada, Italy, Netherlands, Britain, the  
28 United States, including many collegiate teams and their pedal  
29 -- pedal-powered vehicles will attempt to break the current land  
30 speed record of 86.65 miles per hour that was set by Todd  
31 Reichert last year from Canada.

32 Highway 305, just south of town, possesses a unique trait --  
33 possesses unique traits necessary for these highly engineered  
34 bicycles to achieve top speeds.

35 The 4,619-foot-altitude road allows riders an acceleration  
36 zone of over four mi- -- four miles enabling them to reach their  
37 max- -- maximum velocity before being timed out over a 200-meter  
38 distance.

39 Like I said, this is our 17<sup>th</sup> annual speed challenge.

40 And this year, when I attended Rural Roundup, we entered

1 our video, which I'll show you just in a minute. And there were  
2 over 30 entries, I believe. And we placed in the top seven for  
3 the videos.

4 At the Rural Roundup, all of the tourism industry comes  
5 together, as well as tour operators from different countries.  
6 And so being in the top seven, they showed our video to everyone  
7 that was present. And we won a little Emmy for it.

8 And -- so anyway, I'll show you the -- the video. We  
9 produced this with a grant through Cowboy Country last year. And  
10 the volume doesn't work. So we'll have to --

11  
12 (Whereupon, a video was shown.)  
13

14 PAULA TOMERA: So as a result of this and different efforts  
15 that we've been making, like I said, we had Japan join us this  
16 year. They produced -- they had the -- Jan, who was actually on  
17 the video. They partnered with them to help them design a bike  
18 and build it. They had a race against each other. They did a  
19 promo video in Japan leading up to them coming to the United  
20 States. And they have a film crew that's going to come this  
21 year. There's a team of 25 people coming. They have their  
22 talent coming. And the -- this video will be shown on their  
23 public television. They have an hour-and-a-half spot on Friday  
24 nights. And they have 7 1/2 million viewers on this.

25 So the potential next year is going to be very large for  
26 our tourism efforts, hopefully.

27 And like I said, this year we have almost all of the hotels  
28 booked for our event for that seven days. And some of them are  
29 here for ten days.

30 We also received a -- we've been doing various promotional  
31 material throughout the year.

32 We have partnered with Nevada Commission on Tourism, which is  
33 Travel Nevada now. We've done three -- or four issues into the  
34 Nevada Magazine.

35 We did a marketing campaign in Washington, California,  
36 Arizona, Utah, Idaho, and Canada to promote this and hopefully get  
37 some more spectators.

38 We just received an additional \$9,000 grant from Nevada  
39 Commission on Tourism to help us produce a -- a TV commercial  
40 from that video to air in Reno on the two channels there, as

1 well as we bought time on ESPN, Fox News, to do some more  
2 promotional marketing on that.

3 So with that being said, I would ask that you -- if you  
4 would please sign the permit to close the road down. We close  
5 it for 20-minute intervals, open it up. And we do a few -- two  
6 hours in the morning. And then again in the evening we close it  
7 down for two hours.

8 It's a weeklong event starting from Monday. And it ends on  
9 Saturday with a banquet.

10 CHAIRMAN BAKKER: Good deal.

11 PAULA TOMERA: Do you have any questions?

12 COMMISSIONER WAITS: It's -- it's come a long ways.

13 You've had a -- a -- a long time to put this together. And  
14 it's --

15 PAULA TOMERA: Yeah.

16 COMMISSIONER WAITS: -- really, really exciting to see --

17 PAULA TOMERA: Yeah, we also --

18 COMMISSIONER WAITS: -- what we're doing.

19 PAULA TOMERA: -- have -- I don't know if you all know who  
20 Larry Freedman is. But Larry Freedman, he's our Asian  
21 representative. He's going to come on behalf of the Nevada  
22 Commission on Tourism.

23 Carrie grant -- or, I mean, Carrie Freelow, who is a grants  
24 manager for us, is going to come. And this could potentially  
25 get us to the next level with our advertising through them to  
26 help us market it even more in the foreign countries so...

27 COMMISSIONER WAITS: I did notice you were going to do the  
28 Show and Shine again.

29 PAULA TOMERA: Yeah. Uh-huh.

30 COMMISSIONER WAITS: What kind of response do you have  
31 from --

32 PAULA TOMERA: I think last year -- and we have -- I'll  
33 have to come back when we figure out exactly how much of the  
34 road we're going to do. Right now we have over by the duck  
35 ponds. There's that stretch of road over there that we close  
36 down. And it's a short run. We had it surveyed. So anything  
37 that happens over there is also a world record.

38 And this year, we're trying to add a full circle around the  
39 park to go down by the school and come back around.

40 We had, like, 25 people enter last year. And this is open to

1 anyone. So you can bring your regular bicycle and race against  
2 the competitors to get a world record. So I think we had three of  
3 them set last year for the short -- for the short track.

4 And then -- so we also had -- so Todd Reichert got the  
5 record for the men's 200-meter world record at 86.65. Liz  
6 McTernan set a new world record at 24.72 miles for unfaired  
7 handcycle. She is a paraplegic. And let's see. Florian  
8 Kowalik, he set the junior multirecord at 57.92 miles per hour.  
9 Ellen Vugt set a new women's multitrack record of 54.43.

10 We also have a local girl here who we sponsored her bike  
11 last year. And the first time she got on it, she did 72 miles  
12 per hour, which is pretty great for never having tested it  
13 before. This year we expect her to come back and do just as  
14 well, if not better. We're hoping that she will win or get the  
15 world record for not only the United States, but for Battle  
16 Mountain as well.

17 COMMISSIONER WAITS: Thank you.

18 CHAIRMAN BAKKER: Cool.

19 COMMISSIONER MILLS: Okay. Well, I'll make a motion that  
20 we approve the temporary right-of-way occupancy request to close  
21 Highway 305 from September 12<sup>th</sup> through the 17<sup>th</sup>, 2016, for the  
22 17<sup>th</sup> Annual World Human Powered Speed Challenge race.

23 CHAIRMAN BAKKER: And authorize.

24 COMMISSIONER MILLS: And authorize the chair to sign.

25 COMMISSIONER STIENMETZ: I'll second the motion.

26 CHAIRMAN BAKKER: Doug made a motion. Steve seconded. Any  
27 public comment?

28 (No comment.)

29 CHAIRMAN BAKKER: All in favor?

30 COMMISSIONER STIENMETZ: Aye.

31 COMMISSIONER MILLS: Aye.

32 CHAIRMAN BAKKER: Aye.

33 COMMISSIONER WAITS: Aye.

34 COMMISSIONER STIENMETZ: Thank you, Paula.

35 PAULA TOMERA: Thank you.

36 CHAIRMAN BAKKER: Thanks, Paula.

37 I'm now going to recess the meeting of the Lander County  
38 Board of Commissioners and convene the meeting of the Lander  
39 County Liquor Board.

40

1           **(MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS**  
2 **RECESSED.)**

3  
4           **(MEETING OF THE LANDER COUNTY LIQUOR BOARD CONVENED.)**

5  
6       2)   Discussion for possible action to approve/disapprove the on-  
7 and off-site liquor license for the Golden Club in Austin,  
8 Nevada, and all other matters properly related thereto.  
9

10           CHAIRMAN BAKKER: Item Number 2. Discussion for possible  
11 action to approve/disapprove the on- and off-site liquor license  
12 for the Golden Club in Austin, Nevada, and all other matters  
13 properly related thereto.

14           Austin?

15           MITESHELL LANHAM: Yes.

16           CHAIRMAN BAKKER: Is anyone there?

17           MITESHELL LANHAM: Pancho's here.

18           CHAIRMAN BAKKER: Pancho?

19           PHILLIP WILLIAMS: Yes. All -- all I know about it is --

20           CHAIRMAN BAKKER: Hey, Pancho, will you state your name,  
21 please?

22           PHILLIP WILLIAMS: -- is --

23           This is Pancho Williams or Phillip Williams.

24           My sister owns the Golden Club, and it was -- my nephew's  
25 boy is going to lease it, Keenan Williams.

26           And that's all I know about it.

27           CHAIRMAN BAKKER: Okay.

28           Thank you, Pancho.

29           KEENAN WILLIAMS: Keenan Williams, for the record.

30           RICHARD WILLIAMS: Richard Williams, for the record.

31           CHAIRMAN BAKKER: Good morning.

32           COMMISSIONER STIENMETZ: Good morning.

33           COMMISSIONER MILLS: Good morning.

34           COMMISSIONER WAITS: Gentlemen.

35           CHAIRMAN BAKKER: Any questions?

36           COMMISSIONER WAITS: I don't have any questions.

37           I know -- I believe you -- you're the grandson of Sugar --

38           KEENAN WILLIAMS: Sugar.

39           COMMISSIONER WAITS: -- and Susan; right?

40           KEENAN WILLIAMS: Yes, ma'am.

1 COMMISSIONER WAITS: Okay. So the first thing I'm going  
2 say is, thank you for your service.  
3 COMMISSIONER STIENMETZ: Yeah.  
4 KEENAN WILLIAMS: Thank you for your support.  
5 COMMISSIONER WAITS: U.S. Marine Corps, how many years?  
6 KEENAN WILLIAMS: Just four.  
7 COMMISSIONER WAITS: Okay. Thank you so much.  
8 And you're back in Austin and ready to start a new  
9 business?  
10 KEENAN WILLIAMS: Yes, ma'am.  
11 CHAIRMAN BAKKER: Well, good luck. Any questions?  
12 COMMISSIONER MILLS: Did we -- do we have any comments from  
13 the sheriff's office on this? Do we have any --  
14 UNIDENTIFIED PARTICIPANT: No comment.  
15 COMMISSIONER MILLS: No comment?  
16 Okay.  
17 COMMISSIONER STIENMETZ: No problems with it?  
18 COMMISSIONER WAITS: I'll make a motion that we approve the  
19 on- and off-site liquor license for the Golden Club in Austin,  
20 Nevada.  
21 COMMISSIONER STIENMETZ: I'll second the motion.  
22 CHAIRMAN BAKKER: Patsy made a motion. Steve seconded.  
23 Any public comment?  
24 (No comment.)  
25 CHAIRMAN BAKKER: All in favor?  
26 COMMISSIONER STIENMETZ: Aye.  
27 COMMISSIONER MILLS: Aye.  
28 CHAIRMAN BAKKER: Aye.  
29 COMMISSIONER WAITS: Aye.  
30 CHAIRMAN BAKKER: Thank you, sirs.  
31 COMMISSIONER STIENMETZ: Thank you.  
32 RICHARD WILLIAMS: Thank you.  
33 KEENAN WILLIAMS: Thank you.  
34 COMMISSIONER WAITS: Good luck, gentlemen.  
35 CHAIRMAN BAKKER: We'll now adjourn --  
36 KEENAN WILLIAMS: Thanks.  
37 CHAIRMAN BAKKER: -- the meeting of the Lander County  
38 Liquor Board and reconvene the meeting of the Lander County  
39 Board of Commissioners.  
40

1 (MEETING OF THE LANDER COUNTY LIQUOR BOARD ADJOURNED.)

2  
3 (MEETING OF THE LANDER COUNTY BOARD OF COMMISSIONERS  
4 RECONVENED.)

5  
6  
7 PUBLIC WORKS

- 8  
9 3) Discussion for possible action regarding the  
10 approval/disapproval for the Battle Mountain Water & Sewer  
11 Department to assist the Battle Mountain Band Council when  
12 they have issues with their water lines, and all other  
13 matters properly related thereto.  
14

15 CHAIRMAN BAKKER: Public Works. Three, discussion for  
16 possible action regarding the approval/disapproval for the  
17 Battle Mountain Water and Sewer Department to assist the Battle  
18 Mountain Band Council when they have issues with their water  
19 lines, and all other matters properly related thereto.

20 BERT RAMOS: Bert Ramos, for the record.

21 CHAIRMAN BAKKER: Good morning, Bert.

22 COMMISSIONER STIENMETZ: Good morning, Bert.

23 BERT RAMOS: So I put this on the agenda because the -- the  
24 Battle Mountain Tribe had some issues a couple weeks ago, had a  
25 break, and they wanted me to go out there and help them.

26 But -- I -- as you guys well know, we have plenty to do as  
27 is. I don't mind being -- you know, it's a small community. I  
28 don't mind helping a little here or there, but we need to set  
29 some sort of parameters or if we can at all or what we want to  
30 do. And I think that's a decision for you guys.

31 COMMISSIONER MILLS: Okay.

32 I was -- I've been thinking about this. I think this is a  
33 good thing to discuss. And I don't have any problem helping the  
34 band council out there with issues that come up.

35 The only concern I had was that I don't want the county to be  
36 in a position where we're competing -- I guess competing's the  
37 right word -- with a private business that could come out and fix  
38 your stuff. I don't think that's a position we want to be in.

39 But I'm -- I'm certainly happy to help if you have some  
40 emergency or critical situation that comes up and you need help

1 now. Because I know sometimes it's hard to get --  
2 JEAN ESTELLA: That's what we're running --  
3 COMMISSIONER MILLS: -- a --  
4 JEAN ESTELLA: -- into now.  
5 COMMISSIONER MILLS: -- contractor to come out and help you  
6 out. If there's a -- some emergency situation, I'm absolutely  
7 happy to help you out with those kinds of things.  
8 I don't know how to put that into any kind of a language to  
9 make sure that's the way things work or anything, but happy to  
10 help. I just don't want to get into the position where we're  
11 making local contractors or ev- -- maybe not even local  
12 contractors mad because we're taking business away from them.  
13 That -- that's not a -- I don't think that would be a good  
14 thing.  
15 But if there's a way to set that up to have that happen  
16 that way, I'd be happy to do that.  
17 JEAN ESTELLA: Okay. The problem we had was actually  
18 letting them come on the -- the tribe that way. And they'd be  
19 willing to --  
20 CHAIRMAN BAKKER: Just state your name for the record,  
21 please.  
22 JEAN ESTELLA: Jean Estella.  
23 CHAIRMAN BAKKER: Thank you.  
24 JEAN ESTELLA: They'd be willing to come on and help. I  
25 guess that's kind of a catch there --  
26 COMMISSIONER MILLS: Oh, just to come on- --  
27 JEAN ESTELLA: -- coming on --  
28 COMMISSIONER MILLS: -- -to your --  
29 JEAN ESTELLA: -- onto tribe --  
30 COMMISSIONER MILLS: Oh, come onto your land?  
31 JEAN ESTELLA: Yeah, that's -- that --  
32 COMMISSIONER MILLS: Okay.  
33 JEAN ESTELLA: -- because I guess that's tr- -- a problem.  
34 COMMISSIONER MILLS: Yeah.  
35 CHAIRMAN BAKKER: What was the problem, --  
36 JEAN ESTELLA: But --  
37 CHAIRMAN BAKKER: -- Bert?  
38 BERT RAMOS: Well, my concern is, is being liable, you  
39 know. If we go out there and dig into a fiber optic line or  
40 something -- because we don't know what is or isn't there -- I'm

1 just concerned for the county on that side as well.  
2 COMMISSIONER STIENMETZ: Yeah.  
3 BERT RAMOS: And then if we do have other things going on,  
4 you know, we're priority. That's obvious. But the -- that was  
5 my main concern, is. If we go out there and dig into something,  
6 the liability.  
7 COMMISSIONER MILLS: Go tear -- go tear something up,  
8 because we don't know what's out there.  
9 BERT RAMOS: Yeah.  
10 JEAN ESTELLA: Uh-huh.  
11 COMMISSIONER MILLS: Right.  
12 COMMISSIONER WAITS: Don't -- don't --  
13 JEAN ESTELLA: We've just recently gotten maps --  
14 COMMISSIONER WAITS: -- we call --  
15 JEAN ESTELLA: -- on it.  
16 COMMISSIONER WAITS: -- before we dig?  
17 BERT RAMOS: I don't know how that works on tribal land.  
18 JEAN ESTELLA: What was that?  
19 BERT RAMOS: You -- you guys --  
20 COMMISSIONER WAITS: The call before --  
21 BERT RAMOS: -- call --  
22 COMMISSIONER WAITS: -- you dig?  
23 BERT RAMOS: -- before you dig?  
24 COMMISSIONER WAITS: Does that work on tribal lands? They  
25 know where everything is?  
26 JEAN ESTELLA: You know, I don't know what that is on that.  
27 I -- I don't believe it is. I think they kind of --  
28 COMMISSIONER WAITS: Okay. Well, legally --  
29 JEAN ESTELLA: It's either bands on that.  
30 COMMISSIONER WAITS: Legally, can we do a something with a  
31 memorandum of understanding or something like --  
32 DISTRICT ATTORNEY HERRERA: Yes.  
33 COMMISSIONER WAITS: -- that?  
34 DISTRICT ATTORNEY HERRERA: And that's what you'd have to  
35 do -- a memorandum -- you should make policy. And -- and then  
36 after you decide what your policy was going to be, I could write  
37 up a memorandum of understanding and have -- have the tribe sign  
38 and have the county commissioners sign. But first, you have to  
39 decide what the understanding's going to be that we're going to  
40 be -- put in the memorandum.

1 CHAIRMAN BAKKER: Well, just like Bert said, the county  
2 would take a priority. But if there's an emergency and they do  
3 need help, we -- we'll help and then --  
4 COMMISSIONER MILLS: And we could --  
5 CHAIRMAN BAKKER: -- as long as --  
6 COMMISSIONER MILLS: -- we could get you --  
7 CHAIRMAN BAKKER: -- the understanding is --  
8 COMMISSIONER MILLS: -- we could get you patched up until  
9 you can get somebody --  
10 JEAN ESTELLA: Yeah. That's what --  
11 COMMISSIONER MILLS: -- to come --  
12 JEAN ESTELLA: -- I'm kind of looking --  
13 COMMISSIONER MILLS: -- do a more permanent --  
14 JEAN ESTELLA: -- for.  
15 COMMISSIONER MILLS: -- fix.  
16 CHAIRMAN BAKKER: And as long as the county's not  
17 responsible.  
18 BERT RAMOS: Well, and I don't mind being neighborly, but I  
19 don't -- you know, my thoughts are, we can go over there and  
20 maybe help them dig it up. And then the repair, I believe,  
21 should be on them.  
22 COMMISSIONER STIENMETZ: Right.  
23 BERT RAMOS: You know, because I don't want to, you know,  
24 something that gets --  
25 COMMISSIONER MILLS: Right.  
26 BERT RAMOS: -- fixed to -- we have to go back and fix our  
27 own fix. I don't mind digging it up, you know.  
28 We have -- we have -- yeah, we have the equipment to do it  
29 and help them.  
30 CHAIRMAN BAKKER: The discretion of the public works  
31 director.  
32 COMMISSIONER STIENMETZ: I would -- yeah. I would say, you  
33 know, you can open it up for them, but then let them make all  
34 the repairs.  
35 BERT RAMOS: Okay.  
36 JEAN ESTELLA: That would work.  
37 COMMISSIONER WAITS: Well, I'll say --  
38 JEAN ESTELLA: That's the hard part, getting it unearthed.  
39 BERT RAMOS: And maybe part of the memorandum of  
40 understanding needs to include --

1 COMMISSIONER STIENMETZ: Yeah.  
2 BERT RAMOS: -- that, you know, we aren't responsible for  
3 any of their utilities or any --  
4 COMMISSIONER STIENMETZ: Right.  
5 BERT RAMOS: -- you know --  
6 COMMISSIONER MILLS: Right.  
7 BERT RAMOS: -- the call before you dig.  
8 CHAIRMAN BAKKER: Any damages.  
9 BERT RAMOS: Uh-uh.  
10 COMMISSIONER STIENMETZ: Uh-huh.  
11 COMMISSIONER WAITS: Outside of this last emergency -- and  
12 how long did it take you?  
13 BERT RAMOS: We didn't do it.  
14 COMMISSIONER WAITS: We didn't?  
15 BERT RAMOS: No, they -- and I'm not sure if you guys got  
16 that repaired yet or not.  
17 JEAN ESTELLA: We did get it repaired, but it -- it took a  
18 few days.  
19 COMMISSIONER WAITS: Have -- have we ever done it before?  
20 JEAN ESTELLA: Not to my knowledge.  
21 COMMISSIONER WAITS: Okay. Okay. So we don't have a  
22 history of it? Okay.  
23 BERT RAMOS: Yeah, I wanted to present it to the board  
24 before we --  
25 CHAIRMAN BAKKER: Understandable.  
26 COMMISSIONER MILLS: Right.  
27 And I don't, you know -- that's one of those things. I don't  
28 necessarily want to be the first ones you call either.  
29 COMMISSIONER STIENMETZ: Yeah.  
30 COMMISSIONER MILLS: I mean, if you can't get someone to  
31 come out and fix it, --  
32 JEAN ESTELLA: Uh-huh.  
33 COMMISSIONER MILLS: -- you know, and you're in a fix or --  
34 JEAN ESTELLA: That's kind of --  
35 COMMISSIONER MILLS: -- you have a problem now, --  
36 JEAN ESTELLA: -- what we're looking for, --  
37 COMMISSIONER MILLS: -- then, yeah, we'll come --  
38 JEAN ESTELLA: -- just emergency.  
39 COMMISSIONER MILLS: -- help you out. But I don't want to  
40 become the -- the general contractor --

1 COMMISSIONER STIENMETZ: (Indiscernible.) Yeah.  
2 COMMISSIONER MILLS: -- for the community, kind of thing,  
3 or -- if that makes sense.  
4 JEAN ESTELLA: Oh, yeah. I completely understand.  
5 COMMISSIONER MILLS: Okay.  
6 JEAN ESTELLA: But this was, like, the first time in 20  
7 years that they had a break.  
8 COMMISSIONER MILLS: Right.  
9 JEAN ESTELLA: And nobody knew what to do.  
10 CHAIRMAN BAKKER: Right.  
11 JEAN ESTELLA: And there was no procedure set up. So we  
12 kind of --  
13 COMMISSIONER MILLS: So we could -- I think we could  
14 establish something.  
15 CHAIRMAN BAKKER: I think so. So with that...  
16 COMMISSIONER MILLS: Do we need a motion to es- -- to --  
17 CHAIRMAN BAKKER: To make a policy.  
18 JEAN ESTELLA: Yes.  
19 CHAIRMAN BAKKER: And then direct --  
20 COMMISSIONER MILLS: To develop an MOU?  
21 CHAIRMAN BAKKER: Uh-huh.  
22 COMMISSIONER MILLS: Okay. I would -- I would make a  
23 motion that Lander County would establish an MOU for Battle  
24 Mountain Water and Sewer to assist Battle Mountain Band Council  
25 when the need arises.  
26 CHAIRMAN BAKKER: And ask --  
27 COMMISSIONER STIENMETZ: Is that adequate? Then I'll --  
28 COMMISSIONER MILLS: Is that --  
29 COMMISSIONER STIENMETZ: -- second the motion.  
30 DISTRICT ATTORNEY HERRERA: Tha- -- that's fine.  
31 COMMISSIONER MILLS: That we -- that --  
32 DISTRICT ATTORNEY HERRERA: Do you want any particular --  
33 in case of emergency. I mean, you've said it. But you didn't  
34 say it in the motion. Do you want the motion to follow the  
35 conversations you guys have had?  
36 CHAIRMAN BAKKER: Yeah.  
37 COMMISSIONER STIENMETZ: Yes.  
38 COMMISSIONER MILLS: Yeah.  
39 DISTRICT ATTORNEY HERRERA: Because otherwise --  
40 COMMISSIONER MILLS: Let's do that.

1 DISTRICT ATTORNEY HERRERA: -- I wouldn't know what to put  
2 in the --  
3 COMMISSIONER STIENMETZ: Right.  
4 DISTRICT ATTORNEY HERRERA: -- MOU. So you have to give me  
5 some direction.  
6 COMMISSIONER MILLS: Okay. So to add to that motion that  
7 the -- the MOU would follow the -- the discussions that we've  
8 had here today.  
9 Is that adequate?  
10 COMMISSIONER STIENMETZ: I would say about for -- as a --  
11 as an emergency.  
12 DISTRICT ATTORNEY HERRERA: How -- how about -- how  
13 about -- yeah, why don't you --  
14 COMMISSIONER MILLS: You want it stated in the motion?  
15 COMMISSIONER STIENMETZ: Yeah.  
16 DISTRICT ATTORNEY HERRERA: Commissioner, if you direct me  
17 to do up an MOU, I can -- I can do something up following the  
18 conversations you have and then resubmit it to the board for  
19 your approval.  
20 COMMISSIONER MILLS: I -- that's, I think what I was aiming  
21 at.  
22 DISTRICT ATTORNEY HERRERA: Okay.  
23 CHAIRMAN BAKKER: And the band -- band council. We'll let  
24 Bert do that.  
25 COMMISSIONER STIENMETZ: I'll second that.  
26 CHAIRMAN BAKKER: Doug made a motion. Steve seconded. Any  
27 public comment?  
28 LYDIA JOHNSON: Yeah. Yeah, I do.  
29 Do I need to come up or can I stand here?  
30 CHAIRMAN BAKKER: You may want --  
31 Stand there?  
32 Oh, you're good. Just state --  
33 LYDIA JOHNSON: Okay.  
34 CHAIRMAN BAKKER: -- your name, please.  
35 LYDIA JOHNSON: My name is Lydia Johnson. I am the  
36 chair -- chairwoman for Battle Mountain.  
37 And if we're going to do this and keep in contact with Ted on  
38 that with the MOU on the situation -- I mean, it was a -- an  
39 emergency at the time. And we needed it because it was over the  
40 holidays. So -- and that's why we kind of contacted the county on

1 this to see if they could. But if we have any more problems, then  
2 we could work that out, I guess, between the commissioners and the  
3 county on that.

4 CHAIRMAN BAKKER: Right.

5 LYDIA JOHNSON: But I will be available anytime, Ted, on  
6 that, because I'm kind of like back and forth from here to  
7 Elko --

8 DISTRICT ATTORNEY HERRERA: Okay.

9 LYDIA JOHNSON: -- on that because I am the chairman for  
10 Battle Mountain and chairman for the Te-Moak Tribe.  
11 So I guess if I maybe contact you and set a schedule or  
12 time where we could get together with the MOU on that.

13 DISTRICT ATTORNEY HERRERA: Absolutely, Lydia. Anytime.

14 LYDIA JOHNSON: Okay. That'll work.

15 CHAIRMAN BAKKER: All right.

16 LYDIA JOHNSON: Thank you.

17 CHAIRMAN BAKKER: Thank you.

18 COMMISSIONER STIENMETZ: Thank you.

19 CHAIRMAN BAKKER: Any other public comment?  
20 (No comment.)

21 CHAIRMAN BAKKER: All in favor?

22 COMMISSIONER STIENMETZ: Aye.

23 COMMISSIONER MILLS: Aye.

24 CHAIRMAN BAKKER: Aye.

25 COMMISSIONER WAITS: Aye.

26 CHAIRMAN BAKKER: Thank you, guys.

27 JEAN ESTELLA: (Indiscernible.)

28 BERT RAMOS: Yeah.

29 JEAN ESTELLA: Thanks, Bert. Thanks for the help, though.

30 BERT RAMOS: Yeah, no problem.

31 JEAN ESTELLA: We'll get in touch with you. I got your  
32 number.  
33 Thanks.

34 CHAIRMAN BAKKER: Thank you.

35 COMMISSIONER MILLS: Thanks.

36  
37  
38  
39  
40

- 1 4) Discussion for possible action to approve/disapprove one of  
2 two bids received for the Hilltop Battle Mountain pavement  
3 maintenance project from: a) VSS International,  
4 \$3,054,886.34; b) Sierra Nevada Construction, Inc.,  
5 \$2,244,007.00; and all other matters properly related  
6 thereto.  
7

8 CHAIRMAN BAKKER: Number 4. Discussion for possible action  
9 to approve/disapprove one of two bids received for the Hilltop  
10 Battle Mountain pavement maintenance project from A, VSS  
11 International, \$3,054,886.34; B, Sierra Nevada Construction,  
12 Incorporated, 2 million, 244 dollars and s- -- or, no -- two --  
13 \$2,244,007.

14 BERT RAMOS: All right. We'd make the recommendation here  
15 that we award this to SNC.

16 CHAIRMAN BAKKER: I would have to agree.

17 COMMISSIONER STIENMETZ: So would I.

18 I -- I'll make a motion to approve the bid from Sierra  
19 Nevada Construction and award the contract to them.

20 BERT RAMOS: I think you have to put the amount in there.

21 CHAIRMAN BAKKER: Yeah.

22 COMMISSIONER STIENMETZ: Oh, for -- for \$2,244,007.

23 COMMISSIONER MILLS: I'll second that.

24 CHAIRMAN BAKKER: Steve made the motion. Doug seconded it.

25 Any public comment?

26 What did we actually budget for that project?

27 BERT RAMOS: We're well under budget.

28 CHAIRMAN BAKKER: Okay.

29 COMMISSIONER STIENMETZ: That's all we need to know.

30 CHAIRMAN BAKKER: Any public comment?

31 (No comment.)

32 CHAIRMAN BAKKER: All in favor?

33 COMMISSIONER STIENMETZ: Aye.

34 COMMISSIONER MILLS: Aye.

35 CHAIRMAN BAKKER: Aye.

36 COMMISSIONER WAITS: Aye.  
37  
38  
39  
40

1 5) Discussion for possible action to approve/disapprove one of  
2 two bids received for the Kingston pavement maintenance  
3 project from: A) VSS International, \$512,125.20; B) Sierra  
4 Nevada Construction, Inc., \$347,985.45; and all other matters  
5 properly related thereto.  
6

7 CHAIRMAN BAKKER: Okay. Five, discussion for possible  
8 action to approve/disapprove one of two bids received for the  
9 Kingston pavement maintenance project from A, VSS International  
10 \$512,125.20; B, Sierra Nevada Construction, Incorporated,  
11 \$347,985.45.

12 BERT RAMOS: I'd make the same recommendation that we work  
13 with Sierra Nevada Construction.

14 COMMISSIONER WAITS: What kind of a time frame do we have  
15 on this, Bert?

16 BERT RAMOS: Well, we're hoping to be done by the end of  
17 August.

18 COMMISSIONER WAITS: Okay. Do you start on Battle Mountain  
19 first and then the crew go down south? Is that --

20 BERT RAMOS: If -- hopefully. That's -- well, and -- and I  
21 don't want to speak for the contractor, but part -- you know,  
22 here in Battle Mountain, they aren't going to have to stockpile  
23 material. They will be able to haul it straight from the pit to  
24 the job site. And in Austin, they have to stockpile material --  
25 or Kingston, I should say. So that -- that kind of changes how  
26 they're -- depending on how their stockpiles go down there.

27 CODY BLACK: Cody Black with Shaw Engineering. Great to  
28 see everyone again.

29 You know, we have basically identical, you know, contract  
30 times with these projects.

31 So we're going to basically award these things. The goal  
32 is, obviously, the end of August. But it's this season. We've  
33 pushed hard on getting this thing to bid. We don't want to push  
34 it into next year. We need to get it done now before -- before  
35 winter. So with that, you know, contractor schedule could  
36 adjust and vary.

37 And we will get a better hand- -- handle around the  
38 schedule as we get them a signed contract and they start their  
39 mobilization procedures.

40 COMMISSIONER WAITS: Thank you, --

1 CHAIRMAN BAKKER: Okay.  
2 COMMISSIONER WAITS: -- Cody.  
3 CHAIRMAN BAKKER: Thanks, Cody.  
4 CODY BLACK: Yep.  
5 CHAIRMAN BAKKER: Any other public comment?  
6 COMMISSIONER STIENMETZ: No, we've got to --  
7 COMMISSIONER MILLS: We need a --  
8 CHAIRMAN BAKKER: Oh.  
9 COMMISSIONER STIENMETZ: We don't --  
10 COMMISSIONER MILLS: -- motion.  
11 COMMISSIONER STIENMETZ: -- have --  
12 CHAIRMAN BAKKER: We've got to have --  
13 COMMISSIONER STIENMETZ: -- a motion yet.  
14 CHAIRMAN BAKKER: -- a motion.  
15 COMMISSIONER STIENMETZ: I'll make --  
16 CHAIRMAN BAKKER: Can I --  
17 COMMISSIONER STIENMETZ: -- a motion --  
18 CHAIRMAN BAKKER: -- get a motion?  
19 COMMISSIONER STIENMETZ: -- to approve the -- awarding the  
20 contract to -- for the Kingston pavement maintenance project to  
21 Sierra Nevada Construction, Incorporated, for \$347,985.45.  
22 COMMISSIONER MILLS: I'll second.  
23 CHAIRMAN BAKKER: Steve made a motion. Doug seconded it.  
24 Now any public comment?  
25 (No comment.)  
26 CHAIRMAN BAKKER: Okay. All in favor?  
27 COMMISSIONER STIENMETZ: Aye.  
28 COMMISSIONER MILLS: Aye.  
29 CHAIRMAN BAKKER: Aye.  
30 COMMISSIONER WAITS: Aye.  
31 CHAIRMAN BAKKER: Motion carries.  
32  
33 6) Discussion for possible action regarding the policies and  
34 procedures with regard to the maintenance and use of the  
35 Little League ball fields and all other matters properly  
36 related thereto.  
37  
38 CHAIRMAN BAKKER: Six. Discussion for possible action  
39 regarding the --  
40 COMMISSIONER STIENMETZ: Thank you.

1 CHAIRMAN BAKKER: -- policies and procedures with regard to  
2 the maintenance and use of the Little League ball fields and all  
3 other matters properly related thereto.

4 BERT RAMOS: Where that is, everybody up there's well aware  
5 we've been going back and forth with the -- the ball fields and  
6 the -- kind of the maintenance.

7 And I went back and watched the previous commission  
8 meeting minutes, a meeting I missed, when Beau Tolbert actually  
9 came up here and sat down. And I think he hit the nail on the  
10 head. We have to set some sort of parameters. And everybody  
11 for -- with the county's sake and for Little League, for all --  
12 for all of for our sake, everybody needs to kind of know what  
13 our jobs are and who's responsible for what.

14 You know, the county kind of has our thoughts on what we're  
15 responsible for. And then -- and then Little League and them have  
16 their thoughts on what we should be and what they are responsible  
17 for. And without any set parameters, it's -- it's -- it causes  
18 for -- for a fight that probably shouldn't -- shouldn't be.

19 So that's why it's on the agenda.

20 COMMISSIONER WAITS: Well, be- -- besides this year, Bert,  
21 can you fill me in on the history of this of what the county  
22 usually has been doing? Because I don't remember us doing all  
23 this type of thing before.

24 BERT RAMOS: Well, and that's where --

25 ANNA PENOLA: County's always responsible for the  
26 buildings.

27 As far as the grounds -- I mean, the watering and all that --  
28 but as far as the detail of the field itself has always been  
29 volunteers from Little League as far back as I can remember.

30 CHAIRMAN BAKKER: Um.

31 ANNA PENOLA: Because the county built the facility for the  
32 u- -- for their use. But I didn't --

33 BERT RAMOS: You know, and --

34 ANNA PENOLA: It's never been where we got to make sure  
35 that it's in proper shape and --

36 BERT RAMOS: And in their defense, it slipped by the  
37 wayside for many years because --

38 ANNA PENOLA: Yes.

39 BERT RAMOS: -- of that. So...

40 CHAIRMAN BAKKER: And I think Little League does -- they do

1 a good job. I think the county needs to take on a little more  
2 responsibility as far as the fencing and the fields go so we're  
3 not dumping a lot of money into it all at once for two weeks'  
4 worth of baseball playing or softball playing.

5 Would you agree with that?

6 BERT RAMOS: Well, my thoughts are that, you know -- and  
7 this -- this is just my thoughts -- is that, you know, we should  
8 be responsible for the mowing of the grass, the fences, the --  
9 the hard structures that are there.

10 As far as the maintenance of the infield and the outfield  
11 and all that, ev- -- you know, they have their -- their thoughts  
12 on how it should be maintained. And I -- I believe that that  
13 should be a volunteer type of thing that -- the dirt and, you  
14 know, all that.

15 But the -- as far as the -- the buildings and the fencing  
16 and --

17 ANNA PENOLA: Spraying.

18 BERT RAMOS: -- the mowing of the grass and the -- and the  
19 spraying of the weeds, I think that that is county  
20 responsibility.

21 And like I say, I'm not putting this on anybody else. It  
22 is what it is. But this is something that for years and years  
23 was taken care of by volunteers and never would have been  
24 probably ever came to light if we hadn't had All-Stars here.  
25 And they have a -- a set list of things that the fields have  
26 to -- standards the fields have to meet. And that's part of  
27 what brought all this to light.

28 And then once it comes to light, you know, you start seeing  
29 the bigger blemishes. So --

30 ANNA PENOLA: And there has been neglect on the county's  
31 side. But this is our first year. We're tackling it head on  
32 and --

33 CHAIRMAN BAKKER: Good job.

34 ANNA PENOLA: -- doing what is right.

35 BERT RAMOS: So that's what I'm kind of asking for is if we  
36 can set something up to maybe -- even if we have to meet with --  
37 with Little League and get a list from them of what they would  
38 expect from us. And we can maybe --

39 COMMISSIONER STIENMETZ: Right.

40 CHAIRMAN BAKKER: Well, we can do that now.

1 ANNA PENOLA: And we did -- I did have a meeting with  
2 Leslie and the Tolberts and Ashley at the beginning.  
3 And it's everybody's first year. It's just going to be a  
4 little work in progress.  
5 But obviously we need a pre-meeting, a list of things that  
6 are prior- in priori- -- being prioritized and then a  
7 walk-through at the end.  
8 There's got to be some accountability on their side for  
9 damages. Because we're not there to watch -- there every day to  
10 watch their practices, their kids, their parents. And it just  
11 seems like we're fixing, fixing, fixing constantly.  
12 And one example is out at the adult fields. Just -- I  
13 don't even remember the amount. Gary Sweeney just redid those  
14 bathrooms. Go out for the first year for these guys to  
15 walk-through. Someone broke in, busted the locks, stuffed the  
16 toilets. It was a mess. And that was -- that was a lot of  
17 money.  
18 CHAIRMAN BAKKER: It wasn't Little League's fault per se,  
19 though.  
20 ANNA PENOLA: No, but accountabil- --  
21 CHAIRMAN BAKKER: I -- I know.  
22 ANNA PENOLA: Stuffing the --  
23 CHAIRMAN BAKKER: I get what --  
24 ANNA PENOLA: -- stuffing the --  
25 CHAIRMAN BAKKER: -- you're saying.  
26 ANNA PENOLA: -- drains and the -- the cleanouts with sand.  
27 There's -- there needs to be some accountability on -- on  
28 their side too.  
29 COMMISSIONER MILLS: Does -- does Little League have a 501  
30 designation?  
31 BERT RAMOS: 501(c)?  
32 LESLIE JORGENSEN: Yes.  
33 ANNA PENOLA: I don't know.  
34 BERT RAMOS: And that -- that is something else that  
35 probably should be discussed is what, you know, every other  
36 facility, usually there's a county approval.  
37 COMMISSIONER MILLS: Right.  
38 BERT RAMOS: -- for the use of and insurance and all that.  
39 And I'm not sure about -- I'm sure Little League has their  
40 own -- their own insurance and -- and that. But I don't know

1 that it's ever came to a board or for them to be approved to  
2 use -- I don't know where that all balances out. It's something  
3 that needs to be looked at.

4 COMMISSIONER MILLS: Okay.

5 CHAIRMAN BAKKER: Leslie, can you shed some light on that?

6 LESLIE JORGENSEN: Which part?

7 CHAIRMAN BAKKER: I would say the whole thing. But as far  
8 as --

9 LESLIE JORGENSEN: It's connected.

10 BERT RAMOS: Yeah, you might have to --

11 LESLIE JORGENSEN: Name's Leslie Jorgensen, for the record.  
12 I'm the Battle Mountain Little League president right now.  
13 Which part do you want me to comment on first?

14 CHAIRMAN BAKKER: Start at the beginning. What -- what  
15 does Little League expect from the county?

16 LESLIE JORGENSEN: Uh.

17 CHAIRMAN BAKKER: And what should the county expect from  
18 Little League?

19 LESLIE JORGENSEN: So first of all, it wasn't just -- it's  
20 not just for a two-week thing. Our kids play on this starting  
21 in March all the way -- you know, we're still having All-Stars.  
22 We have state softball starting tomorrow. So it is, you know,  
23 more than a two-week span that we did do the fields for.

24 And it's -- there's not very much stuff for our kids to do  
25 in this community. So it is a positive thing.

26 Yes, a whole bunch of money had to go into it because it  
27 has been neglected for years. And it needed to be up -- for us  
28 to meet inspections for All-Stars. But now it should be good to  
29 go for the kids to play, you know. As long as it -- minimal  
30 maintenance is done on it the next few years then our -- you  
31 know, it's now looking great and our kids can play on it and --  
32 and things like that.

33 Yes, we do have a tax-exempt status.

34 COMMISSIONER MILLS: Okay.

35 LESLIE JORGENSEN: And we were not able to use the  
36 bathrooms out at the adult fields at all this year. We had a  
37 porta potty brought in. So there's still a mess in there.  
38 It's --

39 CHAIRMAN BAKKER: That's because the water was shut off,  
40 though.

1 ANNA PENOLA: The pipes broke.  
2 LESLIE JORGENSEN: Well, part of it.  
3 CHAIRMAN BAKKER: Oh, okay.  
4 BERT RAMOS: A portion.  
5 LESLIE JORGENSEN: Yeah. So we did not -- we have not used  
6 those bathrooms this season.  
7 We got a key for the Lemaire bathrooms. And we open and  
8 close them when we're done with them each day so that there isn't  
9 vandalism over there.  
10 Anytime we've had a problem with concessions, Anna's been  
11 really good to get -- the walk-ins had to have been fixed twice  
12 out there and the freezers. And that kind of stuff has been --  
13 has been taken care of for us.  
14 We just want to -- we don't mind, you know, picking up our  
15 trash, or, you know, even if we have to pull a few weeds, you  
16 know, where the backstops are. Things like that, we don't mind  
17 helping out, making -- you know, cleaning up the mess that we've  
18 made -- made out there.  
19 There's -- just like making sure, you know, at the beginning  
20 of the season that all the lights are working, that the scoreboard  
21 lights are working, that all the sprinklers are working, you know,  
22 things like -- things like that is what we're asking.  
23 The garbage company. Dealing with the garbage company's been  
24 a nightmare. They didn't dump all the way -- the whole month of  
25 June. And we had called. She was rude. So we came in here. We  
26 asked. I'm assuming that the county called, paying for services  
27 for the whole month of June, never got emptied once.  
28 Finally, the first day of All-Stars, we called again. She  
29 was rude to us again. We did get it finally dumped through  
30 All-Stars. But it was kind of a disaster dealing with that. So  
31 getting the garbage company on board that it's their job to dump  
32 it every week would be nice.  
33 Yeah. And just having something in place. Walking through  
34 with Anna with concessions, you know, a walk-through and a  
35 close-through. And walking something with Bert, you know, what --  
36 what we need to be doing and what they're going to be doing needs  
37 to be -- something needs to be put in place.  
38 ANNA PENOLA: And we started that. And I think we --  
39 LESLIE JORGENSEN: Uh-huh.  
40 ANNA PENOLA: -- can continue that. We'll start in

1 February, way before any practice and games get going. Give us  
2 some time to fix things knowing ahead of time that they're  
3 broken. It's -- it's communication and time.

4 CHAIRMAN BAKKER: Right.

5 ANNA PENOLA: And I think it's doable. We just need to  
6 have it on both sides.

7 CHAIRMAN BAKKER: Hey, I only meant two weeks because we  
8 dumped a lot of money into it for All-Stars to make it All-Star  
9 compatible.

10 LESLIE JORGENSEN: And I think it should have been --

11 ANNA PENOLA: And --

12 LESLIE JORGENSEN: -- compatible for the kids playing --

13 CHAIRMAN BAKKER: I know. I agree, but --

14 LESLIE JORGENSEN: -- all the time.

15 CHAIRMAN BAKKER: -- it wasn't brought to our attention  
16 until you guys --

17 ANNA PENOLA: And --

18 CHAIRMAN BAKKER: -- said you were having All-Stars.

19 ANNA PENOLA: -- another problem that we have is -- I know  
20 you're saying that this is your last year?

21 LESLIE JORGENSEN: Yes.

22 ANNA PENOLA: So we're going to get a new group. It needs  
23 to be communicated how the process works for the new group maybe  
24 to come and give the people that are --

25 LESLIE JORGENSEN: Yes, I will definitely pass that on.

26 ANNA PENOLA: Yeah.

27 CHAIRMAN BAKKER: Okay.

28 So then I must ask, what -- what do you guys need from us?  
29 Anna? Bert? Leslie? Little League?

30 BERT RAMOS: We need some sort of -- we need to set  
31 something in place as far as county responsibility and the  
32 responsibility of the volunteers.

33 DISTRICT ATTORNEY HERRERA: And -- and liability.

34 BERT RAMOS: Yeah.

35 CHAIRMAN BAKKER: And liabil- --

36 I'm going to open it up to public comment.

37 KIMBERLY BUFFINGTON: Kimberly Buffington.

38 Might I suggest, you have -- you have many more facilities  
39 in the county than just these fields. You have soccer fields.  
40 You have tennis courts. You have the new rec center.

1           There might be a plan of action that encompasses all those  
2 facilities, not just this one.  
3           Because the community uses them all. And they all fall  
4 under the same umbrella.  
5           So it might be something that is broader than just this  
6 particular piece.  
7           CHAIRMAN BAKKER: Thank you.  
8           Suggestions?  
9           COMMISSIONER MILLS: Can Bert and Anna -- can you guys  
10 develop a policy?  
11          BERT RAMOS: We could put something together that does  
12 maybe -- I think that makes good sense -- that encompasses  
13 everything. And -- and, you know, the responsibilities of the  
14 users and the responsibilities of the county.  
15          CHAIRMAN BAKKER: Uh-huh.  
16          COMMISSIONER MILLS: And if --  
17          ANNA PENOLA: And then bring it back --  
18          COMMISSIONER MILLS: -- you develop a --  
19          ANNA PENOLA: -- before you.  
20          COMMISSIONER MILLS: -- policy --  
21          BERT RAMOS: Yeah.  
22          COMMISSIONER MILLS: -- and bring it back and we'll get  
23 something approved and get some standards in place.  
24          KIMBERLY BUFFINGTON: Kimberly Buffington.  
25          Again, if the county defines what that role is for all the  
26 hard assets: the maintenance, in-ground, building structures,  
27 fencing, lighting, et cetera, then whoever comes before -- with  
28 the next organization, be it an independent adult softball  
29 tournament or -- or what have you, you guys have a policy set in  
30 place. So it's -- it's not something that -- even if doesn't  
31 get conveyed, it's already -- the parameters are already set to  
32 address whoever comes, even if it's from outside the community.  
33 And it will make it really simple next time.  
34          CHAIRMAN BAKKER: Thank you.  
35          Okay.  
36          BERT RAMOS: I like that.  
37          CHAIRMAN BAKKER: You got a direction?  
38          ANNA PENOLA: Yes.  
39          CHAIRMAN BAKKER: Okay.  
40          ANNA PENOLA: Thank --

1 LESLIE JORGENSEN: Thank --  
2 ANNA PENOLA: -- you.  
3 LESLIE JORGENSEN: -- you.  
4 CHAIRMAN BAKKER: Thank you.  
5 COMMISSIONER STIENMETZ: Thank you.  
6 COMMISSIONER WAITS: Thank you.  
7

8 7) Discussion for possible action regarding a credit of  
9 \$31,778.98 for the water main on Round Mountain Drive water  
10 line project and transferring that amount to the Third Street  
11 water line rehab project, and all other matters properly  
12 related thereto.  
13

14 CHAIRMAN BAKKER: Seven. Discussion for possible action  
15 regarding a credit of \$31,778.98 for the water main on Round  
16 Mountain Drive water line project and transferring that amount  
17 to the Third Street water line rehab project, and all other  
18 matters properly related thereto.

19 BERT RAMOS: Okay. In the -- in the past, we never brought  
20 this kind of stuff to the commission, because it is of no cost  
21 to the county and it falls under the scope of work that we're  
22 currently doing.

23 But I just thought it would be right to bring it to you guys  
24 and -- and get your -- get your good grace on it.

25 So the Third Street, it's over off Forest Avenue behind  
26 Food Town.

27 And that little section didn't get new water line put under  
28 it when they did that project, because they ran out of funds.  
29 So we'd like to go back in there and put the water line under  
30 it, pave that road and fix it like it should be. Then that  
31 section of town's done.

32 COMMISSIONER WAITS: And what kind of a cost do you think  
33 that would be?

34 Under 31? Over thirty-one?

35 BERT RAMOS: Under 31,000. Yes.

36 COMMISSIONER WAITS: Under?

37 BERT RAMOS: Yes. That's -- well, we're hoping that it  
38 shouldn't exceed this number.

39 COMMISSIONER WAITS: But -- but you're not anticipating it  
40 to be over?

1 BERT RAMOS: No.  
2 COMMISSIONER WAITS: Okay.  
3 BERT RAMOS: No, no. I wouldn't put it on here if it was  
4 going to be over.  
5 So...  
6 CHAIRMAN BAKKER: Good deal. Questions?  
7 With that...  
8 COMMISSIONER STIENMETZ: I'd make a motion that we approve  
9 using the credit of 31,778.98 from the water main on Round  
10 Mountain Drive water line project and transferring that amount  
11 to the Third Street water line rehab project.  
12 COMMISSIONER MILLS: I'll second.  
13 CHAIRMAN BAKKER: Steve made a motion. Doug seconded. Any  
14 public comment?  
15 (No comment.)  
16 CHAIRMAN BAKKER: All in favor?  
17 COMMISSIONER STIENMETZ: Aye.  
18 COMMISSIONER MILLS: Aye.  
19 CHAIRMAN BAKKER: Aye.  
20 COMMISSIONER WAITS: Aye.  
21 CHAIRMAN BAKKER: Thank you, Bert.  
22 COMMISSIONER WAITS: Thank you, Bert.

23  
24  
25 **COMMISSIONERS**

26  
27 8) **Discussion for possible action regarding the creation of a**  
28 **Fourth of July event planning committee and all other matters**  
29 **properly related thereto.**  
30

31 CHAIRMAN BAKKER: Commissioners. Number 8. Discussion for  
32 possible action regarding the creation of a Fourth of July event  
33 planning committee and all other matters properly related  
34 thereto.

35 KEITH WESTENGARD: During our agenda setting, week and a  
36 half ago, we were approached by Kathy Ancho from the Sheriff's  
37 Department with concerns over some of the activities that went  
38 on at the park this year during the Fourth of July.

39 And she suggested that we look at putting together a Fourth  
40 of July event planning committee.

1           And I don't -- I don't see Kathy here. So without getting  
2 into a whole lot of particulars, unless you know something about  
3 it?

4           UNIDENTIFIED PARTICIPANT: I don't. I'm sorry.

5           KEITH WESTENGARD: Okay. That was pretty much all she said  
6 is there was concerns over the way some of the events went.  
7 Like I said, I hoped she was going to be here, but she's not.  
8 So...

9           DISTRICT ATTORNEY HERRERA: She -- she -- commissioners,  
10 she listed out some -- some current concerns she had in  
11 participating and observing the events of the last Fourth of  
12 July. And she thinks it should -- if we had a committee set up  
13 a year in advance, that the event would be better and more  
14 efficient.

15          CHAIRMAN BAKKER: Keith, why don't we talk to Convention  
16 and Tourism --

17          KEITH WESTENGARD: Okay.

18          CHAIRMAN BAKKER: -- and see if we can incorporate  
19 something instead of creating a committee -- and seeing if they  
20 will help out ---

21          KEITH WESTENGARD: I can do that.

22          COMMISSIONER WAITS: Convention and Tourism or Chamber of  
23 Commerce?

24          CHAIRMAN BAKKER: Both. I mean, but I was thinking  
25 Convention and Tourism. If they did --

26          What -- what's your thoughts?

27          KEITH WESTENGARD: I'll get with Convention and Tourism.  
28 I'll also go and get with the chamber and look into it. And  
29 I'll talk with Kathy a little more and try to get a better grasp  
30 on things.

31          DISTRICT ATTORNEY HERRERA: Perhaps -- perhaps asking  
32 Convention and Tourism and the Chamber of Commerce if they would  
33 both be willing to place one person on the committee along with  
34 the -- with the commission and -- and have all three ent- --  
35 entities participate in the committee. And we might have a --

36          CHAIRMAN BAKKER: That's not a bad idea. But, I mean, if  
37 we did something big and we brought in more people from out of  
38 town -- and plus for everyone who's in town. But --

39          KEITH WESTENGARD: Right.

40          CHAIRMAN BAKKER: -- it's a thought. And then see what

1 their thoughts are and then bring it back and we'll move forward  
2 from there.

3 KEITH WESTENGARD: And it sounded like it was significantly  
4 smaller this year than in past years. So I will do some more  
5 investigation on that.

6 CHAIRMAN BAKKER: So all three need to get a little more  
7 involved.

8 KEITH WESTENGARD: All right. Thank you.

9 CHAIRMAN BAKKER: Okay. Thank you, Keith. Any --  
10 Okay.

11  
12 **9) Discussion for possible action regarding a letter of protest**  
13 **regarding the withdrawal of AT&T "Provider of Last Resort"**  
14 **from Lander County, and all other matters properly related**  
15 **thereto.**  
16

17 CHAIRMAN BAKKER: Discussion for possible action regarding  
18 a letter of protest regarding the withdrawal of AT&T, provider  
19 of the last resort, from Lander County, and all other matters  
20 properly related thereto.

21 DISTRICT ATTORNEY HERRERA: Mr. Chairman, Commissioner  
22 Waits brought this to my attention late yesterday afternoon.  
23 And -- and Mr. Forgeron and I have been working on this.

24 If -- if you could give me a -- a small, you know, five,  
25 ten minutes, I need to go get the information that I've been  
26 compiling on this.

27 CHAIRMAN BAKKER: Okay. Let's -- Austin, we're going to  
28 take a five-minute break.

29 MITESHELL LANHAM: Okay.

30 CHAIRMAN BAKKER: Okay. Thank you.

31  
32 (Break taken from 9:58 a.m. to 10:17 a.m.)  
33

34 CHAIRMAN BAKKER: Okay, I'm going to -- let's re-adjourn or  
35 adjourn. Re-adjourn.

36 Number 9. Discussion for possible action regarding a  
37 letter of protest regarding the withdrawal of AT&T "Provider of  
38 Last Resort" from Lander County, and all other matters properly  
39 related thereto.

40 DISTRICT ATTORNEY HERRERA: Chairman Bakker, last night --

1 or yesterday afternoon, about 4:00, 4:30, Commissioner Waits  
2 called me up and asked me if it was possible if we could not  
3 only send a letter of -- a letter of protest regarding AT&T,  
4 "Provider of Last Resort," leaving Lander County, but if we  
5 could do a petition to intervene.

6 Mr. Forgeron and I have been working diligently on that  
7 since she called. And Mr. Forgeron would like to apprise the  
8 commission of what we discovered.

9 HY FORGERON: With your permission, Mr. Chairman?

10 CHAIRMAN BAKKER: Yeah.

11 HY FORGERON: For the record, Hy Forgeron, deputy district  
12 attorney for Lander County.

13 I was present in the office yesterday afternoon when Mr.  
14 Herrera and -- and Ms. Waits -- Commissioner Waits -- I'm sorry --  
15 discussed this matter. And Mr. Herrera then discussed it with me.  
16 And as he indicated, we've been looking it ever since.

17 Let me state -- say this at the very beginning. As a  
18 consumer in Lander County, I think I'm probably in the same boat  
19 with, if not everybody, virtually everybody in here.

20 Is there anyone in here who has cell service who hasn't had  
21 it drop more than one call in Lander County?

22 Anybody?

23 Okay. So I'm on your side, Commissioner Waits, and your  
24 side, folks.

25 In fact, although I have a county cell phone and a personal  
26 cell phone and my wife has a personal cell phone, we have AT&T  
27 landline service at our house out on Hill Top because our  
28 experience with the previous wireless carrier that offered this  
29 huge, wonderful bundle, including home telephone service, was  
30 trash.

31 I almost said the C-word. But it was trash.

32 So we went back to AT&T because you need a landline. You  
33 need that availability.

34 Some people may be totally satisfied with cell service.  
35 But my experience has been otherwise.

36 So I applaud Commissioner Waits for putting this on the  
37 agenda and for seeing if -- inquiring if there's something even  
38 deeper that we could go into.

39 There are a couple of problems, though.

40 I had a chance, just now, to read the letter that apparently

1 was prepared for the chairman's signature as a formal protest to  
2 the Public Utilities Commission.

3 I think it's perfectly appropriate. I would absolutely urge  
4 this body to adopt a resolution formally protesting the AT&T  
5 petition and notifying the Public Utilities Commission, AT&T, and  
6 the attorney general's Bureau of Consumer Protection with copies  
7 of that.

8 I would also urge everyone in the community, public  
9 officials, individually, as well as members of the community, to  
10 get a copy of the protest -- I guess I call it a petition.  
11 Petitions seem to be circulating in Lander County now, so why not  
12 have another petition? -- to get a copy of this petition prepared  
13 by Jan Morrison and -- and sign it. It asks you whether or not  
14 you can get reliable cell phone service.

15 So if you can, that's fine. But if you're like the rest of  
16 us, you would check the box that you can't.

17 But I would urge everyone to get a copy of that, fill it  
18 out, and return it to Ms. Morrison's office so that it can be  
19 bundled up and also sent to the various agencies and businesses  
20 that are required.

21 I would note that the Battle Mountain Chamber of Commerce  
22 has done a good job in notifying all of its members and  
23 attaching a copy of the -- of Ms. Morrison's petition to their  
24 missive to all of the members.

25 And I have it. And if anyone needs it, I will make sure that  
26 you get a copy it. I'm sure Miss Morrison's office can furnish  
27 that.

28 So I guess that's a long roundabout way of saying the agenda  
29 item is perfectly reasonable and legitimate. It's a very good  
30 idea to adopt it.

31 The one problem that I have is I don't know how much further,  
32 if any, we can go past that item.

33 Commissioner Waits inquired, I believe, as to whether we  
34 could actually intervene in the action and become a party to the  
35 action.

36 Now, while I personally believe that would be a great idea  
37 if we could, there are some advantages -- not many, but some  
38 advantages to becoming an actual party to the action.

39 The question would be, can -- can the commission direct us  
40 to do that under the auspices of the current agenda item? I --

1 I think it's quite a bit different from -- from protesting,  
2 sending a letter of protest, adopting a resolution in support of  
3 a letter of protest, for example, to then actually moving  
4 forward to becoming a party to what is essentially a lawsuit  
5 before a regulatory body that has the force of law.

6 If the -- the commission feels that they either, number one,  
7 need more information about that, the process and whatnot, or if  
8 you actually decide that that's the position that you want to  
9 take, then I have that information for you and would be prepared  
10 to present that to you.

11 And, of course, answer any questions you might have.

12 CHAIRMAN BAKKER: Thank you, Hy.

13 COMMISSIONER WAITS: Thank you.

14 With that, let me just give a -- a quick history on this.  
15 Because in 2013, when AT&T went before our legislature and they  
16 were approved to proceed being what they call a "Provider of  
17 Last Resort." And by the government, they are mandated to be  
18 that.

19 And they, over the last few years, have been working in 30  
20 other states and in many other areas in Nevada. And they have  
21 had that relief.

22 But the legislature said, we will grant that relief  
23 providing you have adequate service provided to the consumers in  
24 that area, with two wireless carriers and that you do public  
25 consumer meetings.

26 Well, in 2013, we didn't have an executive director. And  
27 unfortunately, everybody that was looking out for us missed that.  
28 So they didn't have one protest. And the legislature passed it.

29 Well, the first I heard about it was some information that  
30 came out on May 11<sup>th</sup> when AT&T actually published in our local  
31 newspaper this whole list saying, we no longer want to be the  
32 Carrier of Last Resort -- Provider of Last Resort. We are  
33 seeking relief from that. And here are our public meetings.  
34 And it was scheduled for Battle Mountain on the 31<sup>st</sup> of May.

35 So we brought it up. Didn't have time to put it on agenda.  
36 But we said this was coming. And -- and Jan Morrison attended. I  
37 attended. And some of our locals attended, fortunately. Several  
38 were from Antelope Valley. And several of them had complaints on  
39 their landlines, let alone pulling out landlines.

40 What I think was the intention was that if they went

1 through all of these meetings and didn't have any contention, it  
2 would be wonderful to come up to their hearing of the Public  
3 Utilities Commission and say, We had everything you asked us to  
4 have. And nobody showed up. And so this is what we want.

5 And they'd probably get relief. Why wouldn't they get  
6 relief?

7 I did call Congressman Amodei's office and talked with  
8 them. And they had Martin Paris. He said -- they assured me he  
9 would be there. He was the only one that showed up in Elko.  
10 Nobody else showed up.

11 Well, they thought, this is going to be a breeze. When  
12 they got to Battle Mountain, we had about 15, 16 people, along  
13 with four of -- three of their attorneys and the PUC attorney  
14 and all of them. And we had a -- a -- a wonderful discussion.  
15 And that was our input. But they wanted specifics.

16 And thus entered why we have the information that our --  
17 our -- our deputy DA is giving you to fill out.

18 Like, tell us where you don't get the service.

19 So we started the petition. I think we e-mailed 31 of them  
20 last night. And we're looking for more.

21 Now, where we are with that is it kind of went around the  
22 different rural areas. I -- I notified the commissioners in  
23 other places. I talked to NACO.

24 But AT&T was right behind me. And with their dog and pony  
25 show, I kid you not, the marketing, they paid no attention to  
26 the fact I'm saying, they want relief from being Provider of  
27 Last Resort.

28 That doesn't mean they're going to pull out tomorrow. But  
29 it means we've had our last say. If they pull out ten years  
30 from now, there's not a thing we can do about it. And they  
31 think, with the high technology, that cell phones are going to  
32 be the world's, you know, saving grace and we don't need  
33 landlines anymore. And so we can't miss that opportunity.

34 They did. They just snowballed everybody. They said high  
35 technology. Look at these fiber optic lines. Money is not the  
36 bottom line, folks. We spent all this money on Highway 50 to give  
37 you all this high technology. They didn't bother to say, excuse  
38 me, you overcharged. This was a mandate from the federal  
39 government that you should do this. Oh, no, they did it out of  
40 their own pockets because they don't care that money is the bottom

1 line. That's not the point here.

2 So anyway, I got snowballed. And so it kind of went on.  
3 And then finally Senator Heller's office got ahold of it. And  
4 they had over a hundred people show up in White Pine. They were  
5 flabbergasted. Pioche was pretty similar. They didn't have  
6 anybody in Humboldt, anybody in -- in Pershing. I guess it was  
7 very few. But they got their attention.

8 So I spoke with Senator Goicoechea yesterday. He was very  
9 upset. He was at the Eureka one. And he's coming down hard and  
10 heavy. And he said, they started negotiating with White Pine  
11 County. They said, well, give us specifics, folks. So they did.  
12 They said, I don't have it here. I don't have it here.

13 So they already have excluded McGill and Cherry Creek and  
14 some -- they've already taken them out. They're not asking for  
15 relief. They're already negotiating.

16 Well, what about the folks in Ely? No, too late. Can't do  
17 it.

18 What do you mean, too late?

19 Well, we find out that, to be a party of record, that you  
20 should have applied last March.

21 Well, gee, I'm sorry. We missed those deadlines. I didn't  
22 get this till May 11<sup>th</sup> in The Bugle. We missed it.

23 So what they're saying is the information we're gathering  
24 and the protest letter that I'm hoping we approve today will go  
25 in. They may or may not count it. We don't know what kind of  
26 weight.

27 The Attorney General's Office, Department of Consumer  
28 Affairs, is certainly watching this. They're the ones that got  
29 our protest. They're the ones that will -- will put together  
30 their information. But right now, they're the only one that --  
31 that are on the record. They're the only one that can be heard  
32 at the hearing. The rest of us are not allowed to speak or --  
33 or have evidence presented because we are not a party of record.

34 And that's what our counselors are talking about here.

35 So I'm very disappointed if we can't take that action today  
36 because I did want to really, you know, approve it for a petition  
37 to be filed for Lander County to be a party of record, which means  
38 we could actually speak at the hearing. It doesn't mean they  
39 would approve it. But if we could do the petition, it would be up  
40 to the PUC whether they would approve it or not. And it's based

1 on: Why didn't you act? How soon did you know? So forth and so  
2 on.

3 So if there's any way we can do that, that's -- I'd like to  
4 pursue that.

5 But in the interim, let me put on the record -- and I will  
6 read the -- the letter that we did compose. And it's up to any  
7 changes of -- that's why we do draft letters. So if you don't  
8 like the wording, we can redo it.

9 It will be going to Paul Thomsen, who is chairman of the  
10 Public Utilities Commission, copies to Randy Brown at AT&T,  
11 Stephanie Tyler at AT&T and Robert Cooper, who is our consumer  
12 affairs at the Attorney General's Office.

13 Dear Chairman Thomsen, AT&T has petitioned the Nevada  
14 Public Utilities Commission for relief from their designation as  
15 being the Provider of Last Resort in our rural areas.

16 The Lander County Commissioners are protesting AT&T's  
17 request for this relief in our county.

18 Their petition states that two wireless carriers provide  
19 adequate service and are available for all consumers.

20 The actual facts are wireless service is still not  
21 available in many areas. And many consumers that do have cell  
22 phones have poor reception and disconnected several times before  
23 completing their call. Dropped calls are the normal throughout  
24 the county.

25 We do have other concerns with this request that we would  
26 like the commission to consider.

27 Our rural populations consist of many seniors and residents  
28 who do not have cell phones because not only of the unreliability  
29 but of the cost, hearing issues, and complexity.

30 The business community is very concerned and quite  
31 determined to keep their landlines for advertising, privacy, and  
32 reliability.

33 Another concern to the county is the hidden additional cost  
34 to the county if emergency 911 phones are provided to residents  
35 and the effect this would have on new businesses and our economic  
36 development.

37 We surely cannot progress as a community without the basics.

38 We also are formally requesting a commissioner or county  
39 representative be allowed to testify at the AT&T hearing before  
40 the Public Utilities Commission.

1 We are told A- -- AT&T has no plans to vacate the landline  
2 system at this time. But we also understand if this relief is  
3 granted, they could do so at any time when they determine that  
4 maintaining the system becomes too costly.

5 We request AT&T maintain the existing lines and current  
6 system and all of Lander County be an exception to their request  
7 for relief from their designation of Provider of Last Resort.  
8 Thank you for your consideration.

9 We know that that request in there to be heard will not be  
10 heard because we have to go through the proper channels. But it  
11 was still recommended we put that in there because we would still  
12 like to be.

13 So I'm -- I'm not sure that anything really matters except  
14 the bottom line of, we don't have reliable service. But on the  
15 other hand, do we have adequate service? What's their definition?

16 So it's going to be up to the Public Utilities Commission.

17 We're welcome at the meeting. We're all welcome to go.

18 It's scheduled for August 2<sup>nd</sup>. Whether they're going to  
19 negotiate before that or what, I'm not sure.

20 But Senator Goicoechea says, put the pressure on. Don't  
21 stop. AT&T doesn't like this. And so with -- with more -- with  
22 more balance of information and more specifics, that's our plan.  
23 So, hopefully, we'll see what we can do.

24 CHAIRMAN BAKKER: Okay.

25 COMMISSIONER WAITS: Gentlemen, do you have any changes to  
26 the draft letter that you would like to make?

27 COMMISSIONER STIENMETZ: I think it sounds fine.

28 COMMISSIONER MILLS: I'd just like to add that I have a  
29 couple concerns about this because I'm a pharmacy and we provide  
30 medical care to people, and an interruption in service would be  
31 bad. A1- --

32 COMMISSIONER WAITS: Privacy. The privacy issue?

33 COMMISSIONER MILLS: Right.

34 COMMISSIONER WAITS: Absolutely.

35 COMMISSIONER MILLS: Also, as a hospital board member,  
36 since the hospital is working on developing more telemedicine,  
37 interruptions in service in those cases would also be very  
38 detrimental to our county.

39 COMMISSIONER WAITS: It would be wonderful if we actually  
40 could be a party and could speak and testify at that hearing,

1 since the only one that can right now is -- is Randy Cooper.  
2 And he's putting together his information. So we will pass that  
3 on to him too.

4 And even if we can't be, I mean, even if we can't present our  
5 own case, he's incorporating all the rest. Because he's been at  
6 all of the other meetings. And those are excellent points so...

7 CHAIRMAN BAKKER: Okay.

8 HY FORGERON: If I may, Mr. Chairman?

9 I think that Commissioner Waits has made some excellent  
10 points.

11 And I absolutely applaud her for her paying attention to this  
12 matter, because if she hadn't, I don't even know that we'd even be  
13 here today.

14 It is a matter of, I think, extreme concern to this county.

15 I believe there is maybe a backdoor way. And that is not  
16 only the letter that is proposed here, but the petition that Ms.  
17 Morrison is sort of sponsoring, I guess, together with any  
18 affidavits that could be done by any of the public officials or  
19 members of the public to go to the public -- or the Consumer  
20 Protection Bureau of the Attorney General's Office. By state law,  
21 they automatically have the right to intervene. And they have  
22 done so in this case. So only an intervenor is permitted to  
23 actually present evidence and testimony, as Commissioner Waits  
24 indicated, at the actual formal hearing before the PUC, if they  
25 have that information in time. And they have -- if they're going  
26 to use any of -- any of the formal documents, they have to have  
27 that to the PUC by --

28 COMMISSIONER WAITS: It's next week.

29 HY FORGERON: -- July -- next Wednesday.

30 COMMISSIONER WAITS: Two -- the 20<sup>th</sup>, --

31 HY FORGERON: Yeah, whatever --

32 COMMISSIONER WAITS: -- July 20<sup>th</sup>.

33 HY FORGERON: Yeah. So there's two things that they --  
34 they could do. Well, I guess there's three things they could  
35 do. They could ignore us. But I don't think the -- the  
36 Consumer Protection Bureau would do that.

37 But they could either use the information that they receive  
38 to at least say something like, we got petitions from X number  
39 of counties with X number of signatures, to help back up their  
40 stance. Or if they got them in time, they could conceivably

1 actually incorporate them in any documents that they were going  
2 to present. But like I said, that all has to be accomplished  
3 by -- by next Wednesday.

4 So if it is the commission's decision that at this hearing to  
5 adopt a -- the letter of protest, I would urge everyone else to  
6 follow that petition process, give them as much backup as they  
7 can.

8 CHAIRMAN BAKKER: Thank you.

9 With that...

10 COMMISSIONER MILLS: I'll make a motion that we approve the  
11 letter of protest regarding the withdrawal of AT&T, Provider of  
12 Last Resort, from Lander County and approve the chair to sign.

13 COMMISSIONER STIENMETZ: I'll second that motion.

14 CHAIRMAN BAKKER: Doug made a motion. Steve seconded.

15 Any other public comment?

16 (No comment.)

17 CHAIRMAN BAKKER: All in favor?

18 COMMISSIONER STIENMETZ: Aye.

19 COMMISSIONER MILLS: Aye.

20 CHAIRMAN BAKKER: Aye.

21 COMMISSIONER WAITS: Aye.

22 CHAIRMAN BAKKER: Thank you, gentlemen.

23 COMMISSIONER STIENMETZ: Thank you.

24 COMMISSIONER WAITS: There isn't any -- any way we can --  
25 can work on that petition, huh?

26 HY FORGERON: Well, here's the problem. And I'd be happy  
27 to discuss that. If the -- if the commission wants to talk  
28 about that, I have no problem with it.

29 The -- the process itself, I think, is what would prevent  
30 us from being able to get that in before the next Wednesday  
31 deadline. Not that we are forbidden to do it, but here's what  
32 happened.

33 The -- the -- AT&T filed their petition back in March. By  
34 law and by commission order, you -- if you wanted to intervene,  
35 you had to do it by April 6<sup>th</sup>.

36 The only intervenor, on April 5<sup>th</sup>, was the attorney general's  
37 Bureau of Consumer Protection, which I indicated earlier, by law,  
38 they're entitled to do it. They don't have to show good cause or  
39 anything. They just send a notice that says, we're in. And they  
40 routinely do that. And they do represent the public point of view

1 in hearings like this.

2 So once that's done and they pass the intervenor deadline,  
3 then the commission itself issues some procedural orders that  
4 says, this is what's going to happen from now on.

5 One of the things in those orders, as -- as Commissioner  
6 Waits pointed out, is a series of meetings, when and where  
7 they're going to take place, like the one that happened here in  
8 Battle Mountain.

9 But also, there's a deadline set in those procedural orders,  
10 by the commission, as to when you have to have certain things  
11 done.

12 Well, they don't take into account that you have until this  
13 point in time to file as an intervenor, because that's already  
14 taken care of and already passed. What they do is they put in the  
15 provision that I mentioned a little earlier about there's a  
16 certain date by which everything has to be submitted if it's going  
17 to be evidence or testimony or things like that.

18 And they actually extended the time period a little in this  
19 case and set next Wednesday as that date.

20 The problem, as I indicated, is the order is that only an  
21 intervenor can do that.

22 So if we attempted to file a petition to intervene at this  
23 time, the petition would have to be granted before that -- on or  
24 before that day, and we would have to have all of the material  
25 that we were going to submit before the commission on that day  
26 because if we actually got -- actually were successful in  
27 becoming the intervenor, that's the last chance that we have to  
28 present it. And there's no indication that the commission would  
29 extend it.

30 There's another problem and -- and that is -- this is the  
31 petition. Now most of this is maps. But a good part of it is  
32 affidavits from the -- the people who are hired by AT&T. There's  
33 a fellow by the name of Oaks who works for an outfit called  
34 Mosaic, which, as nearly as I can tell, takes publicity releases  
35 from the various wireless carriers and puts them together and  
36 says, oh, you've got wonderful service here.

37 And then they hire a cartographer by the name of Shelly, who  
38 puts together the maps that are in here, and says, this is where  
39 you have all this wonderful service.

40 Well, one of the problems is -- that says in the affidavit,

1 we have made no independent attempt to verify this information.  
2 So they get PR releases, essentially, from Verizon, for  
3 example. Don't want to pick on any particular carrier. But let's  
4 say Verizon, that says, Oh, yeah, we got service to everybody  
5 except this one house in Antelope Valley.  
6 And they take that as gospel and they put that on their  
7 map. And so when you look at this, you think, my gosh, what is  
8 anybody complaining about?  
9 We don't have a way of controverting that in the time frame  
10 we have, other than to just say something like what I just said.  
11 To properly do it, we'd have to take depositions of -- of Oaks  
12 and Shelly.  
13 Another problem is Nevada Bell filed an affidavit, an  
14 employee affidavit in support of AT&T, by a guy by the name of  
15 Brown. And basically what his affidavit says is that AT&T did  
16 everything right.  
17 Well, okay. But there's nobody asking him any questions  
18 about what they may have done wrong. We'd have to do that.  
19 And once again, we're up against this -- this hard deadline.  
20 There was a petition filed by the Communication Workers of  
21 America to intervene. That was done a little over two months  
22 late. That petition hasn't actually been ruled on yet. But it's  
23 been opposed, not surprisingly, by AT&T, but also by the staff  
24 attorneys and the -- the working staff of the Public Utilities  
25 Commission. And that should tell you something.  
26 If the regulatory body is opposed to that because it was  
27 filed late, what are they going to do with us when we're over  
28 three months late?  
29 The -- I don't -- I just don't believe the amount of work  
30 that would have to be done to -- to file a petition that we  
31 would be proud to submit -- something other than, "please help  
32 us" -- can actually be accomplished in the time we have.  
33 It's not to say we wouldn't try to do it. But I just don't  
34 believe it could be done effectively. And filing something that's  
35 less than acceptable, I think, would probably be worse than not  
36 filing anything at all.  
37 My personal intention is to follow this up with several  
38 letters of my own, including Ms. Morrison's petition. I -- I just  
39 think that's going to be the most effective thing we can do. I  
40 wish it were different.

1           COMMISSIONER WAITS: I -- I think that would be excellent  
2 for your follow-up. And I appreciate it. But I guess the only  
3 thing I'm concerned about with what you're saying just isn't  
4 probable with the time frame. I understand that.

5           But I was hoping that if we did a petition to be a party of  
6 record to be able to testify -- and we can't. You're saying we  
7 have to have all the evidence and that's it. So that's a whole  
8 different thing so...

9           HY FORGERON: That's -- that's the twofold problem.

10          COMMISSIONER WAITS: Okay.

11          HY FORGERON: We have to do the petition. And we have to  
12 show good cause. If state law says that the Public Utilities  
13 Commission shall not approve a petition to intervene, which is  
14 filed after the -- the drop-dead date, unless as part of the  
15 petition, you show good cause why the petition is filed late.

16          But even if the petition is approved, all of the materials  
17 that you're going to submit: Your written -- because you have to  
18 submit written testimony --

19          COMMISSIONER WAITS: Okay.

20          HY FORGERON: -- and affidavits. That all has to be there  
21 at the commission on April 6<sup>th</sup>. You can't file the petition,  
22 get the petition approved, and then file that stuff later.  
23 If -- if you're past April 6<sup>th</sup> with any of it, you're dead. And  
24 I just -- physically, I don't know that it could be done.

25          COMMISSIONER WAITS: Well, gentlemen, thank you so much for  
26 looking into it for us. And we'll -- we'll do what we can and  
27 -- and keep plugging away.

28          Senator Goicoechea told me he definitely was going to try  
29 and -- and get his -- his two cents' worth in. And he said, I  
30 know it's late. But I'm -- I'm sure he has a lot of clout as a  
31 senator from Nevada.

32          So -- so we'll see.

33          So if we can get keep you abreast of -- of the meetings and  
34 perhaps we can get a good turnout there.

35          HY FORGERON: There is no reason why interested persons,  
36 whether public officials or not, can't attend the hearings.  
37 They may not let you speak, but they can certainly look out  
38 there and say, hm, not wearing an AT&T shirt. Probably isn't on  
39 their side.

40          And -- and as I think I've kind of indicated at the very

1 beginning of this, I'm in the same boat with everybody else.  
2 And this is just wrong.

3 COMMISSIONER WAITS: Thank you.

4 CHAIRMAN BAKKER: Thank you, guys.

5 COMMISSIONER STIENMETZ: Thank you.

6 COMMISSIONER MILLS: Thank you.

7 HY FORGERON: Thank you.

8 Here. You take the books.

9 DISTRICT ATTORNEY HERRERA: Here. You take this.

10 COMMISSIONER WAITS: I'll take the letter of  
11 (indiscernible).

12 CHAIRMAN BAKKER: What's that?

13 COMMISSIONER WAITS: I'll take your letter about the  
14 (indiscernible).

15 CHAIRMAN BAKKER: Oh, okay.

16

17 8) Discussion for possible action regarding the creation of a  
18 Fourth of July event planning committee and all other matters  
19 properly related thereto.  
20

21 CHAIRMAN BAKKER: We're going to reopen Number 8. Kathy?  
22 Yep.

23 Discussion for possible action regarding the creation of a  
24 Fourth of July event planning committee and all other matters  
25 properly related thereto.

26 KATHLEEN ANCHO: I'm sorry I was not here. I didn't  
27 realize I was on the agenda. I wouldn't have done that  
28 intentionally.

29 I just wanted to voice my concern over the Fourth of July  
30 events that we had this year.

31 CHAIRMAN BAKKER: Oh, state your name.

32 KATHLEEN ANCHO: State my name. Kathleen Ancho.

33 CHAIRMAN BAKKER: Okay.

34 KATHLEEN ANCHO: Citizen of Battle Mountain.

35 I realize that the county grants so much money to the people  
36 who organize the Fourth of July.

37 And in the past -- it's probably been about ten years ago --  
38 I was one of those people. I did it for about three or four  
39 years, came to the commission, was granted money.

40 And we had just a small committee and did the very best that

1 we could do, which they turned out very well.

2 And then some other people came in and took it over. And it  
3 went well for a few years. And then in the past handful of years,  
4 it's gone down.

5 Well, I realize and I understand that not everybody wants  
6 to do this. But some community members came forward to do it  
7 this last year.

8 And I -- I was embarrassed of what the park was this year.

9 And I had some people come to me and ask -- they had tried to  
10 get ahold of the people who were organizing it to put up booths  
11 and were refused. Because it was a church that was putting it on,  
12 if they did not like the type of booth that was going to go in,  
13 they just said that there was no room for people to put up booths,  
14 whether it was the dunking booth or, you know, whatever. There  
15 was nothing.

16 And we had All-Stars here this year with the girls. Had  
17 absolutely nothing at this park for them to do. And I was  
18 embarrassed on that level as well.

19 Not only that, the people who were putting it on had their  
20 own personal fundraiser they were raising money for -- which I was  
21 -- it was wrong.

22 So I -- so then I started picking up people suggesting why  
23 doesn't the county take it over, let there be a committee within  
24 it -- which I'm more than happy to be on. And we organize it.  
25 And the county runs it so it's transparent. And if the taxpayers  
26 are pour- -- paying money into it, ev- -- you know what you're  
27 getting. And it's everything is aboveboard. And we try to do the  
28 very best for the community and what it's representing, for Pete's  
29 sake.

30 So I got ahold of Rita. And I know everybody's new in  
31 these positions so I thought I would hit it right at the head  
32 right after the Fourth of July to start a committee. And that's  
33 when I came and spoke with Keith -- they were setting the agenda  
34 at the time. And I didn't realize they were plopping me right on  
35 there. And I'm sorry. But thank you for that. I appreciate  
36 that.

37 And I realize that you guys have already made some  
38 decisions, which is perfect.

39 And even if there's a few more community members that would  
40 like to get involved, like I said, myself, I will be right in the

1 middle of it to help because I'm not going to complain and then  
2 stand back and watch.

3 So I just wanted to voice my opinion that I believe from this  
4 point on that the county and the organizations within the county  
5 take care of this so we have something to be proud of.

6 And -- and what it represents is huge, you know. And so I  
7 think that we need to do a better job at that, instead of just  
8 letting whomever wants to do it, do it. So that's my piece I'm  
9 speaking.

10 So -- and thank you for reopening it so I had a chance to --  
11 CHAIRMAN BAKKER: Thank you, Kathy.

12 KATHLEEN ANCHO: -- say it. And I --

13 COMMISSIONER STIENMETZ: Thanks, Kathleen.

14 KATHLEEN ANCHO: -- seriously am sorry.

15 CHAIRMAN BAKKER: You're good.

16 COMMISSIONER WAITS: Kathy, --

17 COMMISSIONER MILLS: We appreciate --

18 KATHLEEN ANCHO: Thank you, --

19 COMMISSIONER MILLS: -- your --

20 KATHLEEN ANCHO: -- guys.

21 COMMISSIONER MILLS: -- input.

22 COMMISSIONER WAITS: I -- I appreciate you bringing it  
23 before us. Thank you.

24 It's -- it's a nice review. And most certainly for  
25 volunteering.

26 But -- and I guess what I would ask, I don't -- we don't  
27 want to set up a committee. Because the minute we set up a  
28 committee, you have to have the open meeting law.

29 KATHLEEN ANCHO: Oh, no. I think one for --

30 COMMISSIONER WAITS: Yeah. But -- but if we're all in  
31 agreement that we would love to have a -- a separate committee  
32 come before us and --

33 KATHLEEN ANCHO: Uh-huh.

34 COMMISSIONER WAITS: -- and organize and -- and -- and of  
35 course money from other sources too, --

36 KATHLEEN ANCHO: Oh, no. Absolutely.

37 COMMISSIONER WAITS: -- it would be --

38 KATHLEEN ANCHO: I know --

39 COMMISSIONER WAITS: -- wonderful.

40 KATHLEEN ANCHO: -- how to fundraise.

1 COMMISSIONER WAITS: So --  
2 KATHLEEN ANCHO: Trust me.  
3 COMMISSIONER WAITS: I -- I personally think it's a great  
4 idea. I'd like to see --  
5 KATHLEEN ANCHO: Okay.  
6 COMMISSIONER WAITS: -- it grow and get bigger and  
7 people --  
8 CHAIRMAN BAKKER: The Fourth of --  
9 COMMISSIONER WAITS: -- who care.  
10 CHAIRMAN BAKKER: -- July club.  
11 COMMISSIONER WAITS: Yep.  
12 KATHLEEN ANCHO: Yeah.  
13 COMMISSIONER WAITS: Yep.  
14 KATHLEEN ANCHO: So --  
15 COMMISSIONER WAITS: Thank you.  
16 KATHLEEN ANCHO: -- so thank you, guys. I appreciate it.  
17 CHAIRMAN BAKKER: Okay. Thank you, Kathy.

18  
19 **10) Discussion for possible action regarding the Pershing County**  
20 **Land Transfer and all other matters properly related thereto.**  
21

22 CHAIRMAN BAKKER: Moving on. Number 10. Discussion for  
23 possible action regarding the Pershing County land transfer and  
24 all other matters properly related thereto.

25 FRANK DIMICK: Hi, Commissioner -- Chairman.

26 CHAIRMAN BAKKER: Thank you.

27 FRANK DIMICK: Frank Dimick with Dimick Water Resources  
28 Engineering.

29 I -- I would like to bring to your attention four documents,  
30 which you'll require the county's approval and -- and signature.

31 Resulting from about -- almost 20 years of activity to get  
32 some land transferred to you from the federal government.

33 It is not the Pershing County which is transferring the land.

34 Pershing County Water Conservation District paid for the  
35 land over -- over the last 50 years, but -- but the land is  
36 actually owned by the federal government.

37 It's the land that we have talked about previous to this is  
38 about 998.7 acres, just shy of a thousand acres, would be  
39 transferred to you in the very near future.

40 That land requires four separate documents to be transferred

1 to you -- or three -- three documents to be transferred.

2 But there is a fourth document. And that fourth document  
3 is a -- an easement.

4 When this process started way back in the late 1990s, there  
5 was discussion between the Pershing County Water Conservation  
6 District, which is g- -- which has obtained title to much of the  
7 -- what's called the community pasture here.

8 That -- that then was transferred to them a few months ago.

9 But in that agreement, there was an agreement that the --  
10 Pershing County Water Conservation District would provide the  
11 county with a permanent easement along the Humboldt River from the  
12 north Battle Mountain highway to the east boundary, a  
13 several-mile-long easement along both sides of the river, for  
14 hiking, fishing, bird watching, whatever. And that easement now  
15 has been drafted and provided to your county for review and is in  
16 process of reviewing.

17 That easement -- the original agreement between the -- the  
18 Pershing County Water Conservation District and the dis -- and  
19 this -- and the county provided for a five-foot-wide easement on  
20 either side.

21 The Pershing County Water Conservation District looked at  
22 that originally and said, you know, five feet isn't much for  
23 people to even walk on and they might step outside of it, et  
24 cetera. So the draft that was sent to the county provides for a  
25 20-foot-wide easement on both sides of the river for -- for  
26 walking. And it's a day-use-only-type easement that -- that will  
27 provide access for fishing or whatever. No motorized vehicles  
28 would be allowed.

29 And the county would be responsible for policing the area for  
30 trash, et cetera, that might be gathered along there.

31 And the only other really restriction would be that the --  
32 the -- the easement cannot be fenced. In other words, the co-  
33 -- the area will still be grazed by cattle and the water --  
34 cattle would have to have access to water. So there would be no  
35 fencing of that easement. But that's the only real guts of the  
36 easement.

37 So that will be required to be signed by the county. And  
38 then -- when you want to accept the easement. There's no  
39 deadline for it. It's just that that easement is before you  
40 for -- in draft form and being reviewed by your county attorney.

1           The sec -- the second -- the other three documents result --  
2 result from the requirements of the federal government in  
3 transferring land to you.

4           The first document is a memorandum of agreement. When the  
5 land is being transferred to you, under public law, 102 se- --  
6 107, two sev- -- two -- I'm sorry -- 102 -- 107.282, that -- that  
7 was signed in 2002 by -- by the President.

8           But it re- -- the -- it requires compliance with the  
9 environmental impact statements, environmental -- NEPA, and state  
10 -- the National Historic Preservation Act.

11           That act states that -- the section 106 of that act states  
12 that any sites that might be found out there, that the signature  
13 of the Secretary of the Interior on the -- on the deed  
14 transferring that property to you is deemed to be an adverse  
15 impact to any cultural site that might be found on that property.  
16 Just the signature. Consequently, it has to be mitigated in some  
17 way.

18           The -- the Bureau of Reclamation performed studies out of  
19 there for cultural resources and found that the California Trail  
20 goes through the property that will be transferred to you, out  
21 west of town.

22           The trail starts about where the sewage treatment ponds are  
23 and goes in kind of a northwesterly direction out through there.

24           Two segments of that trail are considered to be eligible  
25 for the National Historic Register. Consequently, they are --  
26 fall under that Section 106. And the Bureau of Reclamation, by  
27 law, is required to protect those.

28           After many years of discussion and working with the federal  
29 government, it's been determined that they will provide you with  
30 an MOA, a memorandum of agreement, with the -- between you and  
31 the federal government and the Nation- -- and the State Historic  
32 Preservation Office, that will allow the land to be transferred  
33 to you. Basically, what it does is it transfers the  
34 responsibility for those sites, protecting and maintaining those  
35 sites to you as a county.

36           Now, and the -- that's one of the documents.

37           The second document is the -- the -- the MOA will require a  
38 cultural resources -- Cultural Historic Preservation Treatment  
39 Plan, I guess, is what it is. Cultural -- it's a treatment plan  
40 for those sites so that you will protect them appropriately and

1 comply with the laws of the federal government and the state --  
2 State Historic Preservation Office.

3 So that plan has also been developed. The memor- -- the  
4 MOA has been provided with your county and is being reviewed for  
5 final approval.

6 The cultural resources management plan is -- is also being  
7 approved. And this treatment plan is actually fairly simple.

8 Let's go back to cultural resources plan. It -- it basically  
9 provides that the -- that the county will protect those sites,  
10 that -- that California Trail out there.

11 Nothing really serious for you, as far as what has to be  
12 done. That will be -- under the treatment plan -- the treatment  
13 plan has several aspects to it that -- that you need to be aware  
14 of that the county will be required to do.

15 First, the Bureau of Reclamation will actually perform field  
16 investigations out there to -- to more closely identify the --  
17 survey did a cursory look at it. The bureau will actually do the  
18 final work as to what the sites really entail. The California  
19 Trail, what parts of it -- the exact extent of those sites and  
20 what those sites contain. They'll do all that fieldwork.

21 The -- the county is responsible for basically about four or  
22 five different things. One that you -- anything you do out there  
23 would have to be planned in such a way to avoid those sites.

24 If you develop that site out there for an industrial area,  
25 for instance, you'd have to try to avoid those sites. And if  
26 you couldn't avoid those sites, then you'd be responsible to  
27 work with the State Historical Preservation Office to mitigate  
28 those sites and -- and do what you can to make sure that they  
29 are not lost to history.

30 The -- the other thing is that you'd be required to work with  
31 the State Stewardship Program to monitor the sites. There is a  
32 State Stewardship Program, which is -- which would be no cost to  
33 you. But it's done by volunteers to monitor the sites to make  
34 sure that they're not being vandalized, et cetera.

35 You'd have to coordinate with the California-Oregon Trail  
36 Association for any potential assistance in monitoring that or  
37 contributing to the -- the trail segments. It's just a -- a  
38 coordination process, if you would, for both of those.

39 And if anything else was found out there, such as Indian  
40 burial sites or Native American burial sites or historic burial

1 sites of pioneers or whatever, then you'd have to work through the  
2 state laws to -- to accommodate those sites.

3 So in reality, there's really not much required of you to do  
4 as far as financial. There's a -- they want you to add to your --  
5 if you have a county website, they want to add -- you want -- they  
6 want you to add to that that you have this trail on your property.  
7 And people can come visit it, that type of a thing. So it's  
8 nothing really serious on that.

9 That's what MOA requires and the treatment plan. That  
10 treatment plan would be in effect and require you to accomplish  
11 those activities.

12 The third -- or the fourth document that you would have to  
13 agree to and work with is a quitclaim deed. The Bureau of  
14 Reclamation would provide that quitclaim deed. But you, as a  
15 county, would have to have a -- a resolution that you would sign  
16 it and accept -- and accept the responsibility for that land from  
17 the federal government.

18 So those are the -- and again, the quitclaim deed has been  
19 provided to your -- you county for review. But it's strictly a  
20 little quitclaim deed that transfers all right, title, and  
21 interest and to the lands -- are to you.

22 Those four pe- -- there's four parcels involved, if you're  
23 not familiar with the four parcels. One parcel is underneath  
24 your -- your rodeo event center out here in town. Second parcel  
25 is an acreage up along the river, just east of the Battle  
26 Mountain highway, on the river for a -- a recreation area that  
27 the county would like to -- to develop. It was originally  
28 intended to be a -- a -- just have a few picnic tables and stuff  
29 out there. Nothing elaborate. The third parcel the -- a little  
30 parking area on the -- on the west side of the Battle Mountain  
31 highway up at the river. I think it's just three acres or  
32 something like that, for people to park that want to walk along  
33 the easement that we're going to provide you.

34 And the fourth parcel is about 900-and-some acres out here  
35 west of town from -- along the -- along the freeway that would  
36 be -- was originally designed for future development for  
37 industrial site. So that's the acreage that -- what happened.

38 These four documents will need to be signed fairly rapidly so  
39 that this process can occur.

40 There's still some processes that the Bureau of Reclamation

1 has to do for reviewing the site, the land for hazardous waste, et  
2 cetera.

3 Once we get close to that, because they have to have a time  
4 limit. They have to do it within three months, or something  
5 like that, of transfer. So we have to do that.

6 But it's a process we've been working on. It's taken us  
7 almost 20 years to get this. The original agreement between you  
8 and the Pershing County Water Conservation District was signed  
9 in 2000, the year 2000.

10 So gives you an idea of how long we've been working on it.  
11 But it is finally coming to fruition.

12 Any questions you might have, I'd be glad to answer.

13 COMMISSIONER MILLS: I have a couple.

14 It's my understanding that the California Trail uses a --  
15 uses markers made out of railroad --

16 FRANK DIMICK: They --

17 COMMISSIONER MILLS: -- rail. And then it's got a plaque  
18 on it. Is -- would it be okay if we decided we want to enhance  
19 that to make those easier to find for people that want to follow  
20 the trail?

21 FRANK DIMICK: The --

22 COMMISSIONER MILLS: You've talked about not disturbing  
23 them, but can we enhance them?

24 FRANK DIMICK: You know, the -- the memorandum of agreement  
25 just says that you will coordinate those efforts with --

26 COMMISSIONER MILLS: With the --

27 FRANK DIMICK: -- the California Trail. And so it doesn't  
28 --

29 COMMISSIONER MILLS: Okay.

30 FRANK DIMICK: -- limit you to working with them to try and  
31 change that at all. No. There's no -- nothing that says you  
32 have to do something, specifically.

33 COMMISSIONER MILLS: Okay.

34 You talked about that 900 acres was to be an industrial site.  
35 Was this some -- was there a previous commission that had come up  
36 with that idea? Where did that idea come from? Do you know?

37 FRANK DIMICK: The -- it was a previous commission, way  
38 back in the late 1990s.

39 COMMISSIONER MILLS: Okay.

40 FRANK DIMICK: The concept was that that area out there,

1 that land isn't really good for much else, I mean, as far as  
2 agricultural production or anything.

3 COMMISSIONER MILLS: Right.

4 FRANK DIMICK: And so the land was to be provided for any  
5 future expansion of the -- of the -- of Battle Mountain, whether  
6 it's, you know, industrial or homesites or whatever. It would  
7 just be a good place to -- to expand to. And that was just --

8 COMMISSIONER MILLS: So if somebody came up with an idea  
9 that was different than that, that --

10 FRANK DIMICK: Yeah.

11 COMMISSIONER MILLS: -- probably would be okay?

12 FRANK DIMICK: There's noth- -- there's nothing --

13 COMMISSIONER MILLS: Okay.

14 FRANK DIMICK: -- in any of the documents that specifically  
15 states what it will be used for.

16 COMMISSIONER WAITS: Yeah.

17 COMMISSIONER MILLS: Because I know a lot of the ground --  
18 you mentioned around the fairgrounds, it looks like a lot of  
19 that extends into our flood zone. So I don't know how much use  
20 that would ever be to anybody.

21 FRANK DIMICK: In fact, part of the Reese River dike is on  
22 that property.

23 COMMISSIONER MILLS: Right. Okay.

24 FRANK DIMICK: Which I understand is the next item on the  
25 agenda. But -- but there's an easement for that. But yes, that  
26 -- there -- there's no -- this land being transferred to you,  
27 there is no restriction on the use of that land.

28 COMMISSIONER MILLS: Okay.

29 FRANK DIMICK: The easement there is a restriction. But  
30 the land -- the -- the transfer of the deed for these 998 acres  
31 there is no -- there is no restriction.

32 COMMISSIONER MILLS: Okay. Thank you.

33 COMMISSIONER WAITS: Frank, I think you did an excellent  
34 job as an overview for it. And I think he hit the highlights.  
35 Thank you.

36 My big concern with the information that Lander County is  
37 responsible for, obligating with the implementation immediately  
38 upon signing the MOU, and that's who -- who is going to be doing  
39 this? Who's going to be doing the monitoring? And where in the  
40 world would we put this responsibility for Lander County? What --

1 what does that entail for us?  
2 KEITH WESTENGARD: Well, talking with Frank, it's -- it's  
3 more of a cooperation effort with SHPO, with the  
4 California-Oregon Trails. Has do with a lot of signage that we  
5 would have to put up. It would be an added responsibility  
6 for -- it would probably fall under the Parks, is where I'm  
7 thinking about it ending up being.  
8 COMMISSIONER WAITS: Under the Parks?  
9 KEITH WESTENGARD: Yes, under Road and -- under Public  
10 Works.  
11 DISTRICT ATTORNEY HERRERA: Well, it -- it'd be incumbent  
12 for us to do mitigation reports and public education.  
13 FRANK DIMICK: The -- the mitigation reports is if there's  
14 something that has to be done out there. Say you go to disturb  
15 a site or something, then you'd have to mitigate that site,  
16 which requires you to -- to hire a professional archaeologist  
17 to -- to dig up the site and -- and make sure that there's no  
18 artifacts missed and so forth.  
19 DISTRICT ATTORNEY HERRERA: It would be incumbent upon  
20 Lander County to do that?  
21 FRANK DIMICK: Yes.  
22 COMMISSIONER WAITS: Uh-huh.  
23 DISTRICT ATTORNEY HERRERA: So there may not be  
24 restrictions, but there's conditions on this transfer?  
25 FRANK DIMICK: That's -- on -- on those sites, yes. On any  
26 cultural resources site, that's correct.  
27 COMMISSIONER WAITS: But if we don't dig anywhere, we're  
28 not going to find anything because it's all been gone over so --  
29 DISTRICT ATTORNEY HERRERA: People are walking --  
30 COMMISSIONER WAITS: We don't want it --  
31 DISTRICT ATTORNEY HERRERA: -- people are walking on that  
32 easement --  
33 COMMISSIONER WAITS: And kicking --  
34 DISTRICT ATTORNEY HERRERA: -- and just may --  
35 COMMISSIONER WAITS: -- and kicking an --  
36 DISTRICT ATTORNEY HERRERA: -- look at that.  
37 COMMISSIONER WAITS: -- arrowhead; right?  
38 KEITH WESTENGARD: This would just be in the event that  
39 we're going to do some type of an improvement, like --  
40 FRANK DIMICK: Okay. The -- the sites -- the sites -- the

1 two segments that are located in the -- almost in the very  
2 northwest corner of the property, way away from the sewa- -- the  
3 sewage treatment plant, for instance. And so it would be if you  
4 ever did develop it, it would be probably the last part you'd  
5 ever develop out there.

6 And those sites, as long as you don't bother the trail,  
7 they can stay just the way they are.

8 The -- the monitoring of that would be done by the State  
9 Stewardship Program, Nevada State Stewardship Program, which is  
10 a volunteer program. And so it's just a coordination with them.  
11 You'll probably have to sign some kind of a little memorandum of  
12 agreement with them to come out and monitor the sites for you.

13 The other opportunity is you can actually train somebody in  
14 the county, if you'd like, to monitor those sites and -- and  
15 report those. In other areas, that's -- some of the  
16 organizations do that themselves. So you can have that trained.

17 But, yes, if you ever develop that site, that restriction  
18 would apply to those sites because they are listed in the National  
19 Historic Register. And you have to comply with the requirements.

20 But again, it's between -- it would be an agreement between  
21 you and then the State Historical Preservation Office. The  
22 Bureau of Reclamation would be out of the picture once you sign  
23 that agreement. The Bureau of Reclamation's out of the picture.

24 COMMISSIONER WAITS: Well, I -- I know there's some  
25 additional financial costs on it. And it also says that, you  
26 know, we may be eligible for some limited financial support from  
27 the trails program and such.

28 But it's somebody that's going to have to really be ahold  
29 of it and -- and pay attention and monitor everything and to  
30 contact all these people. So we're -- we're talking some time.  
31 There's no question.

32 KEITH WESTENGARD: Yes.

33 COMMISSIONER WAITS: And I see in here that the MOU can  
34 extend for five years. We can extend it further if we need to.  
35 But that seems to be about the time it takes to put all this  
36 together. So we're looking at a five-year program.

37 FRANK DIMICK: Well. No. They -- the program can actually  
38 be much shorter time than that. Because you -- it's basically  
39 the time that you get together the people and find out what you  
40 need to do and then do it. So it's not really -- most of it's

1 coordination.

2 COMMISSIONER WAITS: And time.

3 FRANK DIMICK: And time. That's --

4 COMMISSIONER WAITS: Yeah.

5 FRANK DIMICK: -- correct.

6 You have -- you have an agreement right now for -- for my

7 services, basically, through the Pershing County Water

8 Conservation District.

9 And -- and I -- I'm doing that for them. And I can continue

10 to -- to help transfer that responsibility over to whoever you

11 choose in the county to do that.

12 I'll continue to work even after the land's transferred

13 because there will still be some activity we have to do after the

14 land is transferred.

15 COMMISSIONER WAITS: Yeah.

16 FRANK DIMICK: For instance, we have to get easements for

17 AT&T for their -- their fiber optic cables and so forth on the

18 land that you will now own.

19 COMMISSIONER WAITS: Well, I --

20 FRANK DIMICK: You will be able to -- you will

21 (indiscernible).

22 COMMISSIONER WAITS: I know we don't have any other

23 choices, you know, as far as what we're presented with today.

24 But as long as our counselor's had a chance to go through,

25 like, the easement agreement and the MOU agreement and we're okay

26 with -- with what's set up legally for us to --

27 DISTRICT ATTORNEY HERRERA: Yeah. It's legal. But I'm not

28 really okay with -- with the conditions set. But I don't think

29 we have a choice. But it's all legally --

30 COMMISSIONER WAITS: Okay.

31 FRANK DIMICK: Well, the only -- there -- the only choice

32 you have is not to accept the land. I mean, you can --

33 DISTRICT ATTORNEY HERRERA: Right.

34 FRANK DIMICK: -- just say, --

35 COMMISSIONER WAITS: Right.

36 FRANK DIMICK: -- we don't want --

37 DISTRICT ATTORNEY HERRERA: That's our --

38 FRANK DIMICK: -- to accept --

39 DISTRICT ATTORNEY HERRERA: -- only choice.

40 FRANK DIMICK: -- the land.

1 DISTRICT ATTORNEY HERRERA: If we accept the land, we have  
2 certain conditions under this MOU that we have --  
3 FRANK DIMICK: Right.  
4 DISTRICT ATTORNEY HERRERA: -- to follow.  
5 FRANK DIMICK: Right. And the -- and the only conditions  
6 are with the cultural resources.  
7 DISTRICT ATTORNEY HERRERA: Right.  
8 FRANK DIMICK: And that's because they happen to be --  
9 those two segments out there are actually in the National  
10 Historic Registry.  
11 DISTRICT ATTORNEY HERRERA: Are you suggesting it's easy to  
12 work with the federal government?  
13 FRANK DIMICK: No.  
14 DISTRICT ATTORNEY HERRERA: After 20 years?  
15 FRANK DIMICK: But once the land is transferred to you, you  
16 will not be working with the federal government. You'll be  
17 working with the State Historical Preservation Office. The  
18 federal government will -- that's the -- the -- the great thing  
19 of the MOA is the federal government's out of the picture and  
20 you're working with state people.  
21 DISTRICT ATTORNEY HERRERA: Yeah.  
22 FRANK DIMICK: And sister -- Mrs. Baldw- -- Baldwin in  
23 Carson City. And she's been very easy to work with and very  
24 helpful on this so far, on other lands that we've done.  
25 But yes, that -- that is a restriction on the land. That  
26 -- but -- but there's only related to the cultural resources.  
27 DISTRICT ATTORNEY HERRERA: Right. So I have --  
28 Commissioner Waits, I have looked at the -- the documents for --  
29 for legal. And -- and we -- and that's the choice. We either  
30 say, we don't want the land or we accept land with the  
31 conditions.  
32 CHAIRMAN BAKKER: Okay. Thank you.  
33 With that...  
34 COMMISSIONER MILLS: So --  
35 FRANK DIMICK: I -- I don't know that you -- if there's any  
36 specific action you need to take today other than to be aware  
37 that this -- these will need to be approved and signed. And the  
38 sooner we can do that, of course, the sooner we get the land  
39 transferred to you.  
40 DISTRICT ATTORNEY HERRERA: Right. And I wouldn't ask you

1 to approve a draft.  
2 FRANK DIMICK: Right.  
3 COMMISSIONER MILLS: Right. That's what I was going to --  
4 this is not final form. So --  
5 DISTRICT ATTORNEY HERRERA: No.  
6 FRANK DIMICK: The -- the --  
7 CHAIRMAN BAKKER: Oh, if there was changes to be made which  
8 we can't change so --  
9 DISTRICT ATTORNEY HERRERA: Well, the easement agreement, I  
10 think that's -- that can be approved today.  
11 FRANK DIMICK: Yeah, the easement agreement.  
12 DISTRICT ATTORNEY HERRERA: That's the only document out of  
13 the four that -- that Frank was talking about, that I think is  
14 ready for a- -- approval.  
15 COMMISSIONER STIENMETZ: It's a draft.  
16 COMMISSIONER MILLS: Yeah. I kind of just as soon do them  
17 all at once so it's not so confusing.  
18 DISTRICT ATTORNEY HERRERA: That's fine.  
19 COMMISSIONER WAITS: So we have four: the reclamation, the  
20 draft of the memorandum agreement, the easement agreement, and  
21 also the --  
22 DISTRICT ATTORNEY HERRERA: Quitclaim deed.  
23 COMMISSIONER MILLS: Quitclaim. Yeah.  
24 DISTRICT ATTORNEY HERRERA: That we don't have right now.  
25 COMMISSIONER WAITS: So we --  
26 FRANK DIMICK: So which?  
27 DISTRICT ATTORNEY HERRERA: The quitclaim deed?  
28 COMMISSIONER WAITS: The quitclaim deed.  
29 FRANK DIMICK: I think we did -- I -- I've got one. I can  
30 -- I can provide that, but apparently we didn't -- you didn't  
31 have that already. So I can --  
32 COMMISSIONER WAITS: We can authorize to sign the quitclaim  
33 deed regarding this property; right?  
34 DISTRICT ATTORNEY HERRERA: Yeah. You can. If you want to  
35 parcel this up and do two today, but we certainly can't do the  
36 -- the other two, which are just draft.  
37 FRANK DIMICK: Right.  
38 COMMISSIONER WAITS: Okay.  
39 CHAIRMAN BAKKER: Okay. Thank you.  
40 FRANK DIMICK: All right.

1 COMMISSIONER STIENMETZ: Thank you.  
2 FRANK DIMICK: Just -- just so you're aware, we'd -- I'd  
3 like to get this completed before the end of the year because  
4 the agreement for my services ends January -- in January of  
5 2017. It can be extended, but it'd be --  
6 COMMISSIONER MILLS: When -- when would we get the final  
7 drafts of these so that we can approve them?  
8 FRANK DIMICK: The -- the final draft of the MOA came out  
9 just last week. And so we've got that.  
10 The final draft of the cultural resources management plan  
11 should be out very shortly. It's not cultur- -- it's not called a  
12 cultural resources -- it's a -- a historic properties preservation  
13 treatment plan, is what it is. And it should be out in final form  
14 very shortly. We've made our comments on it and provided -- and  
15 they're redrafting it right now.  
16 COMMISSIONER MILLS: Okay.  
17 CHAIRMAN BAKKER: Thank you.  
18 COMMISSIONER MILLS: So it sounds like we should be able to  
19 get it done before the end of the year, then, --  
20 FRANK DIMICK: Yes, but --  
21 COMMISSIONER MILLS: -- I would think.  
22 FRANK DIMICK: -- your -- well, you're -- the federal  
23 government still owns the land. And when you're working with  
24 them, there's always delays that come through --  
25 COMMISSIONER MILLS: Okay.  
26 FRANK DIMICK: -- or happen. Okay. Thank you.  
27 COMMISSIONER STIENMETZ: All right.  
28 COMMISSIONER MILLS: Thank you.  
29 COMMISSIONER STIENMETZ: Thank --  
30 CHAIRMAN BAKKER: Thank you.  
31 COMMISSIONER STIENMETZ: -- you.  
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1 CLERK

2  
3 17) Discussion and possible action to approve the ballot question  
4 required by Nevada Assembly Bill 191 (AB 191) -- Fuel Tax  
5 Ballot Question. The language for the ballot question to be  
6 developed by the Board of County Commissioners with the  
7 assistance of the county clerk, district attorney, and  
8 secretary of state, and all other matters properly related  
9 thereto.

10  
11 CHAIRMAN BAKKER: We're going to jump to Number 17.

12 Clerk. Discussion and possible action to approve the ballot  
13 question required by Nevada Assembly Bill 191, AB 191, fuel tax  
14 ballot question -- language for the ballot question to be  
15 developed by the Board of County Commissioners with the assistance  
16 of the county clerk, district attorney, and secretary of state,  
17 and all other matters properly related thereto.

18 State your name for the record.

19 COUNTY CLERK SULLIVAN: Sadie Sullivan, Lander County  
20 clerk.

21 DISTRICT ATTORNEY HERRERA: Ted Herrera, for the record.

22 COUNTY CLERK SULLIVAN: And Ted has the most -- the most to  
23 say on this item. He's been working very hard on it.

24 DISTRICT ATTORNEY HERRERA: Okay. Commissioners, I'll  
25 start out then. What we -- what we prepared today -- and you  
26 should have a copy that we handed out. And it starts with  
27 question, explanation, digest, description of anticipated of  
28 financial effect.

29 Now, on that part, I -- I -- I wrote kind of a note to the  
30 commission. And I said, commissioners need to decide this  
31 amendment. For example, Elko County chose to impose an amount not  
32 to exceed in each year a total of three cents for every gallon  
33 sold in Elko County. It must be remembered that the taxes  
34 authorized by this measure are also cumulative. And therefore,  
35 subsequent increases are added to prior years' index taxes.  
36 Therefore, Elko County would impose and pass their three cents per  
37 gallon the first year and six cents the second year, nine cents  
38 per gallon the third year. And this would progress at this rate  
39 until 2026, where it would be 27 cents per gallon of fuel.

40 And subsequent to that, Sadie's office did a -- a description

1 of anticipated financial effect. And I think she based that on  
2 three cents per gallon.

3 COUNTY CLERK SULLIVAN: Yeah, we just threw the three cents  
4 in.

5 DISTRICT ATTORNEY HERRERA: So what I -- the point I wanted  
6 you to -- wanted to make and make sure you understood was that  
7 you don't have to go for three cents. You can go for less. You  
8 can go for, technically, a little more.

9 But it's cumulative. Each year it doubles.

10 And that's what the fin- -- and the financial impact that --  
11 effect that Sadie prepared was based on three cents per gallon.

12 And then we put arguments for passage. I believe that  
13 Sadie passed those out, arguments against passage, rebuttal.

14 And that's basically it.

15 So -- so you all have -- the commission -- this honorable  
16 board needs to approve the words as it's written and everything  
17 that's written. Or you could choose not to.

18 And then if you -- if you approve everything, I will get on  
19 the computer and -- and -- and add the arguments for and against  
20 and the rebuttal to -- and the description of anticipated  
21 financial effect to this, submit it to Sadie so she can submit  
22 it to the secretary of state.

23 But the most important part of this is -- is, I think, it's  
24 important at the time for you decide if it were passed, what the  
25 amount would be so that could go on the ballot.

26 And, again, like I said, Elko chose three per -- three cents  
27 per gallon. You could -- you could choose less.

28 COMMISSIONER WAITS: The .03 is based on that 7.8 percent.  
29 And so what they did is the 7.8 percent is very confusing to  
30 consumers. So I know at NACO we tried to bring it down where we  
31 said, how much is this going to affect me? About .03 cents per  
32 gallon. And that's why we came up with that terminology.

33 DISTRICT ATTORNEY HERRERA: And -- and Elk- -- Elko just  
34 went with that in their --

35 COMMISSIONER WAITS: Yeah, --

36 DISTRICT ATTORNEY HERRERA: -- in their --

37 COMMISSIONER WAITS: -- most of them have.

38 DISTRICT ATTORNEY HERRERA: And so it -- it doesn't have to  
39 be that amount, is what I'm saying. It -- it's up to you.

40 COMMISSIONER MILLS: That's why I -- I find that a little

1 confusing. Because I understand that it has to do with  
2 inflation. So three cents is a cap per year?  
3 DISTRICT ATTORNEY HERRERA: Basically.  
4 COMMISSIONER MILLS: So if inflation goes up --  
5 DISTRICT ATTORNEY HERRERA: It --  
6 COMMISSIONER MILLS: -- and less -- and it's less than  
7 that, it would not go up three cents. It would only go up as  
8 much to inflation.  
9 DISTRICT ATTORNEY HERRERA: No.  
10 COMMISSIONER WAITS: It says not to exceed in each year is  
11 how you write the -- how you write the ballot question.  
12 COMMISSIONER MILLS: Right.  
13 COMMISSIONER WAITS: Not to exceed .03.  
14 DISTRICT ATTORNEY HERRERA: Or you could just --  
15 COMMISSIONER MILLS: Because if inflation went down --  
16 DISTRICT ATTORNEY HERRERA: -- or you could just determine  
17 an amount.  
18 You -- you could have it follow the inflation not to exceed  
19 .03 percent. Or you could say, we're going to tax it at this  
20 amount if it's less there.  
21 Because -- because the -- the act actually gives you the  
22 discretion to decide.  
23 COMMISSIONER WAITS: I guess I'm confused. How could it be  
24 indexing if we're setting a certain amount?  
25 DISTRICT ATTORNEY HERRERA: I --  
26 COMMISSIONER WAITS: That's the whole point, is the  
27 indexing.  
28 COMMISSIONER MILLS: Right.  
29 COMMISSIONER WAITS: That's what the ballot question is.  
30 DISTRICT ATTORNEY HERRERA: No, I -- I understand.  
31 COMMISSIONER WAITS: So I'm --  
32 COMMISSIONER MILLS: So if it's -- and if it's attached to  
33 an inflation rate, --  
34 COMMISSIONER WAITS: I'm -- yeah, I'm okay with the .03.  
35 COMMISSIONER MILLS: If it were possible that inflation  
36 went down, --  
37 COMMISSIONER WAITS: I mean, they're either going to pass  
38 --  
39 COMMISSIONER MILLS: -- would the tax rate go down?  
40 COMMISSIONER WAITS: -- it or they're not.

1 COMMISSIONER MILLS: So this whole -- this whole thing has  
2 been rather confusing in reading through it all.

3 CHAIRMAN BAKKER: So at the end of the term, what will the  
4 percentage be?

5 DISTRICT ATTORNEY HERRERA: Well, to -- to Commissioner  
6 Waits' point, even on the explanation and on the last paragraph,  
7 it says, however, because the Board of County Commissioners is  
8 also authorized to use a percentage that is lower than 7.8  
9 percent, the Lander County Board of Commissioners has determined  
10 that it will apply a percentage that will result in annual  
11 increases to motor vehicle in the amount not to exceed in each  
12 year a total of 70 cents per every gallon.

13 And -- and you can -- you can -- you have the discretion to  
14 go less than the 7.8 percent or than less than three cents per  
15 gallon, is what I'm saying. You have that discretion.

16 COMMISSIONER WAITS: Yes.

17 DISTRICT ATTORNEY HERRERA: I don't -- I just wanted to  
18 make that clear.

19 COMMISSIONER WAITS: The -- the thing is, if we -- if we  
20 start moving the 7.8 around, then -- then I'm not sure exactly  
21 what it is with the gallon percentage. That's what I'm saying.

22 DISTRICT ATTORNEY HERRERA: No. No, I -- I understand.

23 COMMISSIONER WAITS: And so if we use the other one, the  
24 one's the other counties have, it either passes or it doesn't  
25 and --

26 DISTRICT ATTORNEY HERRERA: Right.

27 COMMISSIONER MILLS: Well, it's, like, 27 cents more to the  
28 gallon -- isn't it? -- at the end of --

29 COMMISSIONER WAITS: .03.

30 COMMISSIONER MILLS: At the end of ten years. Yeah.

31 CHAIRMAN BAKKER: Yeah. No, at the end of ten years,  
32 though.

33 DISTRICT ATTORNEY HERRERA: At nine years.

34 CHAIRMAN BAKKER: Nine years.

35 DISTRICT ATTORNEY HERRERA: Yeah. Because it's cumulative.

36 CHAIRMAN BAKKER: And people are paying 27 cents more to  
37 the gallon, regardless.

38 DISTRICT ATTORNEY HERRERA: Yes.

39 COUNTY CLERK SULLIVAN: And -- Sadie Sullivan, for the  
40 record. Ted and I --

1 CHAIRMAN BAKKER: So --  
2 COUNTY CLERK SULLIVAN: -- even said 1 percent. So like  
3 he's stating, you know, the three --  
4 CHAIRMAN BAKKER: At 1 percent, --  
5 COUNTY CLERK SULLIVAN: -- was --  
6 CHAIRMAN BAKKER: -- it's nine --  
7 COUNTY CLERK SULLIVAN: -- just a common --  
8 CHAIRMAN BAKKER: -- cents at the end of ten years.  
9 COUNTY CLERK SULLIVAN: Yeah.  
10 DISTRICT ATTORNEY HERRERA: Yes.  
11 CHAIRMAN BAKKER AND COMMISSIONER WAITS: Yeah.  
12 CHAIRMAN BAKKER: Now that sounds --  
13 DISTRICT ATTORNEY HERRERA: No, no, no, no.  
14 CHAIRMAN BAKKER: -- better.  
15 DISTRICT ATTORNEY HERRERA: No, if 1 -- 1 percent -- if 1  
16 percent is calculated to --  
17 CHAIRMAN BAKKER: To one cent.  
18 DISTRICT ATTORNEY HERRERA: -- to one cent, then yes.  
19 CHAIRMAN BAKKER: It's nine cents at the end of the ten  
20 years.  
21 DISTRICT ATTORNEY HERRERA: Right.  
22 COMMISSIONER WAITS: Yeah.  
23 DISTRICT ATTORNEY HERRERA: But I think it would be less  
24 than that.  
25 COMMISSIONER WAITS: It is less than that.  
26 DISTRICT ATTORNEY HERRERA: Yeah.  
27 COMMISSIONER WAITS: Because it's .03.  
28 Okay, so you want the terminology of the ballot --  
29 DISTRICT ATTORNEY HERRERA: Yes.  
30 COMMISSIONER WAITS: -- question; right?  
31 DISTRICT ATTORNEY HERRERA: Yes.  
32 COMMISSIONER WAITS: Okay.  
33 DISTRICT ATTORNEY HERRERA: And -- and I -- and I just  
34 proposed this. Again, --  
35 COMMISSIONER WAITS: Okay.  
36 DISTRICT ATTORNEY HERRERA: -- and I --  
37 COMMISSIONER WAITS: I --  
38 DISTRICT ATTORNEY HERRERA: -- got this from Elko and --  
39 and from NACO.  
40 COMMISSIONER WAITS: I will make a motion that we follow

1 the following language for our ballot question:  
2 Shall the Lander County Board of Commissioners, as directed  
3 by the legislature, enact an ordinance to impose, for the period  
4 beginning on January 1<sup>st</sup>, 2017, and ending on December 31<sup>st</sup>,  
5 2026, annual street and highway construction cost  
6 inflation-indexed increases to the taxes on motor vehicle fuel  
7 and various special fuels used in motor vehicles in an amount  
8 not to exceed in each year a total of three cents, .03, for  
9 every gallon sold in Lander County, with the revenue generated  
10 from the increase to be used for the sole purpose of building,  
11 maintaining, and repairing roads and highways located only in  
12 Lander County?  
13 CHAIRMAN BAKKER: I don't support the three cents. It  
14 needs to be a le- -- a lower amount.  
15 What's your thoughts?  
16 COMMISSIONER MILLS: I -- I would agree with that. I think  
17 three cents is pretty steep. We already get hit a lot by people  
18 of the county that our taxes in this county are too high  
19 already.  
20 CHAIRMAN BAKKER: Well, it's at -- what? -- five cents  
21 right now?  
22 COMMISSIONER MILLS: Of cour- --  
23 CHAIRMAN BAKKER: Don't they pay a flat rate for every  
24 gallon, five cents to the county right now?  
25 COMMISSIONER MILLS: That's on air- --  
26 KEITH WESTENGARD: That's on the airport.  
27 COMMISSIONER MILLS: -- -port fuel.  
28 KEITH WESTENGARD: I -- I think it's four.  
29 Give me a little -- give me some time.  
30 COMMISSIONER WAITS: Nine cents?  
31 COMMISSIONER MILLS: The five cents was --  
32 COMMISSIONER WAITS: The thing you have --  
33 COMMISSIONER MILLS: -- is fuel --  
34 COMMISSIONER WAITS: -- to remember on it is the fact that  
35 there haven't been any increases since the 1990s, federal or  
36 state. And all of our costs of maintaining the roads and  
37 highways have gone up.  
38 CHAIRMAN BAKKER: Except the account this money goes into  
39 has money in it.  
40 I mean, we don't use that money.

1           So we're raising taxes for money that's just sitting there.  
2           And raising taxes in Lander County is not a good idea anyway.  
3   Our taxes are already high as they are.  
4           What's your guys' thoughts?  
5           COMMISSIONER MILLS:  So let's -- my -- my biggest concern  
6   is at three cents, it goes up -- by the end of the term of this  
7   bill, I mean, that's a --  
8           COMMISSIONER WAITS:  That's true.  
9           COMMISSIONER MILLS:  -- substantial chunk.  
10          COMMISSIONER WAITS:  So does your loaf of bread.  
11   Absolutely.  Yeah, I --  
12          COMMISSIONER MILLS:  Yeah.  
13          COMMISSIONER WAITS:  -- agree.  It's -- I understand.  
14          COMMISSIONER MILLS:  So I would say if we do something like  
15   one or one and a half cents instead of three cents, I think I'd  
16   be more comfortable with it.  
17          CHAIRMAN BAKKER:  Steve?  
18          COMMISSIONER MILLS:  And I know that --  
19          COMMISSIONER STIENMETZ:  That's what I think.  
20          CHAIRMAN BAKKER:  Yeah.  
21          COMMISSIONER MILLS:  And I know your -- your argument.  I  
22   mean, it hasn't gone up for a long time.  And that's one of the  
23   arguments I'd do on the pro side is -- is the -- you know,  
24   the -- the revenue for --  
25          COMMISSIONER WAITS:  So do you want me to --  
26          COMMISSIONER MILLS:  -- doing these repairs.  
27          COMMISSIONER WAITS:  -- amend my motion or do you want to  
28   make another one?  
29          CHAIRMAN BAKKER:  I would just say amend it, just the  
30   percentage.  
31          COMMISSIONER WAITS:  You don't -- you don't want to read  
32   that whole thing again?  
33          COUNTY CLERK SULLIVAN:  No.  
34          CHAIRMAN BAKKER:  No.  
35          COMMISSIONER WAITS:  Okay.  You want to amend it, instead  
36   of three cents, amend it to --  
37          COMMISSIONER STIENMETZ:  One cent.  
38          CHAIRMAN BAKKER AND COMMISSIONER MILLS:  One cent.  
39          COMMISSIONER WAITS:  One cent.  
40          CHAIRMAN BAKKER:  It's at five -- five right now.

1 KEITH WESTENGARD: Yes.  
2 COMMISSIONER WAITS: Okay.  
3 CHAIRMAN BAKKER: Okay. Patsy made a motion. An amended  
4 motion.  
5 COMMISSIONER STIENMETZ: I'll second the motion.  
6 DISTRICT ATTORNEY HERRERA: Now -- now --  
7 COMMISSIONER STIENMETZ: Amended.  
8 CHAIRMAN BAKKER: Hold on.  
9 DISTRICT ATTORNEY HERRERA: Commissioner Waits, you -- you  
10 read off something that's different than what was recommended.  
11 Do you -- do you have a copy of that?  
12 COMMISSIONER WAITS: The only thing different was at the  
13 very beginning when you say "Shall the Lander County Board of  
14 Commissioners" and I put, "as directed by the legislature."  
15 DISTRICT ATTORNEY HERRERA: Do you have that in written  
16 form so if you adopt this, we have to -- Sadie has to send this  
17 in by the 18<sup>th</sup>.  
18 COMMISSIONER WAITS: That's the only difference.  
19 DISTRICT ATTORNEY HERRERA: I believe --  
20 COUNTY CLERK SULLIVAN: Well, I thought down here it  
21 also --  
22 COMMISSIONER WAITS: On the --  
23 COUNTY CLERK SULLIVAN: -- had changed.  
24 COMMISSIONER WAITS: -- ex- -- on the example?  
25 DISTRICT ATTORNEY HERRERA: You -- you --  
26 COUNTY CLERK SULLIVAN: If you can get that to me, that  
27 would be perfect. To Ted and I.  
28 DISTRICT ATTORNEY HERRERA: That's -- that's all I'm  
29 saying. I don't care how you write it or -- but I'd just like  
30 to be able to -- be able to find it so I can --  
31 CHAIRMAN BAKKER: You got --  
32 DISTRICT ATTORNEY HERRERA: -- type it up.  
33 COMMISSIONER WAITS: I wanted the people to know that we  
34 just didn't decide to raise their taxes.  
35 DISTRICT ATTORNEY HERRERA: Okay. No. No. It -- I have  
36 no problem with how it is, --  
37 COMMISSIONER WAITS: It's on the ballot --  
38 DISTRICT ATTORNEY HERRERA: -- Commissioner Waits.  
39 COMMISSIONER WAITS: -- because -- so --  
40 COUNTY CLERK SULLIVAN: If you could get that to Ted and I

1 --  
2 DISTRICT ATTORNEY HERRERA: Yeah.  
3 COUNTY CLERK SULLIVAN: -- both, that would be great.  
4 CHAIRMAN BAKKER: Okay. Patsy made a motion. Or -- yeah,  
5 Patsy made a motion. Steve seconded it.  
6 Any public comment?  
7 (No comment.)  
8 CHAIRMAN BAKKER: Okay. All in favor?  
9 COMMISSIONER STIENMETZ: Aye.  
10 COMMISSIONER MILLS: Aye.  
11 CHAIRMAN BAKKER: Aye.  
12 COMMISSIONER WAITS: Aye.  
13 DISTRICT ATTORNEY HERRERA: Now -- now you have to approve  
14 the explanation and the -- and the rest of it too.  
15 Okay.  
16 COMMISSIONER WAITS: I know the ballot question -- Sadie,  
17 here. I know the ballot question has to be in on Monday. Do we  
18 have to have our pros and cons in on Monday too?  
19 DISTRICT ATTORNEY HERRERA: Sadie?  
20 COUNTY CLERK SULLIVAN: From my understanding, I believe  
21 that we needed to have everything to go in.  
22 DISTRICT ATTORNEY HERRERA: That's my -- that was my  
23 understanding too.  
24 CHAIRMAN BAKKER: Don't -- don't we have all that?  
25 COUNTY CLERK SULLIVAN: Uh-huh.  
26 CHAIRMAN BAKKER: Yeah.  
27 DISTRICT ATTORNEY HERRERA: Well, you -- but it has to be  
28 approved --  
29 CHAIRMAN BAKKER: Right.  
30 DISTRICT ATTORNEY HERRERA: -- by the commissioners.  
31 You approve it. I'll type it up. And Sadie can send it.  
32 However you want it approved. I mean, the explanation -- I  
33 followed Elko more than I followed -- I mean, with certain  
34 changes, like Lander County. But NACO had another one that was  
35 shorter.  
36 And -- and you have that in your packet.  
37 So I really don't care what explanation you adopt or you  
38 approve.  
39 COMMISSIONER MILLS: I read -- I read through that Elko's  
40 explanation. And I thought it was pretty good.

1 DISTRICT ATTORNEY HERRERA: Did you -- did you read the one  
2 that --  
3 COMMISSIONER MILLS: I just got yours today.  
4 DISTRICT ATTORNEY HERRERA: Okay. Well, it's based on  
5 Elko.  
6 COMMISSIONER MILLS: Yeah. That's what I was saying.  
7 Elko's was -- I read through it. It was pretty good. So if  
8 yours was based on that, it's --  
9 COUNTY CLERK SULLIVAN: I have to excuse myself. Sorry. I  
10 have an appointment.  
11 CHAIRMAN BAKKER: Thank you, Sadie.  
12 COUNTY CLERK SULLIVAN: Thank you.  
13 COMMISSIONER STIENMETZ: Thank you.  
14  
15 (Whereupon, County Clerk Sullivan left chambers.)  
16  
17 DISTRICT ATTORNEY HERRERA: And, you know, I included it  
18 from Elko, the digest. NACO didn't have that.  
19 And, like I said, Sadie -- Sadie included a description of  
20 anticipated financial effect. And -- and you have there the  
21 arguments for it and the arguments against. I don't think there's  
22 two rebuttals. There's just one.  
23 COMMISSIONER MILLS: Yeah, if -- if we approve this, do we  
24 have room to add a rebuttal? Because I just -- I didn't have  
25 time to do a rebuttal.  
26 DISTRICT ATTORNEY HERRERA: Well, as long as -- as --  
27 COMMISSIONER MILLS: We can make some minor changes to some  
28 of this?  
29 DISTRICT ATTORNEY HERRERA: As long as that's part of  
30 the -- the motion that -- that you can submit rebuttal for --  
31 you were for it or against it?  
32 COMMISSIONER MILLS: I did the pro.  
33 DISTRICT ATTORNEY HERRERA: The pro. So, yeah, there's no  
34 rebuttal for that. So I don't know what you want to do on that.  
35 COMMISSIONER MILLS: Okay. I'll make a motion that we  
36 approve the language for the ballot question on fuel taxes as  
37 presented. But allows us to make minor changes.  
38 DISTRICT ATTORNEY HERRERA: Excuse me.  
39 COMMISSIONER MILLS: Yeah.  
40 DISTRICT ATTORNEY HERRERA: You've already approved the

1 ballot question. And that's the one that --  
2 CHAIRMAN BAKKER: (Indiscernible.)  
3 DISTRICT ATTORNEY HERRERA: -- Commissioner Waits read into  
4 the record.  
5 COMMISSIONER MILLS: But it's the rest of the language.  
6 DISTRICT ATTORNEY HERRERA: But the -- the explanation, the  
7 digest, and the arguments --  
8 COMMISSIONER MILLS: Okay.  
9 DISTRICT ATTORNEY HERRERA: -- for and against.  
10 COMMISSIONER MILLS: So we're approving the explanation and  
11 not the question?  
12 DISTRICT ATTORNEY HERRERA: Yeah, the explanation, the --  
13 CHAIRMAN BAKKER: The --  
14 DISTRICT ATTORNEY HERRERA: -- digest, --  
15 CHAIRMAN BAKKER: -- digest.  
16 DISTRICT ATTORNEY HERRERA: -- description of anticipated  
17 financial effect, the arguments for passage, arguments against  
18 passage, and rebuttal.  
19 COMMISSIONER MILLS: Okay.  
20 DISTRICT ATTORNEY HERRERA: And I have listed them all down  
21 there so you can follow that. Even if you don't want to follow  
22 the recommendation, you can -- you can follow that. Those are  
23 the things that need to be approved.  
24 COMMISSIONER MILLS: Okay. So I'll make a motion that we  
25 approve the explanation on the fuel tax question, the digest,  
26 the description of anticipated financial effect, the arguments  
27 for passage, the arguments against passage, and rebuttals.  
28 DISTRICT ATTORNEY HERRERA: As submitted to the commission  
29 by me and Sadie.  
30 COMMISSIONER MILLS: Yes. But also allowing for minor  
31 tweaks.  
32 DISTRICT ATTORNEY HERRERA: Okay.  
33 COMMISSIONER STIENMETZ: I'll second that motion.  
34 CHAIRMAN BAKKER: Doug made a motion. Steve seconded.  
35 Any public comment?  
36 (No comment.)  
37 CHAIRMAN BAKKER: All in favor?  
38 COMMISSIONER MILLS: Aye.  
39 COMMISSIONER STIENMETZ: Aye.  
40 CHAIRMAN BAKKER: Aye.

1 COMMISSIONER WAITS: Aye.  
2 CHAIRMAN BAKKER: Okay. Thank you.  
3 COMMISSIONER STIENMETZ: (Indiscernible.)  
4 CHAIRMAN BAKKER: Thank you.  
5  
6

7 **COMMISSIONERS**

8  
9 11) **Update from Army Corps of Engineers regarding the status of**  
10 **the Battle Mountain levee project and all other matters**  
11 **properly related thereto.**  
12

13 CHAIRMAN BAKKER: Okay. Eleven. Update from Army Corps of  
14 Engineer regarding the status of the Battle Mountain levee  
15 project and all other matters properly related thereto.  
16

17 (Whereupon, Commissioner Stienmetz exited chambers. Let  
18 the record reflect the presence of a quorum of three  
19 commissioners. Teleconference communication established with  
20 Army Corps of Engineers.)  
21

22 PATRICK HOWELL: Patrick Howell speaking.

23 CHAIRMAN BAKKER: Patrick?

24 PATRICK HOWELL: Yes.

25 CHAIRMAN BAKKER: Sean Bakker. Lander County.

26 PATRICK HOWELL: Hello.

27 CHAIRMAN BAKKER: How are you?

28 PATRICK HOWELL: I'm doing good. Thank you.

29 CHAIRMAN BAKKER: Austin, are you still there?

30 MITESHELL LANHAM: Here.

31 CHAIRMAN BAKKER: Okay. We just added Patrick on the line  
32 from Army Corps.

33 MITESHELL LANHAM: Okay.

34 CHAIRMAN BAKKER: Patrick, go ahead. I read the -- I read  
35 it already in. But it's update from Army Corps of Engineer  
36 regarding the status of the Battle Mountain levee.

37 PATRICK HOWELL: Yes. If you hold on just a second, let me  
38 see if I can put you on speaker here.

39 Can you hear me?

40 CHAIRMAN BAKKER: Yep.

1 PATRICK HOWELL: Okay. Hold on just a second.  
2 I'm actually out of the -- are you still there?

3 CHAIRMAN BAKKER: Yeah.

4 PATRICK HOWELL: Okay. I'm actually out of the office  
5 here.

6 To give you an update on what has been going on the  
7 project, last month, I -- I told you all that we would have a  
8 topographic survey proved out as well as a cultural resources  
9 crew. The cultural resources was actually delayed.

10 So you may have seen people out at the site, probably two  
11 weeks ago. They were actually our cultural resources people doing  
12 the survey work.

13 They did not find any type of significant findings, which is  
14 good news being that the -- the coordinating with the historic  
15 preservation agency will not be a lengthy process.

16 There still is a process that we have go through with them,  
17 but given there are no significant findings, that's good news. So  
18 the process will not be -- will not take as long.

19 We are still anticipating performing our geotechnical  
20 investigations work sometime this fall. That work is very  
21 critical in our design.

22 With that said, I would like to ask if maybe the county or  
23 city would have maybe an excavator or -- and operator to assist us  
24 in that work.

25 We have a very lengthy contracting process. And so we're  
26 trying to work with our contracting office to see if we can obtain  
27 an excavator and operator when we want to go out to the site.  
28 However, I can't guarantee that that will work out properly and --  
29 and in a timely fashion.

30 Now, with that said, I also will have to -- if the county  
31 and/or city just happens to have an excavator and operator, I will  
32 have to find out from my office of counsel if it is legal for us  
33 to do so.

34 We can't look -- this process, we can't look to a private  
35 firm to do this. It would have to be agency-to-agency work.

36 So I would just like to put that out there for right now.  
37 But more to come on that.

38 Any questions so far?

39 CHAIRMAN BAKKER: No. I think you find out the legality of  
40 it, and it probably shouldn't be a problem so...

1 PATRICK HOWELL: Okay. Okay. Thank you.

2 In addition, we -- I know that Summit Engineering has been  
3 asking for our hydrology and hydraulics report.

4 In the past few weeks, we have been working to clarify a few  
5 issues. The issues come from our independent external peer  
6 review. I don't know if people are familiar with that. But at  
7 the Army Corps, we have to go through an independent external peer  
8 review on all of our studies and design work.

9 The independent external peer review team or IEPR team  
10 consists of experts, a panel of experts.

11 And so they did review on our hydraulics and hydrology, and  
12 they found a few concerns, issues, things to be changed. And so  
13 our technical team has been working to make those changes and  
14 work with the IEPR team. We think we're near the end of all of  
15 the changes that need to be made.

16 In a few weeks, we plan to sit down with the IEPR team go  
17 over everything that they pointed out.

18 And if everyone is in agreement, we are good to go to  
19 finalize our hydraulics and hydrology, prepare the findings. And  
20 we should be able to share that at no time after that.

21 So if all goes well, I would say we should be able to  
22 probably share that report with Summit Engineering within the  
23 next -- I would say, maybe -- probably be about six weeks or so.

24 I can't really say for sure because I'm not part of that  
25 technical team. And so I don't know all of the work that has to  
26 be done to finalize it. But I want to say about six weeks.

27 Lastly, what I want to talk about is, I know last month I  
28 reported out that we are working on a design schedule. We're  
29 still working on that -- on that schedule. I had the team looking  
30 over a lot of details on tasks that need to be put into that  
31 schedule.

32 And officially, we will share that schedule to a sponsor of  
33 Lander County so you will get a feel as to, you know, where we're  
34 going with this project and when we plan to complete the design  
35 work and, of course, start construction.

36 That is all I have.

37 Now, are there any questions?

38 Concerns?

39 CHAIRMAN BAKKER: Patsy?

40 No?

1 COMMISSIONER WAITS: I have --  
2 CHAIRMAN BAKKER: Doug? No?  
3 COMMISSIONER WAITS: Yeah, Patrick, have you had a chance  
4 to contact Summit Engineering yet?  
5 PATRICK HOWELL: Excuse me?  
6 COMMISSIONER WAITS: Have you talked to Tom Gallagher at  
7 Summit Engineering yet?  
8 PATRICK HOWELL: I have not spoken with him. I sent him a  
9 -- a video, though, explaining where we are in terms of the  
10 hydraulics and the hydrology report. But I have not yet spoken  
11 with him on the phone.  
12 COMMISSIONER WAITS: Thank you.  
13 CHAIRMAN BAKKER: Thanks, Pat.  
14 PATRICK HOWELL: You're welcome.  
15 CHAIRMAN BAKKER: Hold on.  
16 COMMISSIONER MILLS: I don't -- I don't have any questions.  
17 CHAIRMAN BAKKER: Okay. Any public comment?  
18 COMMISSIONER MILLS: Sounds like you're making some  
19 progress anyway.  
20 PATRICK HOWELL: (Indiscernible.) We're getting there.  
21 CHAIRMAN BAKKER: All righty, Patrick. Well, keep at it.  
22 COMMISSIONER MILLS: I do --  
23 CHAIRMAN BAKKER: -- it.  
24 COMMISSIONER MILLS: Patrick, I do have one question. Have  
25 --  
26 PATRICK HOWELL: Yes.  
27 COMMISSIONER MILLS: -- have you looked at any more about  
28 the center section of the levee where we have the encroachment  
29 from the home on the west side of that, to maybe move that levee  
30 over a little bit so that those encroachments no longer are a  
31 problem?  
32 PATRICK HOWELL: With -- I had our -- (indiscernible) --  
33 our real estate team look at that. But right now, it's still in  
34 the (indiscernible) so far because where we are in our design.  
35 They're going to need more input from my design work when we  
36 really get going into that to be able to give me a lot more  
37 options.  
38 It's -- it's not a -- a bad situation, not a situation  
39 given that there's -- there's not too many properties that are  
40 involved in this. So that makes it easier for them. But

1 nevertheless, they can't give me the direct -- they can't give  
2 me anything -- any suggestions yet.

3 But we sure -- we will definitely take a look at that because  
4 we know the -- the issue.

5 Real estate -- taking real estate is always an issue so --

6 COMMISSIONER MILLS: Okay.

7 CHAIRMAN BAKKER: Okay.

8 COMMISSIONER MILLS: Thank you.

9 CHAIRMAN BAKKER: Thank you, Patrick.

10 PATRICK HOWELL: You're welcome.

11 CHAIRMAN BAKKER: Any public comment?

12 (No comment.)

13 CHAIRMAN BAKKER: Okay. That's it, Pat. Thank you.

14 PATRICK HOWELL: Okay. Thank you very much.

15 COMMISSIONER MILLS: Thank you. Talk to you later.

16 PATRICK HOWELL: Okay. Bye-bye.

17 CHAIRMAN BAKKER: Bye.

18 Twelve. Update regarding -- he's not here right now.

19  
20 **13) Discussion for possible action regarding the EMS service in**  
21 **Austin, Nevada, and all other matters properly related**  
22 **thereto.**  
23

24 CHAIRMAN BAKKER: Let's go to 13. Discussion for possible  
25 action regarding the EMS service in Austin, Nevada, and all  
26 other matters properly related thereto.

27 DISTRICT ATTORNEY HERRERA: EMS?

28 KEITH WESTENGARD: Rick was here. I -- did he leave? Is  
29 he coming back or -- do you know?

30 COMMISSIONER WAITS: We'll let you fill us in, Keith.

31 KEITH WESTENGARD: Okay.

32 CHAIRMAN BAKKER: Laken.

33 KEITH WESTENGARD: We've hired Kim in the south as the  
34 coordinator.

35 She is moving forward, getting -- getting all the equipment,  
36 inventories, and so forth, updated. All of the materials that she  
37 needs for the EMS service is -- is being inventoried, like I said.

38 And we have -- do have two ambulances down there now -- or we  
39 have the ambulance and a Tufport down there now.

40 Why don't you come up, Kim, and -- for a few minutes?

1           They painted the building yesterday. We're --  
2           KIMBERLY SCHACHT: Starting.  
3           KEITH WESTENGARD: We're looking at some maintenance issues  
4 down there that we're trying to take care of.  
5           KIMBERLY SCHACHT: Kim Schacht, coordinator for Austin  
6 Ambulance.  
7           CHAIRMAN BAKKER: Good morning.  
8           KIMBERLY SCHACHT: Good morning. What do you need to know?  
9 I -- I just --  
10          CHAIRMAN BAKKER: How --  
11          KIMBERLY SCHACHT: -- kind of --  
12          CHAIRMAN BAKKER: -- are things --  
13          KIMBERLY SCHACHT: -- need --  
14          CHAIRMAN BAKKER: -- going?  
15          KIMBERLY SCHACHT: Well, they're going.  
16 They're going on my end, as far as the building and stuff  
17 goes. We haven't had any problems there.  
18 I just kind of need to know where we go from here with the  
19 hospital...  
20          CHAIRMAN BAKKER: Keith.  
21          COMMISSIONER WAITS: Keith, how are we going to do this  
22 with the ambulances? Because this has kind of been going back  
23 and forth. You know, we've traded ambulances from Austin and  
24 Battle Mountain and everything. Are we going to have our own  
25 and -- and take care of that and get it fixed?  
26 And -- I mean, we've got one that's shuffled back and forth  
27 how many times? And we still don't have the step fixed.  
28          KEITH WESTENGARD: The -- the reason for that, the  
29 shuffling of the ambulance, it had to do with some maintenance  
30 issues. We had two ambulances go down almost -- within days of  
31 each other. And we had problems getting air-conditioning fixed.  
32 Not necessarily for the drivers, but for the -- the people in  
33 the back, the air-conditioning didn't work.  
34 So we had to get those resolved.  
35 We got them fixed. We got them to where they're running now.  
36 We don't have any issues with them.  
37 The eventual plan is to have an ambulance assigned in  
38 Austin -- and that will be Austin's ambulance, the Tufport is  
39 Austin's unit, a two-wheel drive and a four-wheel drive assigned  
40 to Austin -- I should make that clear -- and then the two-wheel

1 drive and the four-wheel drive up here.  
2 And -- and the Tufport as well.  
3 So with somebody there now coordinating things -- I -- I know  
4 we've talked. Kim and I have talked quite a bit about volunteers,  
5 some different options to try to get people involved. We have a  
6 stipend in place for that with -- with -- other than that, I think  
7 it's going fine.  
8 It's going to take some time to -- to get things back up --  
9 get the volunteer force up.  
10 KIMBERLY SCHACHT: Regarding our volunteers, as of now, we  
11 have two still. It's going to take some time to get our new  
12 volunteers in place. We need some classes put in place. And I  
13 know there are some questions about it.  
14 But I -- I would like to see -- I don't know what's in the  
15 budget, but we do have some EMTs, paramedics that are -- left the  
16 service in Battle Mountain, whatever, that would be willing to  
17 come to volunteer, but they're in Winnemucca. They're -- they're  
18 in different places, you know, Eureka, whatever. They would come  
19 stay and utilize our dorms that we have now. And that's where  
20 we're at with that. Because we just don't have any volunteers to  
21 cover Austin. And with that, if we get coverage in Austin, then  
22 we don't need Battle Mountain responding every single time or  
23 responding all the way. We could turn them back quicker, you know  
24 what I mean?  
25 CHAIRMAN BAKKER: That's not --  
26 KIMBERLY SCHACHT: But the --  
27 CHAIRMAN BAKKER: -- a bad idea. That's a pretty good  
28 idea.  
29 KIMBERLY SCHACHT: Yeah.  
30 KEITH WESTENGARD: And that stipend covers those volunteers  
31 coming in. So we would -- it's not like we're putting any --  
32 any additional employees in place. We have budgeted the stipend  
33 for the -- for the -- Austin.  
34 So it doesn't add any -- any costs.  
35 It's not like we're going to pay somebody 13 or 15 dollars an  
36 hour to sit down there for 24 hours a day. The stipend covers it.  
37 So...  
38 CHAIRMAN BAKKER: Okay.  
39 COMMISSIONER MILLS: I know we had at our last hospital  
40 board meeting we discussed with the hospital board the rates and

1 the costs and some of the things.  
2 And we need to get that brought before the commission and  
3 finalized.  
4 KEITH WESTENGARD: As -- as soon as the hospital board  
5 accepts it.  
6 COMMISSIONER MILLS: Yeah.  
7 KEITH WESTENGARD: I mean, I -- I've -- I've taken what  
8 they wanted from that meeting. I've given it to the district  
9 attorney to incorporate into the contract and then let me know.  
10 And then once he's done, I'll take it back to your board -- or  
11 to the --  
12 COMMISSIONER MILLS: And then --  
13 KEITH WESTENGARD: -- hospital board.  
14 COMMISSIONER MILLS: -- also just as a reminder, we need to  
15 get that ordinance dealt with that talks about county --  
16 KEITH WESTENGARD: Yes.  
17 COMMISSIONER MILLS: -- employees driving county vehicles.  
18 KEITH WESTENGARD: Yeah, and we are having a policy meeting  
19 pretty soon.  
20 BECKY JOHNSON: Pretty soon.  
21 KEITH WESTENGARD: And that will be part of --  
22 COMMISSIONER MILLS: (Indiscernible.)  
23 KEITH WESTENGARD: -- the policy meeting --  
24 COMMISSIONER MILLS: Okay.  
25 KEITH WESTENGARD: -- committee's changes. I would like to  
26 have the new policies and procedures before you on the ne- -- at  
27 the next meeting.  
28 COMMISSIONER MILLS: That'd be great.  
29 KEITH WESTENGARD: And that will cover the volunteers --  
30 or, I'm sorry -- the vo- -- the EMS employees that drive county  
31 equipment.  
32 COMMISSIONER MILLS: Right.  
33 KEITH WESTENGARD: Correct.  
34 COMMISSIONER MILLS: So...  
35 CHAIRMAN BAKKER: Okay.  
36 COMMISSIONER WAITS: And you have an open house coming up,  
37 Kim?  
38 KIMBERLY SCHACHT: We do have an open house coming up. And  
39 I'm sorry. I didn't bring a flyer in. I meant to. On Tuesday,  
40 from 9:00 to 1:00. We're doing blood pressure checks. We're

1 having an open house for the whole community to come see the  
2 building, the reconstruction of it and whatnot.  
3 So you guys are welcome to come down, check it out. It'll  
4 be on Tuesday, --  
5 CHAIRMAN BAKKER: Okay.  
6 KIMBERLY SCHACHT: -- the 19<sup>th</sup>.  
7 CHAIRMAN BAKKER: Good deal.  
8 KIMBERLY SCHACHT: I'm sorry it's short notice. It just --  
9 just the way it worked out. So...  
10 CHAIRMAN BAKKER: So all righty.  
11 KIMBERLY SCHACHT: Do you have any more questions regarding  
12 what we're doing down there?  
13 I mean, I'm basically -- we can only do what we can do until  
14 I found out what we're doing.  
15 COMMISSIONER MILLS: Oh, yeah, there's --  
16 KIMBERLY SCHACHT: Yeah, what we're --  
17 COMMISSIONER MILLS: -- you get through some of the  
18 learning curve. Yeah.  
19 KIMBERLY SCHACHT: Yeah. So, I mean, as far as classes go,  
20 I mean, I -- that's kind of why we're having this open house so  
21 that we can get input on how many volunteers we're going to  
22 have, you know. We kind of need to have a group of volunteers  
23 in order to be beneficial putting a class down there. But that  
24 seems to be the problem with the volunteers is they can't go  
25 anywhere for a class. They won't be able to travel --  
26 COMMISSIONER MILLS: Okay.  
27 KIMBERLY SCHACHT: -- to Elko.  
28 COMMISSIONER MILLS: So you're using the open house to  
29 determine the interest in --  
30 KIMBERLY SCHACHT: Well, yeah. We've got -- and -- and I  
31 have had some phone calls. You know, I put -- I put signs up  
32 all over down in Austin. We've got maybe seven that are  
33 interested in taking it.  
34 COMMISSIONER MILLS: Oh, okay.  
35 KIMBERLY SCHACHT: So --  
36 COMMISSIONER MILLS: Good.  
37 KIMBERLY SCHACHT: -- a couple of them are 17 years old.  
38 But they -- they're allowed to take the EMT course. They're  
39 just not allowed to run until they're 18.  
40 COMMISSIONER MILLS: Okay. Okay.

1 KIMBERLY SCHACHT: But by the time that gets done, they get  
2 out of school, I mean, they may volunteer for us. You know, I  
3 mean, so that's just what we're looking at. And so...

4 CHAIRMAN BAKKER: Good deal.

5 KIMBERLY SCHACHT: All right.  
6 Okay.

7 CHAIRMAN BAKKER: Okay.

8 COMMISSIONER WAITS: Thank you, Kim.

9 CHAIRMAN BAKKER: Thank you, Kim.

10 KIMBERLY SCHACHT: All right. Thank you. So we're just  
11 waiting now just for the hospital board?

12 CHAIRMAN BAKKER: Yeah.

13 KIMBERLY SCHACHT: Okay.  
14 All right.

15 CHAIRMAN BAKKER: Hopefully by the next meeting, huh?

16 COMMISSIONER MILLS: I hope so.  
17 Well. No. Actually, their -- their meeting's -- their next  
18 meeting's not until August, the first Wednesday in August.

19 KIMBERLY SCHACHT: Okay.

20 COMMISSIONER MILLS: So hopefully our -- hopefully our  
21 first meeting on this.

22 KIMBERLY SCHACHT: Okay.

23 CHAIRMAN BAKKER: Okay.

24 KIMBERLY SCHACHT: Thank you.

25 CHAIRMAN BAKKER: Thank you.  
26

27 **12) Update regarding the Battle Mountain Recreation Center phase**  
28 **II project and all other matters properly related thereto.**  
29

30 CHAIRMAN BAKKER: Okay. Twelve. Update regarding the  
31 Battle Mountain Recreation Center phase two project and all  
32 other matters properly related thereto.

33 CASEY GUNTHER: Commissioners. Casey Gunther.  
34 (Indiscernible) Construction.

35 CHAIRMAN BAKKER: Good morning.

36 COMMISSIONER WAITS: Good morning.

37 COMMISSIONER MILLS: Good morning.

38 CASEY GUNTHER: So where we're at -- I'm sure everybody's  
39 gone by and seen it all. But we've got a lot of cones all over  
40 that place. And those are to protect the trenching and

1 excavation for all the exterior footings. Those have all been  
2 over-excavated, filled back up. Form work is going in now for  
3 the footings.

4 The first pour for the footings is scheduled to take place  
5 the 23<sup>rd</sup>. And that incorporates probably 75 percent of the  
6 exterior footings.

7 And then four days after that, the rest of the exterior  
8 footings will pour.

9 Underground for plumbing and electrical is taking place  
10 right now, starting in the pool building center area and then  
11 going over to -- towards the gymnasium.

12 The pool guys are on site. They're excavating for their --  
13 just a bunch of tanks that they have to deal with for their -- for  
14 their scope of work. They're doing their underground as well.

15 We have made it through the chalk-drawing review process  
16 with regards to the pre-engineered metal building. The  
17 pre-engineered metal building has been released. It's in  
18 fabrication. So that's coming in the next couple of months.

19 That'll be a big milestone when we get that thing going. And  
20 then we can go from there. But right now it's just kind of a  
21 waiting game for that. We're going to move -- proceed with the  
22 pool, get that -- the shell basically built and shock-creted.  
23 Basically a spray concrete that goes in there before they do their  
24 finishing.

25 And once that hit- -- that hits and the building hits,  
26 we'll be able to really start moving fast.

27 So any questions for me?

28 COMMISSIONER MILLS: Yeah.

29 CASEY GUNTHER: Yes, sir.

30 COMMISSIONER MILLS: Have we resolved the pile-of-dirt  
31 issue from the pool on the school property? Do we have --

32 CASEY GUNTHER: I just found out --

33 COMMISSIONER MILLS: Have we --

34 CASEY GUNTHER: -- about that.

35 COMMISSIONER MILLS: -- got that figured --

36 CASEY GUNTHER: I had no --

37 COMMISSIONER MILLS: -- out?

38 CASEY GUNTHER: -- idea. I believe Hunewill and Bert have  
39 discussed that.

40 COMMISSIONER MILLS: Okay.

1 CASEY GUNTHER: They're coordinating --  
2 COMMISSIONER MILLS: Something.  
3 CASEY GUNTHER: -- with the school district. I don't know  
4 what is going on. I believe they are going to start moving it  
5 next week.  
6 COMMISSIONER MILLS: Okay.  
7 CHAIRMAN BAKKER: Perfect.  
8 CASEY GUNTHER: Anything else?  
9 COMMISSIONER WAITS: Thank you.  
10 CHAIRMAN BAKKER: Okay. Thanks, Casey.  
11 CASEY GUNTHER: No problem.  
12 COMMISSIONER MILLS: All right. Thank you.  
13

14 **14) Discussion for possible action to approve/disapprove the**  
15 **transfer of funds from Drug Court Service & Supplies,**  
16 **001-023-53922, to Drug Court Fund 284; and all other matters**  
17 **properly related thereto.**  
18

19 CHAIRMAN BAKKER: Fourteen. Discussion for possible action  
20 to approve/disapprove the transfer of funds from Drug Court  
21 Service & Supplies, 001-023-53922, to Drug Court Fund 284, and  
22 all other matters properly related thereto.

23 KEITH WESTENGARD: Judge Bunch puts this -- put this on  
24 here.

25 CHAIRMAN BAKKER: He's not here.

26 KEITH WESTENGARD: I don't see him. But it's just a  
27 transfer of funds that needs be approved by the commission in  
28 order for it to be done in Finance.

29 It's not an increase. I should make that clear. This is not  
30 an increase. This is just --

31 COMMISSIONER MILLS: We're just transferring funds from one  
32 fund to another?

33 KEITH WESTENGARD: Yes. Within his budget.

34 CHAIRMAN BAKKER: Oh.

35 COMMISSIONER WAITS: I'll make a motion we transfer the  
36 funds from Drug Court Service & Supplies, 001-023-53922, to Drug  
37 Court Fund 284, for the amount of \$11,880.

38 COMMISSIONER MILLS: I'll second.

39 CHAIRMAN BAKKER: Patsy made a motion. Doug seconded.  
40 Any public comment?

1 (No comment.)  
2 CHAIRMAN BAKKER: All in favor?  
3 COMMISSIONER MILLS: Aye.  
4 CHAIRMAN BAKKER: Aye.  
5 COMMISSIONER WAITS: Aye.  
6  
7 15) Discussion for possible action to approve/disapprove the  
8 payment of \$4023 to the Nevada Public Agency Insurance Pool  
9 (NPAIP) as a premium for the 2016-2017 airport operations  
10 liability insurance, and all other matters properly related  
11 thereto.  
12  
13 CHAIRMAN BAKKER: Fifteen. Discussion for poss- --  
14 Steve's gone.  
15 COMMISSIONER WAITS: Yeah, I see.  
16 CHAIRMAN BAKKER: Okay. Discussion for possible action to  
17 approve/disapprove the payment of \$4,023 to the Nevada Public  
18 Agency Insurance Pool, NPAIP, as premium for the 2016-2017  
19 airport operations liability insurance, and all other matters  
20 properly related thereto.  
21 KEITH WESTENGARD: This is our annual premium for the  
22 airport operations liability that the county's responsibility  
23 for.  
24 CHAIRMAN BAKKER: We do this annually.  
25 KEITH WESTENGARD: Yes.  
26 CHAIRMAN BAKKER: Yeah.  
27 COMMISSIONER MILLS: And this is for all three airports, I  
28 understand? Battle Mountain, Austin, and Kingston?  
29 KEITH WESTENGARD: No, I don't -- I believe it's just the  
30 two.  
31 COMMISSIONER MILLS: Just two of them?  
32 KEITH WESTENGARD: I don't -- I don't believe that it's  
33 covered. Kingston has their own policy.  
34 COMMISSIONER MILLS: Okay.  
35 KEITH WESTENGARD: Oh, but it --  
36 Yeah. You're right. It is. I'm sorry. Yes, that's  
37 correct.  
38 COMMISSIONER MILLS: All three of them?  
39 KEITH WESTENGARD: Yes.  
40 COMMISSIONER MILLS: Okay.

1 KEITH WESTENGARD: Yeah. They're under our -- our  
2 umbrella.

3 COMMISSIONER MILLS: I'll make a motion that we approve the  
4 payment of \$4,023 to Nevada Public Agency Insurance Pool, NPAIP,  
5 for premium for the 2016-2017 airport operations liability  
6 insurance.

7 CHAIRMAN BAKKER: Doug made a motion.

8 COMMISSIONER WAITS: I'll second that motion.

9 CHAIRMAN BAKKER: Patsy seconded it.

10 Any public comment?

11 (No comment.)

12 CHAIRMAN BAKKER: All in favor?

13 COMMISSIONER MILLS: Aye.

14 CHAIRMAN BAKKER: Aye.

15 COMMISSIONER WAITS: Aye.

16  
17 **16) Discussion for possible action to approve/disapprove the**  
18 **addition of a full-time assistant manager position at the**  
19 **Battle Mountain Civic Center, and all other matters properly**  
20 **related thereto.**  
21

22 CHAIRMAN BAKKER: Sixteen. Discussion for possible action  
23 to approve or disapprove the addition of a full-time assistant  
24 manager position at the Battle Mountain Civic Center, and all  
25 other matters properly related thereto.

26 KEITH WESTENGARD: Initially, we -- we had this as a  
27 part-time position. I would like to move it -- or make a  
28 full-time position out of it.

29 It'll be an increase of about \$35,000 a year with the  
30 benefits. This is the -- the entire package.

31 There's quite a bit more there. We're finding out just in  
32 the first week.

33 So I'm asking to make it a full -- make it a full-time  
34 position and -- and keep the -- keep the -- the part-time,  
35 \$11-an-hour, unbenefited janitor in place.

36 CHAIRMAN BAKKER: Right. Okay.

37 KEITH WESTENGARD: Yes.

38 COMMISSIONER WAITS: Are you advertising for this already?

39 KEITH WESTENGARD: I -- I -- we're not -- no, I haven't.

40 I didn't know if you were going to give it to me first.

1 And -- and Commissioner Waits, we -- we actually have a list  
2 in place, if -- that we can go off of, based on our previous  
3 interviews.

4 COMMISSIONER WAITS: Thank you.

5 COMMISSIONER MILLS: Okay. I'll make a motion that we  
6 approve an additional full-time assistant manager position at  
7 the Battle Mountain Civic Center.

8 COMMISSIONER WAITS: I'll second his motion.

9 CHAIRMAN BAKKER: Doug made a motion. Patsy seconded.

10 Public comment?

11 (No comment.)

12 CHAIRMAN BAKKER: All in favor?

13 COMMISSIONER MILLS: Aye.

14 CHAIRMAN BAKKER: Aye.

15 COMMISSIONER WAITS: Aye.

16 KEITH WESTENGARD: Thank you.

17  
18  
19 **FINANCE**

20  
21 **18) Update on budget review, contracts, financial update, and all**  
22 **other matters properly related thereto.**

23  
24 CHAIRMAN BAKKER: Eighteen. Update on budget review,  
25 contracts, financial update, and all other matters properly  
26 related thereto.

27 KEITH WESTENGARD: This is a pretty simple one. As you  
28 know, our fiscal year ended on 6/30 at midnight. And we'll be  
29 closing out our books sometime after the middle of August.

30 We'll have a complete review of -- of how we ended up in the  
31 year.

32 And we're in the new fiscal year and budgets are in place.

33 Next -- next meeting, I'll have a little more in-depth report  
34 on some of the past financial updates for you as well.

35 CHAIRMAN BAKKER: Okay.

36 KEITH WESTENGARD: All right.

37 COMMISSIONER MILLS: And our -- our auditors are looking at  
38 this already or not or --

39 KEITH WESTENGARD: Septem- -- well, they come in September.

40 We're going to -- we -- we'll start preparing for them

1 shortly, the documents they need and so forth. Yes.

2 COMMISSIONER MILLS: Okay.

3 CHAIRMAN BAKKER: Any questions?

4 Okay.

5

6

7 **COMMISSIONERS**

8

9 **19) Correspondence, reports, potential upcoming agenda items.**

10

11 CHAIRMAN BAKKER: Commissioners. Nineteen.

12 Correspondence, reports, potential upcoming agenda items.

13

14 (The following correspondence was received:

15 1. Monthly reports to Lander County Commissioners. May  
16 2016.

17 2. Barrick Cortez, Inc., renewal application for pipeline  
18 infiltration project, water pollution control permit NEV0095111.  
19 Commission Board.

20 3. State of Nevada, Department of Conservation & Natural  
21 Resources, Black Rock Canyon Mine Plan of Operations Revision  
22 and Submittal, dated May 12, 2016, NVN-078104/Reclamation Permit  
23 #0232.)

24

25 CHAIRMAN BAKKER: Okay.

26 Nothing?

27 COMMISSIONER MILLS: I think we've already discussed a lot  
28 of --

29 CHAIRMAN BAKKER: Yeah.

30 COMMISSIONER MILLS: -- of those.

31 KEITH WESTENGARD: We had a lot of those.

32 COMMISSIONER MILLS: EMS and --

33 CHAIRMAN BAKKER: The only thing I would say is get with  
34 Chamber and Convention and Tourism for the Fourth of July deal  
35 and we'll see, and then put it back on the agenda.

36 KEITH WESTENGARD: Okay.

37 COMMISSIONER WAITS: You want the Fourth of July back on  
38 the agenda?

39 CHAIRMAN BAKKER: After he talks to --

40 COMMISSIONER MILLS: If they develop a committee, --

1 CHAIRMAN BAKKER: Yeah. If they want to put people on  
2 there.  
3 COMMISSIONER WAITS: Right. But we're not appointing them.  
4 So why --  
5 COMMISSIONER MILLS: Yeah.  
6 COMMISSIONER WAITS: Why does that have to come back before  
7 us?  
8 CHAIRMAN BAKKER: Because we'd have to still put one of us  
9 on there.  
10 COMMISSIONER WAITS: No, we don't. Why?  
11 CHAIRMAN BAKKER: Because that's what we discussed.  
12 COMMISSIONER MILLS: Are we developing a new board or --  
13 COMMISSIONER WAITS: No.  
14 COMMISSIONER MILLS: Oh. Just a committee.  
15 COMMISSIONER WAITS: So if it -- if -- if some of the  
16 community people want to get together and do that -- they just  
17 come before us, if they want some funding, and tell us what they  
18 want do; right?  
19 We don't need a commissioner sitting on that board.  
20 KEITH WESTENGARD: That's completely up to you. Up to your  
21 -- the board.  
22 CHAIRMAN BAKKER: Okay. Let -- when we discussed that  
23 agenda item, didn't we discuss the county involvement, the  
24 Chamber, and Convention and Tourism? I don't care if a  
25 commissioner's sitting on there. Keith can sit on there.  
26 But --  
27 KEITH WESTENGARD: You talk to Convention and Tourism --  
28 COMMISSIONER WAITS: Why can't it --  
29 KEITH WESTENGARD: -- and Cham- --  
30 COMMISSIONER WAITS: -- just be citizens, I guess? You  
31 want to discuss it, I guess we need to put it back on the agenda  
32 to find out what you want to do.  
33 Okay.  
34 CHAIRMAN BAKKER: We already discussed what we were going  
35 to do. I just want to -- Keith's going to talk to the other two  
36 boards and see what they want to do.  
37 KEITH WESTENGARD: You did mention the county. But you  
38 weren't specific in -- in the county. I -- I did hear at one  
39 point something --  
40 CHAIRMAN BAKKER: Yeah.

1 KEITH WESTENGARD: -- about possibly a commissioner. But  
2 --  
3 CHAIRMAN BAKKER: I'm not saying a commissioner, but, I  
4 mean, we need to discuss with them what they would -- if they  
5 would --  
6 KEITH WESTENGARD: Right.  
7 CHAIRMAN BAKKER: -- even -- if they're even interested.  
8 KEITH WESTENGARD: Okay.  
9 That's what I have in my notes.  
10 CHAIRMAN BAKKER: Okay.  
11 KEITH WESTENGARD: Got it.  
12 CHAIRMAN BAKKER: Good deal.  
13 COMMISSIONER WAITS: I think we have an evaluation coming  
14 up.  
15 KEITH WESTENGARD: Commissioner Clark asked that it be put  
16 off this meeting because he wasn't in attendance so...  
17 Or he wouldn't be here.  
18 CHAIRMAN BAKKER: We'll put it on the next one.  
19 COMMISSIONER MILLS: And then in three months, it'll be the  
20 next one.  
21 KEITH WESTENGARD: Okay.

22  
23

24 **PUBLIC COMMENT**

25

26 CHAIRMAN BAKKER: Public comment for non-agendized items  
27 only.

28 Persons are invited to submit comments in writing and/or  
29 attend and make comments in -- on any non-agenda item at the  
30 board meeting, if any, and discussion of those comments at the  
31 discretion of the board. All public comment may be limited to  
32 three minutes per person, again at the discretion of the board.  
33 Reasonable restrictions may be placed on public comment based  
34 upon time, place, and manner. But public comment based upon  
35 viewpoint may not be restricted.

36 CHAIRMAN BAKKER: Any public comment?

37 (No comment.)

38 CHAIRMAN BAKKER: Okay.

39 With that...

40 COMMISSIONER WAITS: Make a motion we adjourn.

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CHAIRMAN BAKKER: Patsy made a motion.  
COMMISSIONER MILLS: Second.  
CHAIRMAN BAKKER: Doug seconded it.  
Any public comment?  
(No comment.)  
CHAIRMAN BAKKER: All in favor?  
COMMISSIONER MILLS: Aye.  
CHAIRMAN BAKKER: Aye.  
COMMISSIONER WAITS: Aye.

  
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**CHAIRMAN OR VICE CHAIRMAN OF THE  
BOARD OF LANDER COUNTY  
COMMISSIONERS AND THE LANDER  
COUNTY LIQUOR BOARD**

**ATTEST:**   
**LANDER COUNTY CLERK**

*Note: The Board of Lander County Commissioners serves as the Town Board for the unincorporated towns of Battle Mountain and Austin, Nevada.*