

1 The Honorable Board of Lander County Commissioners met in
2 special session in the Commission Chambers of the Lander County
3 Courthouse and Administration Building in Battle Mountain,
4 Nevada, 50 State Route 305, on August 26, 2016, at 9:00 a.m.
5 Transcript produced by Tiffany Elkington, C.C.R., #930.
6

7 **PRESENT: PATSY WAITS, COMMISSIONER (VIA TELEPHONE)**
8 **SEAN BAKKER, COMMISSIONER (VIA TELEPHONE)**
9 **ART CLARK III, COMMISSIONER**
10 **DOUG MILLS, COMMISSIONER**
11 **KEITH WESTENGARD, EXECUTIVE DIRECTOR**
12

13 **ABSENT: STEVEN STIENMETZ, COMMISSIONER**
14 **THEODORE HERRERA, DISTRICT ATTORNEY**
15

16 (Let the record reflect the presence of a quorum of four
17 commissioners. Let the record reflect the presence of Austin
18 via teleconference.)
19

20 VICE CHAIRMAN MILLS: I call this special session of Lander
21 County Commission meeting, Town Board of Battle Mountain, and
22 Austin Board of County Highway Commissioners to order. It's
23 August 26, 2016.

24 Art, will you lead us in the Pledge of Allegiance.
25

26 (Pledge of Allegiance)
27

28 VICE CHAIRMAN MILLS: Okay. We'll just have a moment of
29 silence, please.
30

31 (Moment of silence)
32
33

34 **PUBLIC COMMENT**
35

36 VICE CHAIRMAN MILLS: Okay. We'll start off with public
37 comment for non-agendized items only.

38 Persons are invited to submit comments in writing and/or
39 attend and make comments on any non-agendized item on the board
40 meeting, if any, and discuss-- and discussion of those

1 comments at the discretion of the board. All public comment may
2 be limited to three minutes per person, again at the discretion
3 of the board. Reasonable restriction may be placed on public
4 comment based on time, place, and manner, but public comment
5 based upon viewpoint may not be restricted.

6 Do we have any public comment?

7 (No comment.)
8
9

10 CONSENT AGENDA

11
12 VICE CHAIRMAN MILLS: Okay. Consent agenda.

13 All matters listed under the consent agenda are considered
14 routine and may be acted upon by the Board of County
15 Commissioners in one action, without extensive discussion. Any
16 member of the board or any citizen may request that any item be
17 taken from the consent agenda, discussion -- discussed, and
18 acted upon separately during the meeting. Consent agenda
19 materials are available at the Lander County clerk office --
20 Clerk's Office for viewing and copies are available for a
21 nominal charge.

22 And we have one item, the approval of agenda notice, August
23 26, two thou- -- 2016.

24 COMMISSIONER CLARK: I'll make a motion to approve the
25 agenda notice, August 26th, --

26 COMMISSIONER WAITS: Excuse me, I --

27 COMMISSIONER CLARK: -- 2016.

28 COMMISSIONER WAITS: -- have a -- I have a correction.

29 VICE CHAIRMAN MILLS: Go ahead, Patsy.

30 COMMISSIONER WAITS: On the very back, the affidavit of
31 posting. The date is incorrect. I believe it was posted on the
32 23rd day of August, not the 5th. And also, it says "she" posted
33 a notice. And that should be "he" because it was done by our
34 executive director, Mr. Westengard.

35 COMMISSIONER CLARK: It says the 23rd.

36 KEITH WESTENGARD: It's down -- Commissioner.

37 VICE CHAIRMAN MILLS: I believe she's talking about this
38 right here.

39 I don't see where it says "she."

40 COMMISSIONER CLARK: Yeah. After 2016, it says "she."

1 VICE CHAIRMAN MILLS: Oh, I see. Right there. So...

2 COMMISSIONER WAITS: If there aren't any other corrections,

3 I'll make a motion that we approve the special agenda with the

4 correction.

5 VICE CHAIRMAN MILLS: Okay.

6 COMMISSIONER CLARK: Second.

7 VICE CHAIRMAN MILLS: Okay. Patsy made a motion to

8 approve. Art seconded.

9 Any public comment?

10 (No comment.)

11 VICE CHAIRMAN MILLS: All those in favor?

12 Aye.

13 COMMISSIONER BAKKER: Aye.

14 COMMISSIONER WAITS: Aye.

15 COMMISSIONER CLARK: Aye.

16 VICE CHAIRMAN MILLS: Okay.

17

18

19 **COMMISSIONERS**

20

- 21 1) **Discussion and possible action to change the scheduled**
- 22 **meeting in Austin, Nevada, from September 8, 2016, to**
- 23 **September 22, 2016, and all other matters properly related**
- 24 **thereto.**
- 25

26 VICE CHAIRMAN MILLS: Item Number 1. Discussion and

27 possible action to change scheduled meeting in Austin, Nevada,

28 from September 8th, 2016, to September 22nd, 2016, and all

29 matters properly related thereto.

30 KEITH WESTENGARD: What happened here, Commissioners, we

31 ran into a -- a conflict on our schedule.

32 The attorney general will be here that day at 1:15 in our

33 community room to discuss some of his programs and some of the

34 things he's working on statewide.

35 So if we were to have the meeting September 8th in Au- --

36 in Austin, we'd be pushing -- pushing it to get back here prior

37 to 1:15 when the attorney general will be here.

38 He's on a north state tour that whole week, starting Monday

39 in Fallon and continuing on through White Pine County, Ely,

40 Jackpot, Wendover, Elko, here, Winnemucca, and so forth. So...

1 I did receive a email from Commissioner Waits that said on
2 September 22nd there is court in Austin starting at 1:00 p.m.
3 And they also have court on the 13th in the morning. So I don't
4 know if you want to change it to a different location in Austin
5 or if you want to do it earlier in Austin on the 8th or what
6 your -- what your direction will be on that.

7 COMMISSIONER WAITS: Um.

8 COMMISSIONER BAKKER: Well, --

9 COMMISSIONER WAITS: Ch- -- oh. Mr. Chair?

10 VICE CHAIRMAN MILLS: Yes.

11 COMMISSIONER WAITS: Hello. Yeah. On the 22nd, when I did
12 email that, there is court. But we aren't starting the meeting
13 till 10:00 o'clock. So I was thinking if we could change our
14 hours and post those, their court is over with by 2:00 o'clock.
15 So perhaps we could break at 12:30 for lunch and put that on our
16 agenda and then come back at 2:00 if we needed to? Would that
17 work?

18 VICE CHAIRMAN MILLS: That seems reasonable to me.

19 COMMISSIONER BAKKER: Um. Doug? Chair?

20 VICE CHAIRMAN MILLS: Go ahead, Sean.

21 COMMISSIONER BAKKER: Keith, what -- what time's court
22 start in Austin?

23 KEITH WESTENGARD: It starts at 1:00 o'clock on the 22nd in
24 Austin. September 22nd.

25 COMMISSIONER BAKKER: Okay. Yeah. I agree with that. We
26 could do --

27 VICE CHAIRMAN MILLS: So we go from 10:00 to 1:00?

28 COMMISSIONER BAKKER: -- our commission meeting in the
29 morning, --

30 VICE CHAIRMAN MILLS: 10:00 -- 10:00 --

31 COMMISSIONER BAKKER: -- break for lunch, and then just
32 come back at 2:00. And if they're still doing court, we can
33 reconvene and just go on break, you know what I mean? If we
34 have any more left on the agenda.

35 COMMISSIONER WAITS: Yeah, --

36 KEITH WESTENGARD: Okay.

37 COMMISSIONER WAITS: -- I checked their agenda. It
38 shouldn't be any longer than that. We should be fine.

39 COMMISSIONER BAKKER: Okay. Perfect.

40 KEITH WESTENGARD: Start at 10:00 with a projected break at

1 --
2 VICE CHAIRMAN MILLS: 12:30?
3 KEITH WESTENGARD: 12:30? Okay.
4 Then reconvene if needed. And we'll --
5 VICE CHAIRMAN MILLS: We --
6 KEITH WESTENGARD: -- keep it on the 8th? Is that what
7 you're -- or I mean -- I'm sorry.
8 VICE CHAIRMAN MILLS: On --
9 KEITH WESTENGARD: On --
10 VICE CHAIRMAN MILLS: -- the --
11 KEITH WESTENGARD: -- the 22nd.
12 VICE CHAIRMAN MILLS: -- 22nd?
13 KEITH WESTENGARD: Yes. Okay.
14 VICE CHAIRMAN MILLS: So do we have a motion?
15 COMMISSIONER CLARK: Yeah. I'll make a motion that we
16 change our meeting date to September the 22nd with lunch
17 starting at 12:30 and reconvene at 2:00 o'clock, if necessary.
18 COMMISSIONER BAKKER: What month was that, Art?
19 COMMISSIONER CLARK: September.
20 VICE CHAIRMAN MILLS: September 22nd.
21 KEITH WESTENGARD: Yes.
22 COMMISSIONER BAKKER: September 22nd. Okay. I'll second
23 that.
24 VICE CHAIRMAN MILLS: Okay. We have a motion by Art and a
25 second by Sean.
26 Do we have any public comment?
27 (No comment.)
28 VICE CHAIRMAN MILLS: Okay. All those in favor?
29 Aye.
30 COMMISSIONER BAKKER: Aye.
31 COMMISSIONER WAITS: Aye.
32 COMMISSIONER CLARK: Aye.
33 COMMISSIONER WAITS: Do we need a motion then to move the
34 September 8th meeting from Austin back to Battle Mountain?
35 COMMISSIONER CLARK: Yeah.
36 VICE CHAIRMAN MILLS: Yes.
37 COMMISSIONER CLARK: Okay.
38 COMMISSIONER BAKKER: That wasn't agendized.
39 VICE CHAIRMAN MILLS: Can we --
40 KEITH WESTENGARD: You can -- you sh- -- you can --

1 VICE CHAIRMAN MILLS: Well, --
2 KEITH WESTENGARD: -- include it in there because you're
3 canceling the 8th. And you'll move it --
4 VICE CHAIRMAN MILLS: So that's --
5 KEITH WESTENGARD: -- to the 22nd.
6 VICE CHAIRMAN MILLS: -- within our action item?
7 KEITH WESTENGARD: Yes.
8 VICE CHAIRMAN MILLS: Okay. So I would entertain a motion
9 on that.
10 COMMISSIONER CLARK: I make a motion to change the
11 scheduled meeting from Austin on September 8th to Battle
12 Mountain.
13 COMMISSIONER BAKKER: I --
14 COMMISSIONER CLARK: September.
15 COMMISSIONER BAKKER: -- second that.
16 VICE CHAIRMAN MILLS: Okay. We have a motion by Art and a
17 second by Sean.
18 Any public comment?
19 (No comment.)
20 VICE CHAIRMAN MILLS: All those in favor?
21 Aye.
22 COMMISSIONER BAKKER: Aye.
23 COMMISSIONER WAITS: Aye.
24 COMMISSIONER CLARK: Aye.
25 VICE CHAIRMAN MILLS: Motion passes.
26
27

28 **PUBLIC WORKS**

- 29
30 2) **Discussion and possible action to approve/disapprove Change**
31 **Order 1 from Shaw Engineering in the amount of \$843,809.30**
32 **for the Battle Mountain 2016 Road Maintenance Project, and**
33 **all other matters properly related thereto.**
34

35 VICE CHAIRMAN MILLS: Item Number 2. Discussion and
36 Discussion and possible action to approve/disapprove Change
37 Order 1 from Shaw Engineering in the amount of \$843,809.30 for
38 the Battle Mountain 2016 Road Maintenance Project, and all other
39 matters properly related thereto.

40 COMMISSIONER CLARK: Good --

1 BERT RAMOS: Good --
2 COMMISSIONER CLARK: -- afternoon, --
3 BERT RAMOS: -- afternoon.
4 COMMISSIONER CLARK: -- Bert.
5 VICE CHAIRMAN MILLS: Hello, Bert.
6 BERT RAMOS: All right. This is just a continuation of
7 yesterday since we had it misprinted on the item yesterday so...
8 COMMISSIONER CLARK: So this is money that's already
9 budgeted.
10 BERT RAMOS: Yep.
11 COMMISSIONER CLARK: And we're just coming forward. And
12 we're letting everybody know how we're spending this 843,000?
13 BERT RAMOS: Exactly.
14 COMMISSIONER CLARK: Okay.
15 VICE CHAIRMAN MILLS: Do I have --
16 KEITH WESTENGARD: It --
17 VICE CHAIRMAN MILLS: -- a motion?
18 KEITH WESTENGARD: -- it's --
19 COMMISSIONER CLARK: Yeah, I --
20 KEITH WESTENGARD: -- in the budget.
21 COMMISSIONER CLARK: I make a motion that we approve the
22 Change Order 1 for Shaw -- Shaw Engineering in the amount of
23 \$843,809.30.
24 COMMISSIONER BAKKER: I'll second that.
25 VICE CHAIRMAN MILLS: And authorize the chair to sign.
26 COMMISSIONER CLARK: And authorize the chair to sign.
27 VICE CHAIRMAN MILLS: Okay.
28 So we have a motion by Art and a second by Sean.
29 Do we have any public comment?
30 (No comment.)
31 VICE CHAIRMAN MILLS: Okay. All those in favor?
32 Aye.
33 COMMISSIONER BAKKER: Aye.
34 COMMISSIONER WAITS: Aye.
35 COMMISSIONER CLARK: Aye.

36
37
38 **PUBLIC COMMENT**

39
40 VICE CHAIRMAN MILLS: Public comment for non-agendize- --

1 non-agendized items only.

2 Persons are invited to submit comment in writing and/or
3 attend and make comments on any non-agendized item in the board
4 meeting, if any, and discussion on those comments at the
5 discretion of the board. All possible comment -- or all public
6 comment may be limited to three minutes per person, again at the
7 discretion of the board. Reasonable restriction may be placed
8 on public comments based upon time, place, and manner, but
9 public comment based upon viewpoint may not be restricted.

10 Do we have any public comment?

11 (No comment.)

12 VICE CHAIRMAN MILLS: Okay.

13
14
15 **ADJOURNMENT**

16
17 COMMISSIONER CLARK: I make a motion to adjourn.

18 COMMISSIONER BAKKER: Second.

19 VICE CHAIRMAN MILLS: Sean made a mo- -- or Art made a
20 motion. Sean seconded.

21 All those in favor?

22 Aye.

23 COMMISSIONER BAKKER: Aye.

24 COMMISSIONER WAITS: Aye.

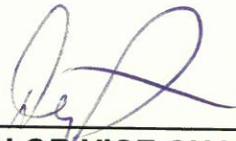
25 COMMISSIONER CLARK: Aye.

26 VICE CHAIRMAN MILLS: Okay. Thank you, guys.

27 COMMISSIONER BAKKER: Thank you. You all have a good
28 weekend and see you all next week.

29 COMMISSIONER WAITS: Have a nice Labor Day. Bye.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40



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

ATTEST:

Sadie Sullivan
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.