The Honorable Board of Lander County Commissioners met in special session in the Commission Chambers of the Lander County Courthouse in Battle Mountain, Nevada, 315 S. Humboldt Street, on October 22, 2015, at 9:00 a.m. Transcript produced by Tiffany Elkington, C.C.R., #930.

PRESENT: STEVEN STIENMETZ, COMMISSIONER
PATSY WAITS, COMMISSIONER
SEAN BAKKER, COMMISSIONER
ART CLARK III, COMMISSIONER
DOUG MILLS, COMMISSIONER
KEITH WESTENGARD, EXECUTIVE DIRECTOR
SADIE SULLIVAN, COUNTY CLERK
THEODORE HERRERA, DISTRICT ATTORNEY
NAN ANCHO, FINANCE DIRECTOR
BECKY JOHNSON, HUMAN RESOURCES DIRECTOR

Let the record reflect the presence of a quorum of five commissioners.

Let the record reflect the presence of Austin via telephone conference.

CHAIRMAN STIENMETZ: I'd like to call the meeting -- meeting of the Lander County Commissioners, Town Board of Battle Mountain, and Austin Board of County Highway Commissioners to order.

And I would like to please ask everybody in the audience not to talk among yourselves unless you're up here because it picks up on our recording. And the lady has a hard time that does the transcripts. And I thank you.

Would you all follow me in the pledge?

(Pledge of Allegiance)

CHAIRMAN STIENMETZ: Now we'll have a moment of silence, please.

(Moment of silence)

COMMISSIONER REPORTS

CHAIRMAN STIENMETZ: All right. Now let's go to commissioners' reports on meetings, conferences, and seminars attended.

COMMISSIONER MILLS: Okay. I've been to -- the main thing I've done is -- is participate in the hospital board meetings. And there's some things going on over there that are kind of interesting. Couple of quick things. They did -- we've established a new mission statement and values statement for the hospital, which is kind of neat. I have a copy of that somewhere, if you want to see that.

We did approve phase-two construction of the hospital, again, revised plans, some changes to the clinic areas, some changes to the long-term care. A guaranteed maximum price $11.4 million. So we've approved that, and that will go forward.

We got a resignation letter from Peggy Lindsey. So that will need to go back -- that will need to go out and be advertised for another board position for the hospital.

DISTRICT ATTORNEY HERRERA: That's two of them; right?

COMMISSIONER MILLS: This is the second one. Right. I see the first one was already advertised so that...

DISTRICT ATTORNEY HERRERA: Oh, was it?

COMMISSIONER MILLS: Yeah.

We did get -- so I told you before, we -- the hospital contract with Steve Boline to do some re- -- financial reviews and some things for the hospital. And he did a presentation the day before yesterday to the hospital staff. And he gave a long presentation. But they gave a -- they gave a short overview of what that presentation was. And some of the numbers do not look great. They are -- a lot of them are going the wrong direction. So a big part of fixing some of these problems is identifying the problems. And he's -- he's taken some big steps in that direction to help us identify what some of the real problems are at the hospital so that we can really start getting down to fixing them. So I do have that report if anybody wants to -- to take a look at that and see where some of those numbers are going.

Just a couple of other things. The hospital is getting a

new vehicle for long-term care. They do not have a way right now to get people around in wheelchairs to provide them care that they need and then get them places they need to go. If they need to go somewhere for a doctor visit outside the hospital or anything like that.

So we've approved a purchase of a new vehicle. It was -- this was through a grant so we're only paying 20 percent of the vehicle. So that helps. But at least now we can get our long-term care residents to some places they need to go, which hasn't been available before.

We also approved the purchase -- purchase of a new microfiche machine. And by doing the microfiche ourselves, instead of sending it out to be done, we should save $44,000 a year at the hospital, which -- this is another area we're looking at bringing some of these things in house and saving a lot of money by doing some things ourselves.

Other than that, we've had a couple of meetings pertaining to the levee. Of course, we have some people here from Corps of Engineers. We have Jeff Eisenberg and Tom was here somewhere. But that's on the agenda so I'm not going to go into that.

And that's all I've got.

COMMISSIONER BAKKER: Good deal. The rec center meeting, which is on the agenda and they're coming to present that. The pool demo is -- well darn near done. And I just want to thank Bert and all who helped with the demo. It helped save the county $250,000 doing it ourselves.

We had a subcommittee meeting on the courthouse, which I think the subcommittee and the committee are going to meet -- they're coming up brainstorming some ideas, which they're going to present to us hopefully sometime soon.

I had a conservation district meeting. There was no quorum.

I attended a convention and tourism meeting over our water rights and the golf course. And it went very well.

And, of course, we had a bunch of levee meetings, which everyone's here today to explain. So Art?

COMMISSIONER CLARK: I attended a planning commission meeting. There was nothing out of the ordinary that went on there. They just approved some variances and some use permits.

And I was at the public lands committee. And we -- the

public lands committee wants us to commit to supporting the injunction on the sage hen restrictions. I reported on this before the -- the special meeting, but I thought I'd bring it up again. It's beginning to take hold in the community. And the effects are starting to be realized. So hopefully we get more community and state support with this.

COMMISSIONER WAITS: Thank you. I did attend the Kingston Town Board meeting last evening. They're still writing letters, trying to get the titles back to their -- their equipment and their fire engines.

But unfortunately, our fire chief Adam Greenfield is stepping down. He's actually moving. And he's -- he's in the middle of several grants for them. And he said he would complete all those, but those should be done by the first of the year. So there is no assistant chief to step up right now. So that's kind of in a quandary as they'll be looking at newer things.

I do have a NACO meeting tomorrow, RTC meeting this afternoon. But I did want to report where we were on the waters of the U.S. because we've been following that so closely and writing letters in protest. And of course, it passed, as we know.

But over the last few months, through August and through September, there were several states that actually filed for an injunction against the implementation of that. And Nevada was one of them.

So the preliminary injunction to halt the implementation of the waters of the U.S. rule only apply to the 13 states. And the -- the -- the gentleman who actually made it, the ruling, said he -- he was looking into it to see whether it would go into a nationwide injunction or not.

Well, interestingly enough, back on this month in October, on October 19th, there was a big headline on the U.S. court of appeals. There's over 31 states that have filed one way or the other. The only thing that was allotted for the original injunction was the -- the appeal for the 13 states, which was Nevada.

But regarding the 31, it says, a federal appeals court has ordered the Environmental Protection Agency and the Army Corps of Engineers to temporarily delay the nationwide adoption of the

waters of the U.S. rule.

Now that's just temporary because they're still looking to see whether the -- the court has that kind of authority to hear the case or not.

So it's still up in the air. But we're still on track for everything.

And regarding the sage grouse implementation of -- of the new -- the new law that came down with all of the Department of Interior's planning on our -- our public lands, there have been several letters that have been written to the attorney general. He said that he will take care of that too and also letters in to Governor Sandoval, who's been on top of that the whole time. So that's encouraging.

And, yes, we are still getting more publicity and, of course, Senator Heller put out some publications also.

COMMISSIONER BAKKER: Did they say they were going to join the lawsuit? The state? Sandoval and --

COMMISSIONER WAITS: Or file their own.

COMMISSIONER BAKKER: Okay.

COMMISSIONER WAITS: But it seems to be very positive in that direction.

COMMISSIONER BAKKER: Okay.

COMMISSIONER CLARK: Did -- did you see the lawsuit in the very back of the packet?

COMMISSIONER WAITS: Yes.

COMMISSIONER CLARK: Okay.

COMMISSIONER BAKKER: Good deal.

COMMISSIONER WAITS: Thank you.

COMMISSIONER MILLS: Thanks, Patsy.

CHAIRMAN STIENMETZ: All I have is -- to report is tomorrow I have a SLUPAC meeting that is a joint meeting with NACO. And I plan on attending them both in Carson City.

And that's all I have.

COMMISSIONER BAKKER: Good deal.

STAFF REPORTS

CHAIRMAN STIENMETZ: Now, let's go to staff reports on meetings, conferences, and seminars attended.

KEITH WESTENGARD: All right. I think some -- several of the items I had have already been covered.

I did have a meeting with Bob Roper. He's the state forester for Division of Forestry. And we spoke about our wildland fire protection plan, which is our -- basically our insurance plan for wildland fires.

He gave me some ideas over the next several months, how to look at (indiscernible) and things within the county that will reduce that $150,000 annual fee. So we'll work -- work with that, as well as using the title -- some Title 3 funds to achieve some of these goals, to bring that -- bring that annual membership fee down.

Next Tuesday at 1:30, there is a DOT meeting at the civic center. Anybody who's interested in attending, they're going to discuss safety projects within the county that NDOT can help us out with or could do.

The levee's a big issue. And that's going to be addressed a little bit later in the meeting.

Doug, you touched on the hospital. You both touched on the NACO. So that's all I have right now.

COMMISSIONER BAKKER: Thanks, Keith.

CHAIRMAN STIENMETZ: All right.

PUBLIC COMMENT

CHAIRMAN STIENMETZ: Now let's go to public comment for non-agendized items only.

Persons are invited to submit comment in writing or -- and/or attend and make comments on the agenda items at the board meeting, if any.

And discussion of these comments at the direction [verbatim] of the board. All public comments may be limited to three minutes per person, again, at the discretion of the board.

Reasonable restrictions may be placed on public comments based on time, place, and manner. But public comments based upon viewpoints may not be restricted.

Do we have any public comments?

(No comment.)

CONSENT AGENDA

CHAIRMAN STIENMETZ: If not, let's go to consent agenda. All matters listed under the consent agenda are considered routine and may be acted upon by the Board of Commissioners with one action, without extensive discussion.

Any member of the board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.

Consent agenda -- consent agenda -- agenda materials are available at the Lander County Clerk's Office for viewing and copies are available for a nominal change -- change -- excuse me -- number one is agenda notice for October 22nd, 2015; two is October 8th, 2015, regular meeting minutes; three is payment of the bills, four is the payroll change -- change requests. And I was asked that we need to pull this because the numbers are not correct. Anybody have any --

COMMISSIONER WAITS: I'll make a motion we approve the consent agenda number one, agenda notice; number 2, October 8th, regular minutes; and number three, the payment of bills.

COMMISSIONER BAKKER: Second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

CHAIRMAN STIENMETZ: Aye.

FINANCE

1) Update on budget review, contracts, financial update, and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. Item 1. Update on budget review, contracts, financial update, and other matters properly relating thereto.

NAN ANCHO: Good morning.

COMMISSIONER BAKKER: Good morning, --
CHAIRMAN STIENMETZ: Good morning, --
COMMISSIONER BAKKER: -- Nan.
CHAIRMAN STIENMETZ: -- Nan.
COMMISSIONER WAITS: Good morning.
NAN ANCHO: Good morning. Nan with Finance.
I have a couple of things for you today.
The first one is the outstanding accounts receivables for the month of September: Water is at 17,408; sewer is 11,302 -- we have no outstanding miscellaneous Water/Sewer -- landfill, outstanding $21,651, for a total of $50,361.
I've given you the first quarter of our current fiscal year, '15/'16, revenues versus expenses. And I've listed, basically, all of our operating funds.
If you look at your first quarterly spreadsheet there. Those are our operating funds and our capital acquisition funds.
Someone asked me at the last time I presented this about the remaining funds because you get this treasurer's report here that lists every fund that we have.
Well, some of those funds are fiduciary funds. And for those of you that don't know what a fiduciary fund is, NRS 354.5237 defines a fiduciary fund as a fund used to report assets held in a trustee or agency capacity for others, and therefore cannot be used to support the programs of the local government.
So these are funds that are for specific purposes, like grants, capital, other boards. So we only have a few funds that we operate off -- off of.
So in first quarter, I gave you a total of revenues that we have received of $4,942,174. And our total expenses are six million nine hundred twenty-seven dollars -- nine hundred and fourteen dollars. So that puts us into a current negative status of one million nine hundred eighty-three dollars and seventy-three -- seven hundred and thirty-five dollars. That's just for the first quarter. So we'll just watch it, see how it goes for the rest of the year. The next page is a fund --
COMMISSIONER MILLS: That's encouraging.
NAN ANCHO: -- balance report for the first quarter.
Now the first column is unaudited. I will fill that in when we get our financial statement from our current audit with

the exact numbers. That's just the numbers that I brought forward from the last ending fund balance that we had on the books. That will be updated next -- the next quarter.

So we currently are budgeted for revenues at $22,451,325. We currently have received four million seven hundred seven dollars --$4,707,524. And our current budgeted expenses are 62 million, five hundred seventy-eight dol- -- five hundred seventy-eight thousand, three hundred and forty-four. And our current expenses for the quarter, we have spent $6,691,259.

So, like I said, we do have capital funds in this. The CC- - the CCP fund is included in this. That's why our expenses are budgeted so high. I do not have every single fund on here because, like I said, some of them are fiduciary funds. You can't operate on fiduciary funds.

COMMISSIONER CLARK: And this is where people in the community get very confused when they read the Bugle and they see -- they think we have a hundred forty-three million dollars sitting in the bank.

NAN ANCHO: Yes.

COMMISSIONER CLARK: And they don't understand that it's two different issues.

NAN ANCHO: Correct.

COMMISSIONER CLARK: And that's -- I get beat up pretty good on that regularly. I'm glad you brought this out again.

NAN ANCHO: Well, let's take, for example, funds 34, 35, 36, and 37, which are not on your spreadsheet. But they're on this sheet that you get every month from the treasurer. Those belong to the Town of Kingston. You don't --

COMMISSIONER CLARK: Which ones --

NAN ANCHO: -- have access.

COMMISSIONER CLARK: -- of those?

COMMISSIONER WAITS: They're not on here.

NAN ANCHO: They're on the -- on the report that Grace sends out every month.

COMMISSIONER CLARK: Okay.

NAN ANCHO: So they are --

COMMISSIONER CLARK: What's the number?

NAN ANCHO: -- not on this report because they're not ours. We cannot operate off of those funds.

COMMISSIONER CLARK: Right.

NAN ANCHO: And then you have the Fair and Rec Funds 45 --
COMMISSIONER CLARK: Right.
NAN ANCHO: -- and 46. Those are not ours. We do not operate off of those funds.
COMMISSIONER CLARK: But that's an overview of all the boards, all the money, all the property, all the equipment, --
NAN ANCHO: Yes.
COMMISSIONER CLARK: -- everything?
NAN ANCHO: Everything.
COMMISSIONER CLARK: Not cash on hand that we have to -- to use.
NAN ANCHO: This is the cash that's in the funds for each of the funds. But what this report does not show you is what we are budgeted for for the next -- for this current fiscal year that we're going to operating off of.
COMMISSIONER BAKKER: Nan, if you took CCP out of the equation, we're still over budget, regardless?
NAN ANCHO: Yes.
COMMISSIONER WAITS: Yes.
COMMISSIONER BAKKER: We need to bring that down.
NAN ANCHO: Yes. So then you'll be getting into your ending fund balances.
Now, the revenues, we don't always receive the revenues that we are expecting. You budget for them. But you don't always receive them.
COMMISSIONER BAKKER: Right. That's if we got every dime in that we thought we were and we spent every dime we budgeted for.
NAN ANCHO: Right.
COMMISSIONER BAKKER: We're still 10 million over budget? Nine million?
NAN ANCHO: Yes.
COMMISSIONER BAKKER: We need to get a handle on that.
NAN ANCHO: So we'll be looking at some new approaches come budget; right?
COMMISSIONER BAKKER: Right. Cuts.
NAN ANCHO: Yes. Do you guys have any questions?
COMMISSIONER BAKKER: Nope. Thank you, Nan.
CHAIRMAN STIENMETZ: Thanks, --
COMMISSIONER CLARK: Thanks, --

CHAIRMAN STIENMETZ: -- Nan.
COMMISSIONER CLARK: -- Nan.

BUILDING DEPARTMENT

2) Update on operations and projects for the Building Department and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. Let's go to Number 2. Update on operations and projects for the Building Department and other matters properly related thereto.

ANNA PENOLA: Good morning, everyone.

COMMISSIONER BAKKER: Good morning, Anna.

COMMISSIONER WAITS: Good morning, Anna.

ANNA PENOLA: Anna Penola, Building Department.

We had -- for September -- we had 16 new permits issued, three non-permit inspections, which are gas and electric.

Ongoing projects are AT&T Mobility at Stony Point, Antelope Valley, and Cortez.

AT&T Cortez Mine is adding and replacing and upgrading their tower.

T-Mobile Stony Point, adding cabinet and electrical.

New communication tower at Bald Mountain for Cortez.

AT&T new tower at the sheriff's office.

And a new tower right next to Pinion Construction has just been -- has come in.

In the south, we still have ongoing AT&T for the -- in town there for the water district.

Presently, we have ten open construction building permits in the south.

Austin ambulance with two new sleeping quarters, new kitchen, new bathroom, and new laundry facility is complete. And it's really nice. They did a really nice job.

Miscellaneous stuff. I have the Battle Mountain administration building is close to being final.

Lander County School District. The Battle Mountain elementary school is complete. Parking lot's complete.

At Lemaire school, Eleanor Lemaire, the new library, the new kitchen, computer lab, the new science lab are all complete.

The new athletic field is done. And the new gym is complete.

And you hadn't had a chance to go out and look at that, it turned out very, very nice. It's something to be proud of.

Thompson Dental is slowly getting closer to completion.

Baker Hughes office remodel and mill expansion is complete. We're just waiting on a final for the fire line.

Indian casino is starting to break ground. We have no jurisdiction, but it'll be nice to see.

COMMISSIONER BAKKER: Right.

ANNA PENOLA: Battle Mountain General Hospital submitted plans for Phase 2. And the plans are out for review.

Battle Mountain Airport fuel system has broke ground.

State of Nevada Water Resource will be here on November 2nd. And they're going to do a presentation at the civic center in the evening for town. But they're going to go to the elementary school and the junior high to do presentations for the kids. They have a re-creation model of what happens in a flood. It should be really interesting.

COMMISSIONER BAKKER: Cool.

ANNA PENOLA: And it's not your thing, but Dyno Nobel just submitted plan for a belt conveyor truckload facility.

COMMISSIONER BAKKER: Wow.

ANNA PENOLA: And then I was appointed as the interim building official on July 1st. I've been working really hard. I just wanted to give you an update of what I've been doing.

September 26th, I completed the commercial building inspector certification, which was grueling, but I did it.

COMMISSIONER MILLS: Good job.

COMMISSIONER WAITS: Congratulations.

ANNA PENOLA: Thank you. I currently have four certifications. I have residential building, commercial building, mechanical inspector, and manufactured housing inspector.

I've set up schedules for inspections for maintenance on the buildings, all county buildings, twice a year.

Bert goes with me on the ones that pertain to him, like the ball fields and golf course that are in his area.

Bert and I have been working very hard on routine maintenance that comes up. And that saves the county because we're not contracting out with the handyman. We're keeping it

all internal, unless it's specified for electrical or mechanical or something like that.

I've set up use agreements for the ball fields and keep a closer eye on the concession stands and the maintenance of that.

COMMISSIONER BAKKER: You guys cleaning that all up? The one ball field there was a problem.

ANNA PENOLA: Yep. Yep. And working on the little league now that it's back to us, we're going to get that all taken care of, too.

COMMISSIONER BAKKER: Okay, good deal.

ANNA PENOLA: Joe's very close to having the 2012 code cycle ready for your guys' approval. That way we'll be in line with everybody -- most of the county's, everybody's on the '12. So that will good for contractors and for us also.

I don't remember the date, but with Patsy's help, we did a town meeting in Austin over some ordinance questions. It was a great turnout. I had about 40 or over 40 people came. And it was a real positive meeting. It went well.

And if you have any questions or need me, I'm always available by phone. I'm here to help make Lander County a better place for all of us.

COMMISSIONER BAKKER: Thanks, Anna.

COMMISSIONER MILLS: Question on the Dyno Nobel. Are they reopening out there or what --

ANNA PENOLA: All I know is it's a truckload conveyer belt for -- I don't know.

CHAIRMAN STIENMETZ: Well, they used to load a silo end up into the trucks. And now they'll be loading directly from the belt --

ANNA PENOLA: Okay.

CHAIRMAN STIENMETZ: -- into a truck.

COMMISSIONER BAKKER: Hey, --

CHAIRMAN STIENMETZ: Okay.

COMMISSIONER BAKKER: -- the AT&T towers, what's taking so long?

ANNA PENOLA: AT&T.

COMMISSIONER BAKKER: Okay. They've been working on that for, like, two years or longer.

COMMISSIONER CLARK: Yeah, I -- I have a question on that. Jan, didn't we approve an antenna on the roof of the sheriff's

office?

COMMISSIONER BAKKER: Yeah, that's (indiscernible).

COMMISSIONER MILLS: We didn't want to move the courthouse.

COMMISSIONER CLARK: Is this two different things?

COMMISSIONER BAKKER: Yeah.

COMMISSIONER MILLS: Yeah.

DISTRICT ATTORNEY HERRERA: That's Austin.

COMMISSIONER BAKKER: Yeah, that's Austin.

COMMISSIONER CLARK: Oh, okay. This is for the sh- -- okay.

DISTRICT ATTORNEY HERRERA: Austin.

ANNA PENOLA: Okay.

COMMISSIONER BAKKER: Okay. Thanks, Anna.

ANNA PENOLA: Thank you, guys. It was a --

CHAIRMAN STIENMETZ: Thank you.

COMMISSIONER WAITS: Thank you, Anna.

ANNA PENOLA: I always have my phone. Give me a call if you have any questions.

COMMISSIONER MILLS: Thanks.

3) Discussion for possible action regarding the possible sale of C-119G aircraft and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. Now let's go to Item 3. Thank you, Anna.

Discussion for possible action regarding the possible sale of C-119G aircraft and other matters properly related thereto.

JOE LINDSEY: Good morning.

COMMISSIONER BAKKER: Good morning, Joe.

JOE LINDSEY: Joe Lindsey with the safety department. Unofficial.

Over the past few months, I've gotten two calls in my office from interested people, from people showing interest in -- in purchasing that C-119G aircraft out there. They call it the boxcar.

Apparently it's been sitting out there since like 1995 or something like that.

FAA kind of took it off the flight line for fighting fires.

Apparently, it had a lot of mechanical problems that just, you know, it would come down to drop its load and just keep

going down. It couldn't pull back out of it, apparently. So...

COMMISSIONER MILLS: That's kind --

JOE LINDSEY: They had a --

COMMISSIONER MILLS: -- of bad.

JOE LINDSEY: -- lot of wrecks. So they pulled -- they pulled that thing out. The company that --

COMMISSIONER MILLS: Someone wants to buy it?

JOE LINDSEY: Pardon me.

COMMISSIONER BAKKER: And someone wants to buy it?

JOE LINDSEY: Somebody. Yeah.

CHAIRMAN STIENMETZ: For a museum.

JOE LINDSEY: And it's basically the people that are -- that are showing interest, some of them are ex-military. And they have -- it's for their -- their museums, basically.

But they'd have to come out and look over, what the condition is and stuff.

However, FAA -- the plane presently belongs to the Forest Service. Okay?

Since it has been abandoned on our property for a number of years, I spoke with a gentleman at the FAA, and he stated that our legal counsel could do a -- I've got to find what they called that here -- ownership transfer, non-judicial sale, basically, where our legal counsel would fill out the paperwork. I don't know what's involved in that, Ted. I'm sorry. However, do a non-judicial sale, a forfeiture sale.

And then the sheriff can issue a bill of sale, basically, to the county. The county can register the aircraft through the FAA. I don't know what the cost is for that, just a registration fee to put the aircraft in our name, apparently, the county's name. And then the county can do whatever they want with the airplane.

If the commission, unless you guys can make that thing go away, that would be a way to do it.

So just basically, just wanted to bring that to your attention. If you guys would like to -- to see that happen, I guess kind of your call.

COMMISSIONER BAKKER: How much is the plane worth?

JOE LINDSEY: You know, I don't know. And that's something I told these people, you know, it's something that we have to get an appraisal on. I don't know if it's even operable. You

know, it's been sitting there for 15 years. So hard to say.

We'd have to get a company to come out and take a look at it.

And of course the people who are interested in purchasing would have to take a look at it as well because they're going to make offers based on whatever they feel it's worth. However, if they chose not to purchase it for whatever we were asking for it, then we could always, you know, advertise it and see if maybe we could get rid of it that way. Maybe part it out. Take the whole part.

COMMISSIONER WAITS: So the question is: Could we have them come out and look at it and make a determination before we go to the trouble of doing all of this on the expense of registering it again?

JOE LINDSEY: Well, I suppose, I suppose that's a possibility. And I didn't think to ask the FAA what the registration fee would be. However, before we sell it, we'd still have to go through the process to get it in our name.

COMMISSIONER WAITS: I understand that. But I'm going --

JOE LINDSEY: But yeah, absolutely.

BERT RAMOS: Bert Ramos, for the record.

Has anybody contacted the Forest Service to see if they wouldn't just sign over the title? If they're even intere- -- I mean, if it's their plan?

JOE LINDSEY: And I don't know if they're actually titled, Bert. I think it's just something -- I don't know how the paperwork trail works on an -- on an aircraft. But we can look into this further, you know. I don't know who the contact person would be for the -- for the forest service. They're kind of like dealing with the railroad.

UNIDENTIFIED MALE PARTICIPANT: Isn't it just abandoned?

JOE LINDSEY: Pardon me.

UNIDENTIFIED MALE PARTICIPANT: Isn't it abandoned?

DISTRICT ATTORNEY HERRERA: It's abandoned.

UNIDENTIFIED MALE PARTICIPANT: So doesn't the title revert?

DISTRICT ATTORNEY HERRERA: Well, it doesn't revert until we do a forfeiture action.

JOE LINDSEY: And the guy at the FAA said it was -- it would be a simple zap for a legal counsel to do a forfeiture.

DISTRICT ATTORNEY HERRERA: Well, it's not simple because --

JOE LINDSEY: Well --

DISTRICT ATTORNEY HERRERA: -- we're dealing with federal government.

JOE LINDSEY: Yep. Well, anyway. I'm just --

DISTRICT ATTORNEY HERRERA: I'm just saying.

JOE LINDSEY: We can get more answers.

COMMISSIONER CLARK: I think the intent of those planes out there was to start some kind of a museum. And it -- it just fell on its face.

JOE LINDSEY: That was only for the fighter aircraft that were --

COMMISSIONER MILLS: Right.

JOE LINDSEY: -- that -- that plane didn't have anything to do with --

COMMISSIONER CLARK: It just --

COMMISSIONER MILLS: Right.

COMMISSIONER CLARK: -- showed up --

COMMISSIONER MILLS: That one -- that one --

COMMISSIONER CLARK: -- as a UFO?

COMMISSIONER MILLS: -- kind of ended up over there.

JOE LINDSEY: It just ended up over there to keep it from being vandalized.

COMMISSIONER WAITS: So this is -- what? -- the forerunner to the C-130?

JOE LINDSEY: No, --

COMMISSIONER MILLS: Mm.

JOE LINDSEY: -- it's the boxcar. It's the F -- or the C-119. It's the great big one. It's not the jet out there. There's one jet out there belongs to the --

COMMISSIONER WAITS: But I mean it's the forerunner, I'm saying.

JOE LINDSEY: Oh. Forerunner to the C-130.

COMMISSIONER WAITS: To the C-130.

JOE LINDSEY: Yeah.

COMMISSIONER WAITS: Is it not?

JOE LINDSEY: Yeah. Yeah. Yeah. Yeah. Yeah.

COMMISSIONER WAITS: Okay, the big huge -- okay.

JOE LINDSEY: Right. Right. Yeah, it's a transport plane.

Yeah.

COMMISSIONER BAKKER: Got any problems with this, Ted?

DISTRICT ATTORNEY HERRERA: I have a problem with you -- you taking possible action on -- on the sale of the vehicle. I'd rather you take a -- take action on -- on a process to --

COMMISSIONER MILLS: Acquire the vehicle.

DISTRICT ATTORNEY HERRERA: -- acquire the airplane.

COMMISSIONER MILLS: Yeah.

DISTRICT ATTORNEY HERRERA: And then after -- and if you put me on that, that's fine. I'll work with Joe, and we'll do that. But we -- we can't auth- -- you can't decide to sell something we don't own.

COMMISSIONER MILLS: Right.

COMMISSIONER BAKKER: I got you.

Okay. I'm going to make a motion to direct the District Attorney's Office to draw up a non-traditional forfeiture -- I guess it says sell -- to get the title on the C-119G aircraft at the airport.

COMMISSIONER MILLS: I'll second that.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER MILLS: As long as it's more work for Ted.

DISTRICT ATTORNEY HERRERA: Yeah. I appreciate it.

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

CHAIRMAN STIENMETZ: Aye.

JOE LINDSEY: Thank you.

PLANNING DEPARTMENT

4) Discussion for possible action regarding approval/disapproval of the following parcel map: Lot 18 -- Ashcraft Map #183519 (generally located west of 28th Street, north side of Yellow Brick Road alignment, Battle Mountain, LC APN 101-280-21) splitting one (1) parcel into four (4) parcels, is brought before the commission for consideration, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Now we'll go to Item 4. Planning Department. Discussion for possible action regarding approval/disapproval of the following parcel map, lot 18, Ashcroft [verbatim] map, number 185 -- 183519, generally located west of 28th Street, north side of the Yellow Brick Road alignment, Battle Mountain LC APN 101-280-21, splitting one parcel into four parcels, is brought before the commission for consideration, and other pro- -- and other matters properly relating thereto.

JAN MORRISON: Jan Morrison, Planning Commission. These maps have been -- these maps have been approved by the planning commission subject to a signature by Lura Duvall, who was out of town last time when they were approved. Lura has since signed.

And just so you know, the improvements have been done and they've been accepted by Road and Bridge. Mr. Wintle has done a great job out there.

However, between hunting season and fire season, both my chair and vice chair have been out. So I would ask that you would consider approving them subject to the signature of the planning commission.

I do have the minutes for you to see. And hopefully, we have a successful hunt and I have a chairman back in town.

DISTRICT ATTORNEY HERRERA: Yes. Your motion would have to be subj- -- just as Jan points out -- would be subject to the signature of the planning commission chair. For both this item and the next item.

JAN MORRISON: Okay. I can bring both maps up. Chairman, would you like to have both maps up?

COMMISSIONER BAKKER: And you've got to authorize the chair to sign, though; right?

DISTRICT ATTORNEY HERRERA: Yeah.
CHAIRMAN STIENMETZ: Yeah.
JAN MORRISON: Subject to the --
DISTRICT ATTORNEY HERRERA: Subject to one signature and -- and you authorize the chair to sign.
CHAIRMAN STIENMETZ: But I don't want to sign them until after I get that --
DISTRICT ATTORNEY HERRERA: No.
JAN MORRISON: No.
CHAIRMAN STIENMETZ: -- other signature.
DISTRICT ATTORNEY HERRERA: No, --
JAN MORRISON: No, but you --
DISTRICT ATTORNEY HERRERA: -- you don't.
JAN MORRISON: But did you want to review them?
CHAIRMAN STIENMETZ: No, --
JAN MORRISON: Okay.
CHAIRMAN STIENMETZ: -- we've looked at them before.
JAN MORRISON: All right.
COMMISSIONER CLARK: You have a time card, Mr. Wintle? You're here a lot.
JAY WINTLE: Yeah.
COMMISSIONER BAKKER: I'm going to make a motion to approve the parcel map, lot 18, Ashcraft, map #183519, splitting one parcel into four parcels, subject to the planning commission chair to sign, and authorizing our chair to sign.
COMMISSIONER CLARK: Second.
CHAIRMAN STIENMETZ: Any public comment?
(No comment.)
CHAIRMAN STIENMETZ: All in favor?
COMMISSIONER BAKKER: Aye.
COMMISSIONER MILLS: Aye.
COMMISSIONER CLARK: Aye.
CHAIRMAN STIENMETZ: Aye.
COMMISSIONER WAITS: Aye.

5) **Discussion for possible action regarding approval/disapproval of the following parcel map: Lot 18 -- Ashcraft Map #183519 (generally located west of 28th Street, south of the Yellow Brick Road alignment, Battle Mountain, LC APN 101-280-25) splitting one (1) parcel into four (4) parcels, is brought before the commission for consideration, and other matters properly related thereto.**

CHAIRMAN STIENMETZ: Now we'll go to 5. Discussion for possible action regarding approval/disapproval of the following parcel map: Lot 18, Ashcroft [verbatim], map #183519, generally located west of 28th Street, south of the Yellow Brick Road alignment, Battle Mountain LC APN 101-280-25, splitting one parcel into four parcels, as brought before the commission for consideration, and other matters properly related thereto.

COMMISSIONER BAKKER: Same --

CHAIRMAN STIENMETZ: Same thing.

COMMISSIONER BAKKER: -- thing? Everything's normal?

JAN MORRISON: It is the same thing.

COMMISSIONER BAKKER: Okay.

I make a motion to approve the following parcel map: Lot 18, Ashcraft -- Ashcraft, map #183159 [verbatim], splitting one parcel into four parcels, subject to the planning commission chair to sign, and authorizing our chair to sign.

COMMISSIONER CLARK: Second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

JAN MORRISON: Thank you very much.

CHAIRMAN STIENMETZ: Thank you.

COMMISSIONER BAKKER: Thank you.

COMMISSIONER WAITS: Thank you, Jan.

COMMISSIONERS

6) Discussion for possible action to approve updated job description for Accounting Specialist I, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Item 6, discussion for possible action to approve updated job description for Accounting Specialist I, and other matters properly related thereto.

NAN ANCHO: Hi. Nan, Finance.

I creat- -- I tweaked this job description so that I can make a job description for an Accounting Specialist II. Because it's in the job classification of the union contract, but there wasn't a job description for the second level.

So I built -- the Accounting Specialist I to match the job duties that are currently in that position and then the second one, which will come later.

COMMISSIONER BAKKER: Okay.

NAN ANCHO: So I just need you to say yes.

COMMISSIONER WAITS: I'll make a motion we approve the updated job description for Accounting Specialist I position.

COMMISSIONER BAKKER: Second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER MILLS: Aye.

CHAIRMAN STIENMETZ: Aye.

COMMISSIONER WAITS: Aye.

7) Discussion for possible action to approve updated job description for Accounting Specialist II, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Number 7. Discussion for possible action to approve updated job description for Accounting Specialist II and other matters properly related thereto.

NAN ANCHO: Okay. So this is the new job description because there was not a description for the second level. So...

COMMISSIONER BAKKER: Okay.

NAN ANCHO: And it was in a job classification, but not a job description to back it up.

COMMISSIONER WAITS: So --

COMMISSIONER BAKKER: Got you.

COMMISSIONER WAITS: -- we have other positions through the union that we don't have job descriptions for? Or does this bring us up to date? Or...

DISTRICT ATTORNEY HERRERA: It doesn't bring us up to date. I believe we need --

NAN ANCHO: We're working on it.

DISTRICT ATTORNEY HERRERA: We're working on it.

NAN ANCHO: This is --

COMMISSIONER WAITS: Okay.

NAN ANCHO: This is part of the process.

DISTRICT ATTORNEY HERRERA: Yes.

COMMISSIONER BAKKER: Ongoing.

NAN ANCHO: Yes.

COMMISSIONER BAKKER: So I'll make a motion to approve the updated job description for Accounting Specialist II.

COMMISSIONER CLARK: Second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER MILLS: Aye.

CHAIRMAN STIENMETZ: Aye.

COMMISSIONER WAITS: Aye.

COMMISSIONER CLARK: Aye.

NAN ANCHO: Thank you.

CHAIRMAN STIENMETZ: Thank you, --

COMMISSIONER BAKKER: Thanks, Nan.

CHAIRMAN STIENMETZ: -- Nan.

8) Discussion for possible action regarding water and sewer rates for RV parks and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. Number 8. Discussion for possible action regarding water and sewer rates for RV parks and

other matters properly related thereto.

DISTRICT ATTORNEY HERRERA: This was put on -- or the agenda request is from Randy Clark. And I don't see Randy.

COMMISSIONER BAKKER: See what the county has.

LESLEY BUNCH: He stepped out a second.

KEITH WESTENGARD: Oh.

COMMISSIONER MILLS: That's what we really have.

COMMISSIONER BAKKER: That's what we truly have.

CHAIRMAN STIENMETZ: Okay.

COMMISSIONER BAKKER: Just FYI.

COMMISSIONER MILLS: I've just been working on budget (indiscernible).

COMMISSIONER BAKKER: Actually, it's more like six because you've got to take out the other (indiscernible).

COMMISSIONER MILLS: Oh, okay.

COMMISSIONER WAITS: So Keith, on this agenda then, when we're saying we're looking at water and sewer rates for RV parks, we're looking at them just for Battle Mountain?

KEITH WESTENGARD: That -- that's --

RANDY CLARK: I got all the information.

KEITH WESTENGARD: Yes, that's the request, the way it was put.

COMMISSIONER WAITS: Okay.

COUNTY CLERK SULLIVAN: Randy?

COMMISSIONER WAITS: The agenda --

RANDY CLARK: Yes.

COUNTY CLERK SULLIVAN: Do you need this one? I'll have her --

RANDY CLARK: I don't know where my wife's at. She has --

COMMISSIONER CLARK: It would have to --

RANDY CLARK: -- the PowerPoint.

COMMISSIONER CLARK: -- be for all of --

RANDY CLARK: She's probably having problems with it.

COMMISSIONER CLARK: -- Lander County.

COUNTY CLERK SULLIVAN: Okay.

COMMISSIONER WAITS: Not necessarily.

RANDY CLARK: But I got -- I got it --

COMMISSIONER WAITS: Water and sewer --

RANDY CLARK: -- on paper --

COMMISSIONER WAITS: -- is separate --

RANDY CLARK: -- in case you did have a disaster.
COMMISSIONER WAITS: -- in Kingston and Austin.
COMMISSIONER CLARK: Our water?
COMMISSIONER BAKKER: Well, yeah, your water -- the water and sewer --
COMMISSIONER CLARK: Yeah.
COMMISSIONER BAKKER: -- in Austin's the water and sewer department in Austin.
COMMISSIONER WAITS: And -- and Kingston.
COMMISSIONER BAKKER: Right.
COMMISSIONER WAITS: So this should read Battle Mountain?
DISTRICT ATTORNEY HERRERA: But we don't know what he's asking for, Patsy, is what we're saying.
RANDY CLARK: We did have a PowerPoint but the -- we're having problems. She's have problems with cap- -- or whatever you call it.
Anyway, I'm Randy Clark with Clark Park here in Battle Mountain.
I did want to pass those out.
I wasn't quite ready. I thought I had ten more minutes or twenty minutes. We also have a couple of other people here.
In your packets that we sent -- I sent earlier, what I've done is I went to the two adjoining counties.
Basically, in Battle Mountain, we're competing with -- by the way, good morning. I'm Randy Clark, --
COMMISSIONER BAKKER: Good morning, Randy.
RANDY CLARK: -- for the record.
COMMISSIONER CLARK: And for the record, Randy Clark is not a relative of mine. He's just fortunate enough to have the same last name.
RANDY CLARK: And Art's a -- Art's my brother from an ugly mother.
COMMISSIONER CLARK: But I'm much more handsome than Randy will ever be.
RANDY CLARK: Anyway, I'm here to discuss the sewer rates in Battle Mountain and the challenges of operating a business in Lander County compared to com- -- to our competition, to our east Winnemucca and to our west Elko.
We're supposed to have a slide.
And on that paperwork you were looking at there -- this is

my September bill. You guys got that there? This is my September bill for Lander County.

Our water, we used 133,000 gallons. With a -- with the meter, we get 5,000 gallons. With the meter fee. So it's -- so I computed it at 128,000 gallons. Can you see that? Are you on the right page, everybody?

COMMISSIONER BAKKER: Yeah.

RANDY CLARK: Everybody else?

Okay. Anyway, basically our water for -- the water we consume was $153.60.

Our meter, in Battle Mountain for our six-inch meter -- we have to have a six-inch meter because have fire flow in our RV park. Our meter in Battle Mountain is $844 and 60 -- or 46 cents.

We had -- last month we had 48 units on our services. In Battle Mountain, we -- the total -- well, the total on the water was 990 -- 99 dollars -- 998.06 for our water.

And, for our sewer, it was $2,211. To figure the sewer, I don't know how -- what the sewer rates are. If you look on that packet I have for you guys, in Battle Mountain, it'd been on the previous packet that I give to your secretary. Here's the -- it looks like this right here. You guys got that in your packet?

COMMISSIONER BAKKER: No.

COUNTY CLERK SULLIVAN: I think it's the second page.

KEITH WESTENGARD: Second page right after the agenda request form.

COMMISSIONER BAKKER: Oh. In the packet.

KEITH WESTENGARD: Yeah.

RANDY CLARK: It's in your packet.

COMMISSIONER BAKKER: Yeah.

RANDY CLARK: Okay, that's the Battle Mountain rates.

COMMISSIONER BAKKER: Hey, Randy, how -- how -- what's your full capacity at your park?

RANDY CLARK: We have 92 spots --

COMMISSIONER BAKKER: Oh.

RANDY CLARK: -- with everybody, with the RVs and the mobile homes.

Okay. This gives you the rates, but it doesn't tell us -- on this thing, it doesn't -- it tells us nothing on the sewer rates for commercial.

To -- and our bills, if you look at a bill, that's in that packet too. You see the bill. This is my water bill. Do you guys see that?

If -- I don't know how you -- how you would tell me what the sewer cost per -- per person, but it says sewer, $2211. See that?

CHAIRMAN STIENMETZ: Uh-huh.

RANDY CLARK: How do we come up with that? There's no cons- -- there's no, you know, there's no figures.

But if you look on your monthly services, it says, the sewer -- there's -- just has the water rates and the residential monthly sewer rates. It doesn't have nothing about commercial or any of the other stuff.

Anyway, what I've done is I went to Winnemucca and Elko. Winnemucca and Elko are so simple that it's unbelievable, especially Elko.

Elko has simplified the system way beyond the means of anything.

But if you look at your packet, this is in there too. This is Winnemucca's billings. You got that one? This --

COMMISSIONER BAKKER: Yeah.

RANDY CLARK: -- would be in the packet.

COMMISSIONER BAKKER: Oh.

RANDY CLARK: Is everybody on that page?

Are you ready?

Okay. In Winnemucca, they have a base rate for your sewer of $30 for single family residents, including mobile homes and manufactured homes. It's -- they multiply it on a one-point basis, which would be $30.

Multiple family housing dwelling units, they multiply it on a one-point basis, which is $30.

Apartments per unit, they base it on a one-point multiplier, which is $30.

Mobile home park per unit. Mobile homes are billed based on a $30 rate.

Motels per unit are based on a .4 rate.

Recreational vehicle RV park are based and .4 rate.

Rooming and housing units are based on a .4 rate.

Okay. Going back to the other sheet -- ready to go with that? -- in Winnemucca, they don't give you a break for the meter. They -- so we'd be using $133,000 gallon -- gallons

times a $1.25, which comes up to $196.77, which is a little bit higher than our water by a nickel a thousand.

The meter rate in Winnemucca is $30.52 for a six-inch meter.

In Battle Mountain, once again, back to Battle Mountain's water rate -- or meter rate, it's four $844.45. $844.45. That's, like, 250 times the price that I'm paying. If I was in Winnemucca, that's the difference.

The sewer in Winnemucca, doing the multiplier, I'd have 16 mobile homes, which would be $480. And then laundromat is a multiplier. There's two. We'd multiply it for a two for the laundromat, like they did in Battle Mountain.

But anyway, on the RVs it would be $360. My bill in Winnemucca would be $1,096.77, which would be less than a -- basically a third of what it is in Battle Mountain.

So in Battle Mountain I'm paying $3,032 and in Winnemucca I'd be paying 1100 bucks.

Did you get it working?

CINDY CLARK: Yes.

RANDY CLARK: It'll make it simpler when we -- well we'll be done by the time we get there.

In Elko, Elko's even simpler. Elko you could have 5,000 mobile homes in there. You could have 20,000 commercial units. Elko has a simple formula. They have a meter fee. So in Elko County, we would be charging -- they would charge me 133,000 gallons times $1.02, which brings it down to $287.87.

Our meter fee in Elko would be $152.20, which would bring -- brings my water to a total of 300 -- or wait. Let's see -- no, that's a -- but anyway, that's added in there.

The two of the -- would be $287 for the water and sewer in Elko.

These -- there's a water only.

The sewer, they have a simplified rate. They multiply -- every gallon of water you use, they multiply the sewer times 2.29, which, once again, I'd be 133 times 2.29, which would be $304.57. In Elko -- my water bill in Elko would be $592.43. In Battle Mountain, my water bill is $3,221.

So that's basically a five times higher in Battle Mountain than it is in Elko.

They have the meter fees broken down on this other packet

for Winnemucca.

Another thing, in Battle Mountain, going to our tax rates, comparisons between the three counties. Battle Mountain, our sales tax rate is 7.1 percent. In Winnemucca, our sales tax -- their sales tax rate is 6.85 percent. In Elko, their tax rate is 6.85 percent. Property taxes in Battle Mountain is the highest in the state at a rate of 3.3597 percent. And that's this sheet here. Have you guys seen that sheet?

Okay. In Winnemucca, our tax rate's almost 1 percent different of 2.5526 percent. In Elko, it is 2.897 -- or -969 percent.

Our fuel tax rate in Battle Mountain, for every gallon of gas you buy, is 50 -- 50 cents or 50.22 cents. In Winnemucca, it's the same. In Elko, it's 1.774.

This goes to prove that -- in Elko is ten times the size of Lander County and Winnemucca. And all our business is going to Elko. You know our local -- our local businesses here, we're all competing -- in northern Nevada we're all competing against each other, whether anybody likes that or not. Battle Mountain doesn't have the services to offer.

Our taxes are higher. Our water's higher. Our water's three to five times higher. Our taxes are higher. It encourages -- if I'm a business person coming to town, it encourages people to -- to look at the other counties instead of our county.

We need to -- we need to adjust some things here and make it so our businesses are at least viable here. At least we can, you know, help our businesses out. We can't -- we can't afford these water bills. Penny was supposed to be here. John -- John could discuss his -- his issues.

COMMISSIONER BAKKER: I agree. All of this is really high, Randy. I totally agree. The one thing, though, we all need to take into consideration is there's only two counties in the state of Nevada that are debt free right now.

RANDY CLARK: And we're one of them.

COMMISSIONER BAKKER: Yeah.

RANDY CLARK: And I also have that -- let me show you that. Okay, if you go to the treasurer's report, --

COMMISSIONER BAKKER: Hey, is Grace here? Can someone get Grace?

KEITH WESTENGARD: I could go look, but I don't think she's here.

UNIDENTIFIED FEMALE PARTICIPANT: I'll go get her.

COMMISSIONER BAKKER: Oh, that's convenient.

RANDY CLARK: If you go to the treasurer's report, -- I handed out one of those to you guys when I handed them to the audience -- if you take the whole fund that Lander County has, we have 151 million -- this is as of October 16th, 2015, which was last week. We have $151 million in the coffers, all the coffers. And I know Nan talked about that earlier. But there's another handout here.

COMMISSIONER BAKKER: Here's the -- well, go ahead.

RANDY CLARK: But anyway, interesting tidbit. I was driving down the road the other day and I -- and they -- it was on the radio that 60 percent of the families in the United States -- this will blow you away -- 60 percent of the families in the United States have less than a thousand dollars in their savings account. Do you know that?

COMMISSIONER WAITS: Yes.

RANDY CLARK: Does that blow you away?

COMMISSIONER WAITS: Not really. It's been reported --

RANDY CLARK: It's --

COMMISSIONER WAITS: -- for many years like that.

RANDY CLARK: Okay.

COMMISSIONER WAITS: And it hasn't changed much.

RANDY CLARK: In our Lander County landfill fee, we have $6.48 million in that account. You divide that by -- we have -- according to Jan, we have 6400 residents in our county. You divide that out. We have -- we have -- we have a thousand -- a thousand dollars -- where's my figures. I don't want to get this wrong.

JOHN FULLER: It's like a --

RANDY CLARK: Okay. Okay. Can you make it a little smaller, Cindy?

COMMISSIONER WAITS: Excuse me, Mr. Clark.

RANDY CLARK: Yes.

COMMISSIONER WAITS: You're giving us the numbers of 6400 for the whole county.

RANDY CLARK: Sixty-four hundred is our per -- that's what Jan told me. I called her the other day.

COMMISSIONER BAKKER: For Battle Mountain?

COMMISSIONER WAITS: But --

RANDY CLARK: For the county.

COMMISSIONER WAITS: No, for the whole county. But you're using the revenue from just Battle Mountain? Is that --

RANDY CLARK: No, this is the -- this is off your treasurer's report. This is Lander County's treasury department.

COMMISSIONER WAITS: Yes, but you have to understand that we have two other water departments in this county.

RANDY CLARK: Yeah. But this has nothing do with the water department right now. This is just showing what the county's -- how the county's setting financially. Up here, if you want to read it up there. You see what I'm saying?

COMMISSIONER WAITS: I do. I just don't think it's a fair comparison when you're taking the northern part of the county and using all the population for the whole county.

RANDY CLARK: This has nothing do with the water right now. I'm just making a -- I'm making a point of where we are in our taxes in our county. Let me -- let me finish my -- and I'll have you -- I gave you --

Anyway, interesting tidbit, I heard it on the radio the average family doesn't have a thousand dollars in their saving account.

In our treasurer's report, on line 11, the Lander County landfill has six and a half million dollars. Divide that by 6400 residents, that's a -- that's a balance of $1,000 -- or $1,012 per person in Lander County. For a family of four, that's $4,000 we have just in our landfill fee. And I don't know what -- that -- it just kind of stuck out and showed me that.

Anyway, Lander County has a total of $151,820,000 in its coffers. According to Jan Morrison, the county has 6400 residents in Lander County divided by 151 million, that's $23,000 -- $23,700 per person for every person we have in our county. For a family of four, that's $94,877. My question is: Why are we got the highest tax rates in the state?

COMMISSIONER CLARK: Nan? Well, the highest tax rates in the state were set way before this commission.

RANDY CLARK: And we have no debt.

COMMISSIONER CLARK: Have you --
RANDY CLARK: I understand.
COMMISSIONER CLARK: -- come before previous commissions with this concern?
RANDY CLARK: No, I just --
COMMISSIONER CLARK: When the taxes were set so high, did you protest that then?
RANDY CLARK: At that time, we had debt. We have no debt anymore. All the --
COMMISSIONER CLARK: I didn't ask --
RANDY CLARK: -- debt has been --
COMMISSIONER CLARK: -- you that.
RANDY CLARK: -- paid.
COMMISSIONER CLARK: I asked you: Did you protest at that point when the taxes were so high and they were interfering with --
RANDY CLARK: No.
COMMISSIONER CLARK: -- businesses coming?
RANDY CLARK: No. The reason I didn't protest is because I used to be a business that was growing in Battle Mountain.
COMMISSIONER CLARK: Okay.
RANDY CLARK: And I was -- you can't stir up a lot of stuff when you're growing. You've got to -- you've got to go with the flow. I no --
COMMISSIONER CLARK: Okay.
RANDY CLARK: -- longer invest it in Lander County. I'm done investing in Lander County. I've taken my investments and I'm moving to the Elko County where all the smart money's moving.
COMMISSIONER CLARK: Okay.
RANDY CLARK: And that's what I plan on doing until the business in -- until we change our --
COMMISSIONER CLARK: So --
RANDY CLARK: -- environment --
COMMISSIONER CLARK: Elko --
RANDY CLARK: -- here.
COMMISSIONER CLARK: Elko County's selling their water at 18,000 gallons per $1.02.
RANDY CLARK: Uh-huh.
COMMISSIONER CLARK: Okay. We're selling it a thousand

gallons for $1.20.

RANDY CLARK: It's the meters is what's killing --

COMMISSIONER CLARK: Do you know --

RANDY CLARK: -- us.

COMMISSIONER CLARK: Do you know that the rates were set in conjunction with the grants that we --

RANDY CLARK: Exactly.

COMMISSIONER CLARK: -- received?

RANDY CLARK: I do. And the grants have all been paid off. But how come they never have --

COMMISSIONER CLARK: But they still -- they still --

RANDY CLARK: How come they never changed them?

COMMISSIONER CLARK: They still set the rates.

RANDY CLARK: They set the --

COMMISSIONER CLARK: The rates --

RANDY CLARK: -- rates.

COMMISSIONER CLARK: -- were set because --

RANDY CLARK: Until --

COMMISSIONER CLARK: -- of grants.

RANDY CLARK: Until the balances of those grants were changed.

COMMISSIONER CLARK: Now, on the $151 million, Nan's going explain that to you. Come on up, --

NAN ANCHO: The --

COMMISSIONER CLARK: -- Nan.

NAN ANCHO: Nan Ancho, Finance.

The water/sewer in Mount Louis are enterprise funds. They have to operate off of fees that they charge for services. They don't get any money off of *ad valorem* property taxes. They're not -- they're not attached in any way.

RANDY CLARK: We have ten million in the fund, though.

NAN ANCHO: Okay. So on the water, sewer -- or on the sewer fund, there's a quarter percent option tax that goes into that fund, that if we don't claim it, somebody else will. Okay. That's for future infrastructure. That is not part of services. And that is not part of operating. That's the bill for future repairs to the sewer treat- -- water treatment plant.

So like I said, the enterprise funds are self supporting. So if we don't have increase of services hook up -- new hookups every year, if -- and our operating costs are going higher, we

then have to raise our rates to compensate. Otherwise, we start laying people off.

RANDY CLARK: Well, I've got a question. How come I'm paying for a meter, just -- just the meter alone, how come Elko is 150 -- what is it? $152 -- and then Winnemucca is $30. And how come it's eight hundred and eighty -- or forty-four dollars in Lander County?

NAN ANCHO: I can't --

RANDY CLARK: Who sets those rates?

NAN ANCHO: -- explain Elko or Humboldt's water rates. I don't think that's a fair comparison to Lander County because their situation could be different than ours.

RANDY CLARK: Yeah they've got debt. We don't have debt.

NAN ANCHO: Well, I don't think it's all about the debt. They also have a percentage of new fee -- new services hooking up. It's -- it's a wider, broader picture than just what we're charging for our meters.

Now I don't know -- the meters -- fees were set before I came in. I cannot tell you.

RANDY CLARK: I was told by Grace that the meter fees were set in accordance for the grants before -- when they had the grants. And the grants have all been paid off. And they should be adjustable now.

NAN ANCHO: When -- the history that I found, was that if the county did not -- if the county went with the certain loans or grants, then your water bill would be three times higher than what it is now. Because your base rate would go from 25 to $42. They -- that was -- that's a 5 percent interest compounding annually.

Right now they've been increasing a half a percent for the last couple years.

RANDY CLARK: I've got a -- I've got a question for the water. Is Bert here? Bert what are we paying for sewer?

BERT RAMOS: We went over that on that last meeting. I think it was per hookup. And -- and it's the same as what the residential rate is, but it's per hookup. So if you only have --

RANDY CLARK: How come at -- how come at 48 -- 48 services last month, I got charged twenty-two hundred and twelve -- eleven dollars? And it says on your -- on your paperwork here

that -- that a mobile home is $38. That doesn't compute.

BERT RAMOS: Forty-eight services, you said?

RANDY CLARK: Yep.

COMMISSIONER MILLS: Mr. Clark, you said you have 92 hookups? And you --

RANDY CLARK: I have a potential of 92 hookups.

COMMISSIONER WAITS: Okay. And if you were charging each one of those individually that would still be a whole lot more than what you're paying for your full total.

RANDY CLARK: Like I said, I'm going back to Winnemucca and Elko's.

COMMISSIONER WAITS: Okay.

RANDY CLARK: Winnemucca --

COMMISSIONER WAITS: I understand that, but that -- that's not a fair comparison. Did you check any of, like, Austin? Did you check the rest of our county rates?

RANDY CLARK: No, I didn't.

COMMISSIONER WAITS: There are a lot of places in this --

RANDY CLARK: Because I'm not competing with Austin. We're on I-80 corridor, ma'am. We compete with Elko and Winnemucca. If our RV park -- if there's a project out here at Marigold and there's people staying in construction at Marigold, we're competing with Winnemucca. They're either going to stay in Battle Mountain or Winnemucca.

Another thing we have in Winnemucca and Elko, they have sunset tax in the RV parks. And after 30 days, there's no room tax.

In Lander County, we're charging -- we are charging a room tax from the day they move in to the day they move out.

COMMISSIONER CLARK: That's Fair and Rec.

RANDY CLARK: The Fair and -- yeah, I know. But how do I adjust that?

COMMISSIONER CLARK: You go to Fair and Rec. Now here's -- here's my question, Randy.

RANDY CLARK: Yes.

COMMISSIONER CLARK: If you want -- buy one box of nails, you're going to pay X; right?

RANDY CLARK: Yes.

COMMISSIONER CLARK: If you buy a thousand boxes of nails, you're going to pay X minus because it's bulk.

I think it's the same situation in Humboldt and Elko. They don't have to charge as much because they have so many more hookups.

RANDY CLARK: How are we ever going to get business to come here, Art? If you -- if you're three -- if I'm paying five times --

COMMISSIONER CLARK: You're preaching to the choir. I understand. But the rates were set way, way before we came on.

RANDY CLARK: That's when they had debt. We no longer have debt.

COMMISSIONER BAKKER: I -- I -- Randy, about eight months ago I went to Grace trying to cut our tax.

RANDY CLARK: Uh-huh.

COMMISSIONER BAKKER: And this is how it was explained to me. If, say, we cut off -- the county cuts 2 cents off.

RANDY CLARK: Uh-huh.

COMMISSIONER BAKKER: The school then -- the school board or the hospital board can then justify that they need that 2 cents.

So your tax doesn't get cut to the original person. But then the county's not getting that income but we can't go ahead and pay for someone's wages.

But I did check into that. And I do agree, we need to look into this more.

RANDY CLARK: Yeah. This is ridiculous. Compared to Elko and Winnemucca, we're ridiculous. And whether anybody likes it or not, you know, our hardware store's competing with Home Depot and CB Brown's in Elko and Winnemucca. Our grocery stores -- everybody in -- every business -- if you look --

I come here 35 years ago. We had more business in Battle Mountain 35 years ago than we have now. And it's shrinking every year. And the reason is, is Battle Mountain -- part of it is the government is squeezing us out of business with, like, that's a ridiculous amount for water and sewer for 30 or 48 people in an RV park. An RV -- another thing is an RV doesn't take -- people's got a ten-gallon shower in there. They might use 30 gallons a day at the most. And that's why Winnemucca has a multiplier of .4 for every RV space for their sewer -- for their sewer. Because water's consumed. You got water. That's a consumption. That's the end.

COMMISSIONER BAKKER: Um.

RANDY CLARK: We have a multipliers. And we don't have no multiplier. And you can't tell me that my -- one RV over here is going to use the same amount of water as a house with three bathrooms and six kids in it either.

COMMISSIONER BAKKER: Right. And I just got to clarify one other thing. As far as the money in the coffers, we have about half that in actual cash.

RANDY CLARK: Yeah, but the -- but the --

COMMISSIONER BAKKER: And I just -- I'm just clarifying that because everyone thinks that, I know, I just --

RANDY CLARK: It's right there in the report.

CHAIRMAN STIENMETZ: John wants to talk back there.

COMMISSIONER BAKKER: Well, --

COMMISSIONER CLARK: It's two different things.

JOHN FULLER: John Fuller, for the record. I own a Chukar Hills Mobile Home Park.

Looking at the thing when you asked about the tax rates. I did come before the commissioners before. I went to LEDA. I gave them a package of every county here, what the tax rates were, and the reasons why things have happened here.

If you look at the big power plant, it's just across the border in Humboldt County.

You look over here.

COMMISSIONER CLARK: It's in Eureka County.

JOHN FULLER: That's right. You look at the Relo. They moved out.

And when I talked to Steve Pluemer, he said the same thing. He said, nobody is going to bring their industry here to us.

Now, to go along with all this, if you look at Randy's brother, he has one trailer. He had 17 in there.

If you look at The Colt, they have 92 places available. As of last Thursday, she only had 23. That's -- that's 25 percent occupancy.

I'm way down too. I'm down by 70 units.

And to go along with this, our taxes that we pay, we have to fill out a sheet. Lura Duvall has it. We have to fill it out. And, you know, everything what I do in my park. Makes me very irritated that I have to fill it out, but that's the way that we do business here in this county.

COMMISSIONER BAKKER: Checks and balances.
JOHN FULLER: Whatever.
RANDY CLARK: You have to --
JOHN FULLER: But the thing is.
RANDY CLARK: Do you have to list everything you do in your business to the county?
COMMISSIONER BAKKER: To the county?
RANDY CLARK: Yeah. Do you have to tell them how many --
JOHN FULLER: But this is on the gross.
COMMISSIONER BAKKER: Do I have an RV park?
RANDY CLARK: No, I know it.
COMMISSIONER BAKKER: I mean, shit. You guys just want to --
RANDY CLARK: That's --
COMMISSIONER WAITS: Yes.
JOHN FULLER: Wait a second, --
COMMISSIONER WAITS: There is an inventory (indiscernible).
JOHN FULLER: -- I have the (indiscernible).
CHAIRMAN STIENMETZ: Let's stick --
COMMISSIONER BAKKER: I mean, --
CHAIRMAN STIENMETZ: -- with the agenda item.
COMMISSIONER BAKKER: -- you guys are getting a service from us. Hey, can we take a five-minute break and call Grace and tell her to get down here?
CHAIRMAN STIENMETZ: Sure.
COMMISSIONER BAKKER: Okay. Let's do that. Call Grace. If she's in Battle Mountain, tell her she needs to be here.
LESLEY BUNCH: I will get her. I'll --
COMMISSIONER BAKKER: Okay.
LESLEY BUNCH: -- be back.
JOHN FULLER: Okay. One of the --
RANDY CLARK: Thanks, Lesley.
JOHN FULLER: -- things that I'm trying to get at here is my services that I provide, I'm taxed on the services that I do.
Now, if I came up to you and I want to know the amount that you -- you generated on all your farms here, you have to give that out. But the other side is --
COMMISSIONER BAKKER: That's not what they're asking, though.
JOHN FULLER: No, hold on.

COMMISSIONER BAKKER: They're just asking how many people you have and your residents, that they know what to bill you properly. Did you -- okay, you've got ten spots.

JOHN FULLER: Okay. I --

COMMISSIONER BAKKER: Five are filled.

JOHN FULLER: -- have the right to --

COMMISSIONER BAKKER: You've got ten spots. Five are filled and you want them just to bill you for the ten? Or would you rather fill out a paper saying, hey, I only have five spots here. That's all you need to bill me for.

JOHN FULLER: I understand where you're at with that too. But the thing that I'm trying to get at is we have expenses too.

COMMISSIONER BAKKER: No, I -- every business has expenses.

JOHN FULLER: All right. But that doesn't take into account for the taxation for us. It's going off of our gross.

COMMISSIONER BAKKER: Right. But you were -- you were just saying about filling out a paper --

JOHN FULLER: I'm just --

COMMISSIONER BAKKER: -- and complaining about that.

JOHN FULLER: -- trying to get to the --

Now, with us all losing our tenants, one of the things that's going to come back -- and I said this before -- it's going to bite the county in the rear end. Because you're going to come here -- you're going to do a property tax devaluation on my park. Because it won't be --

CHAIRMAN STIENMETZ: We're -- we're --

JOHN FULLER: -- appraised at --

CHAIRMAN STIENMETZ: Wait. Wait. Wait.

JOHN FULLER: -- the same rate.

CHAIRMAN STIENMETZ: You're talking about property tax and all that stuff. That has --

JOHN FULLER: But that's --

CHAIRMAN STIENMETZ: -- nothing to do with this agenda item. It's only about water and sewer rates.

RANDY CLARK: No, and it's also about the -- it says, and about the challenges we have in Lander County. If you look at the agenda. Read the whole agenda.

COMMISSIONER BAKKER: Hey, where did Ted go?

JOHN FULLER: But I -- you know, I believe in this community. I pay --

CHAIRMAN STIENMETZ: I don't see that.
COMMISSIONER BAKKER: Okay.
COUNTY CLERK SULLIVAN: It's probably on the thing --
JOHN FULLER: Randy took --
COUNTY CLERK SULLIVAN: -- that didn't get typed up.
JOHN FULLER: -- and used my rates. I went over there to his office. He computed everything out. And in -- he said I should be around 2500.
RANDY CLARK: In Elko. Yeah.
JOHN FULLER: No, but for here, 2500. But when you look it, I paid -- I don't know -- it was 5500, something like that. I used to pay as high as 78-.
CHAIRMAN STIENMETZ: I don't see anything about that.
JOHN FULLER: And it just --
RANDY CLARK: You can't -- you can't do it. It's not feasible when the county's making 30 percent of your gross between their taxes and your water and sewer to operate a business in Battle Mountain. It's ridiculous. And that's the problem we're getting at. It's ridiculous. The water and sewer rates are ridiculous.
COMMISSIONER BAKKER: I --
JOHN FULLER: I have on the 6- and 700 row, I have 24 units there and my water bill was 3800, water and sewer bill. That's $150 per space that's occupied. That comes out to about 62 percent of the income generated for a space.
RANDY CLARK: If we thought things were fair, --
JOHN FULLER: It --
RANDY CLARK: -- we wouldn't be here.
JOHN FULLER: Yeah.
COMMISSIONER BAKKER: I -- just that I agree with you guys.
COMMISSIONER CLARK: Nobody likes paying taxes. We get that. I don't like paying taxes.
RANDY CLARK: But --
JOHN FULLER: I've never --
RANDY CLARK: -- I've never complained about my taxes that you were talking about, complaining about taxes. No, I haven't. But it's like it's all loading on us and all -- instead of, like, just like the room tax, Lander -- Winnemucca doesn't do it and Elko doesn't do it. In Battle Mountain, we do it. And it's another load on us a business person.

COMMISSIONER CLARK: That's Fair and Rec.

RANDY CLARK: And everybody -- and we collect it all. And all they do is just -- you know, and that -- if we have a mistake, we're responsible for any mistake, you know, and penalized.

And another thing is we've got -- now we've got -- if we don't have this paperwork, the new paperwork filled out by the 25th, which is the oddest time of the month to fill out a paperwork because it's not your end of the cycle or the mid cycle, you're going to get penalized and you're going to be charged for every RV space.

COMMISSIONER BAKKER: Bert why is it on the 25th?

BERT RAMOS: For billing's sake.

RANDY CLARK: Why don't we do like Winnemucca does and have a -- a month lap -- what they do is they do a month lap. So you have the end of the month, you fill it out, and they bill you for the previous month in arrears. That's what Winnemucca does. Actually they do it two months.

COMMISSIONER BAKKER: I'm going to suggest to form -- I'm going to say a committee. But -- but -- I know -- with the treasurer, Nan, and a commissioner or something to look into this.

COMMISSIONER CLARK: Okay.

DISTRICT ATTORNEY HERRERA: That's a good idea. But -- but all we can look into is the water and sewer rates for RV parks.

COMMISSIONER CLARK: Right. We can't look into the --

DISTRICT ATTORNEY HERRERA: Because that's all --

COMMISSIONER CLARK: -- room tax.

DISTRICT ATTORNEY HERRERA: -- that's been agendized.

COMMISSIONER CLARK: That's Fair and --

CHAIRMAN STIENMETZ: Right.

COMMISSIONER CLARK: -- Rec.

DISTRICT ATTORNEY HERRERA: Right. We can --

RANDY CLARK: Who regulates the Fair and Rec?

DISTRICT ATTORNEY HERRERA: Fair and Rec.

COMMISSIONER CLARK: Fair and Rec Board.

RANDY CLARK: So okay.

CHAIRMAN STIENMETZ: The NRS.

RANDY CLARK: There are NRS statutes.

DISTRICT ATTORNEY HERRERA: Yeah.

RANDY CLARK: Where does the NRS statutes come from?
DISTRICT ATTORNEY HERRERA: The Fair and Rec Board statute.
COMMISSIONER WAITS: Commission on Tourism is what it's under.
RANDY CLARK: So -- so if I don't want to -- if I don't have any satisfaction with this Fair and Rec Board, where do -- where's my next step? That's what I'm saying.
COMMISSIONER CLARK: The state.
COMMISSIONER BAKKER: The state.
RANDY CLARK: The state? Okay.
COMMISSIONER BAKKER: And that's like -- what is your room tax? Eleven percent?
COMMISSIONER WAITS: 9.5.
RANDY CLARK: It's 9.5.
COMMISSIONER WAITS: 9.5.
RANDY CLARK: But the -- the only problem I got. I don't have no problem with the room tax. The problem I have with the room tax is in Elko, after 30 days, it sundowns, which means you don't charge them anymore for the room tax. In Winnemucca, after 30 days, --
DISTRICT ATTORNEY HERRERA: We can't discuss --
COMMISSIONER BAKKER: Okay.
DISTRICT ATTORNEY HERRERA: -- this.
RANDY CLARK: I know.
DISTRICT ATTORNEY HERRERA: I'm sorry. We just --
COMMISSIONER BAKKER: So --
DISTRICT ATTORNEY HERRERA: -- can't.
CHAIRMAN STIENMETZ: No, this is off --
COMMISSIONER BAKKER: All right.
CHAIRMAN STIENMETZ: -- the agenda, --
COMMISSIONER BAKKER: Shall we make a --
CHAIRMAN STIENMETZ: -- like I said.
COMMISSIONER BAKKER: -- a group of people, committee or whatever you want to call it, to look into water and sewer rates?
DISTRICT ATTORNEY HERRERA: For RV parks.
COMMISSIONER BAKKER: For RV parks.
DISTRICT ATTORNEY HERRERA: That's all that we have agendized.
COMMISSIONER WAITS: Okay, now again, is it RV parks

throughout the whole county --

DISTRICT ATTORNEY HERRERA: I don't know what --

COMMISSIONER WAITS: -- or just --

DISTRICT ATTORNEY HERRERA: -- Randy's --

COMMISSIONER WAITS: -- Battle Mountain?

DISTRICT ATTORNEY HERRERA: -- asking for.

COMMISSIONER CLARK: Battle Mountain.

DISTRICT ATTORNEY HERRERA: Do you just want Battle Mountain RV parks?

RANDY CLARK: Lander County's a separate water entity than.

DISTRICT ATTORNEY HERRERA: So you just want Battle Mountain.

RANDY CLARK: Yes.

DISTRICT ATTORNEY HERRERA: So that's what your motion would have to be.

COMMISSIONER BAKKER: Um.

RANDY CLARK: And I'd like to be on the board --

COMMISSIONER BAKKER: Okay.

RANDY CLARK: -- or the committee.

COMMISSIONER BAKKER: Let me write some names down.

DISTRICT ATTORNEY HERRERA: Well, you -- you --

COMMISSIONER WAITS: Well, if we don't -- excuse me.

DISTRICT ATTORNEY HERRERA: You can't have a citizen on -- on that type of board you're talking. If you want to make a committee, Randy can certainly -- you can put him on a committee.

COMMISSIONER CLARK: Ad hoc committee.

DISTRICT ATTORNEY HERRERA: But -- but if you want county employees to look into this, three county employees, you can't have a citizen on that because --

CHAIRMAN STIENMETZ: Right.

DISTRICT ATTORNEY HERRERA: -- that would turn --

COMMISSIONER WAITS: Let's just have the county look into it first --

DISTRICT ATTORNEY HERRERA: Yes.

COMMISSIONER WAITS: -- before we do anything --

COMMISSIONER MILLS: Yeah.

COMMISSIONER WAITS: -- else on it to see where we stand.

DISTRICT ATTORNEY HERRERA: And then you can certainly have --

RANDY CLARK: Can we come back to the committee or meeting --

CHAIRMAN STIENMETZ: Yeah.

COMMISSIONER BAKKER: Yeah.

RANDY CLARK: -- with this?

DISTRICT ATTORNEY HERRERA: We'll --

COMMISSIONER BAKKER: Hey, let's do this, Randy.

DISTRICT ATTORNEY HERRERA: When they come back with a recommendation, --

COMMISSIONER BAKKER: We'll let Finance, treasurer, Ted, Keith look into it, figure out where we stand, and what we can do. And then we'll come back and have another meeting and hash this out.

RANDY CLARK: Back on the agenda?

COMMISSIONER BAKKER: Yep.

RANDY CLARK: Okay.

COMMISSIONER BAKKER: Does that sound good to you?

RANDY CLARK: Sounds good to me.

CHAIRMAN STIENMETZ: All right.

COMMISSIONER BAKKER: Yeah. Okay.

RANDY CLARK: Something needs be done. It's not -- It's not feasible anymore. It's just about to the point where I might as well shut my doors down and close it up. Because it's -- and -- and do the tax deal. Because this -- it's not -- I'm not making any money. And I'm tired of it.

COMMISSIONER BAKKER: I understand.

Okay. Let's -- I'm going to make a motion to direct Finance, the DA -- Ted, do you want to be on there? No?

Okay. I'll take you off.

DISTRICT ATTORNEY HERRERA: I will -- if you guys want me to, I will.

CHAIRMAN STIENMETZ: Should --

COMMISSIONER BAKKER: I just -- from a legal standpoint on what we've got to do, if we are going to --

DISTRICT ATTORNEY HERRERA: I can consult with them. I'll consult.

CHAIRMAN STIENMETZ: Are you -- consulting with them?

DISTRICT ATTORNEY HERRERA: Yeah.

COMMISSIONER BAKKER: Yeah. Ted will be the consultant. I'll make a motion for Nan, Keith, and Grace to look into our

water bill.

COMMISSIONER WAITS: How about Bert?

COMMISSIONER BAKKER: And Bert.

BERT RAMOS: And Bert? Serious?

COMMISSIONER MILLS: Yeah.

COMMISSIONER BAKKER: Do you want to be?

RANDY CLARK: Bert.

DISTRICT ATTORNEY HERRERA: Bert needs to be on it.

COMMISSIONER BAKKER: Bert, you've got to look into it.

COMMISSIONER WAITS: Yes.

DISTRICT ATTORNEY HERRERA: And I'll consult with them.

COMMISSIONER BAKKER: Yeah.

RANDY CLARK: All right. Thank you.

COMMISSIONER BAKKER: I need a --

COMMISSIONER MILLS: I'll second that motion.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER MILLS: Aye.

CHAIRMAN STIENMETZ: Aye. Aye.

COMMISSIONER WAITS: Aye. You voted twice.

CHAIRMAN STIENMETZ: Oh well.

COMMISSIONER BAKKER: Let's take a break, Steve.

CHAIRMAN STIENMETZ: I've got two ayes.

COMMISSIONER BAKKER: Steve, can we take a break?

CHAIRMAN STIENMETZ: Yeah, let's take a break, please.

(Break taken between 10:11 a.m. and 10:22 a.m.)

CHAIRMAN STIENMETZ: All right. Now that we're back to order, let's go to Item 9.

9) Discussion for possible action regarding an ordinance for the use of off-highway vehicle use on the Lander County roads and other matters properly related thereto.

CHAIRMAN STIENMETZ: Discussion for possible action regarding an ordinance for the use of off-highway vehicles used on the Lander County roads and other matters properly related

thereto.

KEITH WESTENGARD: I was asked to look into this. We did get model ordinances from Elko and Lincoln Counties.

One of the things I did was I got together with DOT, the assistant engineer out of Elko, which is the representative for our area, had a discussion with him. And then got with the DA, with Ted. And we spoke about it.

So right now, we're -- we need some, I guess, guidance.

DISTRICT ATTORNEY HERRERA: Well, now we don't need guidance. What we need is we can't do an ordinance to allow -- to allow off-highway vehicle use in Lander County unless we get Department of Transportation permission --

CHAIRMAN STIENMETZ: Right.

DISTRICT ATTORNEY HERRERA: -- to cross the two highways.

Now Keith's talked to Elko County. And apparently Elko County did not get permission because Department of Transportation says they don't give permission, even though the statute requires it.

So what -- what we would like today is if you're interested in this -- and it's my understanding that some of you may be -- if you're interested in this that you make a motion asking us to proceed. And what we would do is work up an ordinance, send it to the Department of Transportation. And if they -- they say, oh, yeah, that's fine, then that's good enough permission to me. And then we can bring the ordinance and give it to -- to Sadie and bring it in front of the commission. And Sadie can do the publishing and all that stuff.

But we're stuck right now in that Catch-22 with the Department of Transportation. And I do not want to follow -- necessarily follow Elko's footpaths in disregarding the statute and doing an ordinance. I don't want to get us in that position.

I would rather, again, to emphasize, I would rather send it to -- to the Department of Transportation and they can kick it out or they can say, yeah, yeah, that's fine with us. Because that would be approval.

COMMISSIONER WAITS: Counselor, there's a lot of concerns I have on that. And you're referencing the -- is it NRS 490?

DISTRICT ATTORNEY HERRERA: I don't have them memorized.

COMMISSIONER WAITS: Okay. NRS 490.0825 is very, very

long, I know. And I'm -- I'm concerned about many things, although they're highlighted in there, like the age that they would be at. And if we'd have to require insurance and all this type of thing. Sometimes I think the ord- -- I believe the statute says they have to have a driver's license if it's --

DISTRICT ATTORNEY HERRERA: Well, the --

COMMISSIONER WAITS: -- crossing any other k- --

But the county has the right to do the ordinance.

DISTRICT ATTORNEY HERRERA: Right.

COMMISSIONER WAITS: But I'd really like to look into it a whole lot more and come back to us with -- with what we'd like to see before you write up the ordinance, is what I'm saying.

And I understand your point of the next line would be if we agree we want to do all this. By all means we want do it right --

DISTRICT ATTORNEY HERRERA: Well, the --

COMMISSIONER WAITS: -- on crossing.

But right now, doesn't it allow -- allow you to actually travel up to 2 miles?

I believe that's -- because in the legislature this year, there's a great -- did any of you follow that? There was a great big to-do on discussion on these things. And the biggest discussion was the ranchers that aren't using their horses or their trucks anymore. And they were concerned how far they had to go on a county road, that they wanted to travel in their ATVs and side-bys and such.

COMMISSIONER BAKKER: Is that a county paved road or dirt road?

COMMISSIONER WAITS: No, we're talking county paved roads. And so --

CHAIRMAN STIENMETZ: But -- but that's different than a state highway.

COMMISSIONER CLARK: Yeah.

COMMISSIONER WAITS: Oh, yeah. Well, we --

COMMISSIONER MILLS: Right.

COMMISSIONER WAITS: -- aren't talking state highway.

COMMISSIONER MILLS: Are they required to have --

COMMISSIONER WAITS: We're talking --

COMMISSIONER MILLS: -- lighting and --

COMMISSIONER WAITS: -- about crossing over the state --

DISTRICT ATTORNEY HERRERA: They can't --
COMMISSIONER WAITS: -- highway.
DISTRICT ATTORNEY HERRERA: Yeah.
CHAIRMAN STIENMETZ: Yeah.
DISTRICT ATTORNEY HERRERA: We can't even do that legally --
COMMISSIONER WAITS: No.
DISTRICT ATTORNEY HERRERA: -- without permission.
CHAIRMAN STIENMETZ: Yeah. That's where --
COMMISSIONER BAKKER: I don't know how many paved roads where -- where ranchers are herding cattle, though.
COMMISSIONER WAITS: That -- that was what they were ta- -- well, they do it in Austin. They cross over, you know, 50 all --
DISTRICT ATTORNEY HERRERA: They --
COMMISSIONER WAITS: -- the time.
DISTRICT ATTORNEY HERRERA: -- cross over --
COMMISSIONER MILLS: Yeah.
DISTRICT ATTORNEY HERRERA: -- 50, --
COMMISSIONER WAITS: Yeah.
COMMISSIONER MILLS: Yeah.
DISTRICT ATTORNEY HERRERA: -- but if you --
COMMISSIONER WAITS: They do it --
COMMISSIONER MILLS: I think it's a --
DISTRICT ATTORNEY HERRERA: -- if you have a --
COMMISSIONER MILLS: -- state road.
COMMISSIONER WAITS: -- 376.
DISTRICT ATTORNEY HERRERA: If the Nevada Highway Patrol --
COMMISSIONER WAITS: Yeah.
DISTRICT ATTORNEY HERRERA: -- wants to be --
COMMISSIONER WAITS: Yeah.
DISTRICT ATTORNEY HERRERA: -- sticklers, they could s- --
COMMISSIONER WAITS: In a --
CHAIRMAN STIENMETZ: Being in the right-of-way they could nail them.
DISTRICT ATTORNEY HERRERA: Yeah.
COMMISSIONER WAITS: Yeah.
COMMISSIONER MILLS: Right.
COMMISSIONER WAITS: But I have a real concern with -- with what we want to accomplish. And I would like to see that

discussed too. Because, I mean, being an EMT, I certainly was on many calls that those ATVs came right in and causing accidents and in accidents. And it -- and it's not -- it's not nice. And a lot of these are kids. I mean, they're going 40 miles an hour on these things, --

DISTRICT ATTORNEY HERRERA: Well, --

COMMISSIONER WAITS: -- you know. And --

DISTRICT ATTORNEY HERRERA: -- there's a number --

CHAIRMAN STIENMETZ: And faster.

DISTRICT ATTORNEY HERRERA: -- of different ordinances in -- in different counties in the state. You know, we've got copies of two of them. What we thought we would do -- if you guys would even approve us to continue what we're doing, --

COMMISSIONER CLARK: Right.

DISTRICT ATTORNEY HERRERA: -- is I would do up the ordinances. No. Not our ordinances necessarily, but ordinances from other counties. I'd just put Lander County and stuff, submit it to you. And you guys would mark off what you don't want or add what you do want.

COMMISSIONER CLARK: What --

DISTRICT ATTORNEY HERRERA: And --

COMMISSIONER CLARK: -- what we need to do --

DISTRICT ATTORNEY HERRERA: -- it's a process.

COMMISSIONER CLARK: What we need to do is approve a motion so that you can move forward with an ordinance.

DISTRICT ATTORNEY HERRERA: No, with a process.

COMMISSIONER CLARK: With the process for the ordinance. Because all the -- all of your concerns are answered in the law, Patsy, and with the ordinance.

OHVs now are registered. And you have to provide proof of insurance.

COMMISSIONER WAITS: No.

UNIDENTIFIED FEMALE PARTICIPANT: No.

COMMISSIONER CLARK: Yes, you do.

COMMISSIONER WAITS: No, you don't. That's not correct.

COMMISSIONER CLARK: YOu know what? I'm going to tell you something. I paid for my registration for my OHVs. And I had to provide my insurance policy number when I just registered. Are you telling me I'm wrong?

COMMISSIONER WAITS: I'm saying that you can still register

them without the proof of insurance.
COMMISSIONER CLARK: Not as of the last cycle. And that was just two months ago. You have to provide insurance policy --
CHAIRMAN STIENMETZ: Yeah.
COMMISSIONER CLARK: -- information.
CHAIRMAN STIENMETZ: Do you know?
LESLEY BUNCH: All I can tell you is we do not do --
COMMISSIONER CLARK: I can't hear.
LESLEY BUNCH: Sorry. Lesley, for the -- Lesley Bunch, for the record.
We do not do them in Lander County. You have to do them in Carson City.
COMMISSIONER CLARK: Right.
LESLEY BUNCH: And so I do not know what specifications are required to do them since we aren't in the --
CHAIRMAN STIENMETZ: All right.
COMMISSIONER MILLS: Isn't --
CHAIRMAN STIENMETZ: Thanks, --
COMMISSIONER MILLS: -- isn't the registration --
CHAIRMAN STIENMETZ: -- I just was wondering.
COMMISSIONER MILLS: -- through forest service --
COMMISSIONER CLARK: You --
COMMISSIONER MILLS: -- or something? It's not through the --
COMMISSIONER CLARK: I have stickers on the back of my two four-wheelers. I also have insurance policies for each one. Because now that's required by the DMV.
And Lesley's right. You get a letter from DMV in Carson City. They have a special place that you take care of this.
CHAIRMAN STIENMETZ: Right, that's --
COMMISSIONER BAKKER: I'm just going to -- whatever.
DISTRICT ATTORNEY HERRERA: If you --
COMMISSIONER MILLS: Right.
DISTRICT ATTORNEY HERRERA: If you approve a motion for me to proceed, for Keith and I to proceed, at the next stage of this process, we would give you paperwork that shows what's required --
CHAIRMAN STIENMETZ: Required by stat- --
DISTRICT ATTORNEY HERRERA: -- by Nevada --

CHAIRMAN STIENMETZ: Right.
DISTRICT ATTORNEY HERRERA: -- Revised Statute.
COMMISSIONER BAKKER: Okay.
DISTRICT ATTORNEY HERRERA: But we're not at that point yet --
COMMISSIONER CLARK: Right.
DISTRICT ATTORNEY HERRERA: -- unless you tell us to proceed.
COMMISSIONER CLARK: Right.
COMMISSIONER BAKKER: I'm going to make a motion to approve that the DA and Keith go forward with coming up with an ordinance and a process for coming up with the off-highway vehicle use.
COMMISSIONER MILLS: Second.
COMMISSIONER CLARK: Second.
CHAIRMAN STIENMETZ: Any public --
COMMISSIONER MILLS: Second twice.
CHAIRMAN STIENMETZ: -- comment?
FRANK WHTIMAN: Austin here.
CHAIRMAN STIENMETZ: Yeah.
FRANK WHTIMAN: Frank Whitman for Austin. We, down here, are in support of this, to be on the record in support of trying to find some kind of a code or county -- you know, county ordinances so that we can use the OH, you know, off -- off-highway vehicles and find some ways that we can cross 50 or --
DISTRICT ATTORNEY HERRERA: Yeah.
FRANK WHTIMAN: -- 376 or whatever, legally, not ride on them, but cross them. Thank you.
COMMISSIONER BAKKER: Thanks, Frank.
CHAIRMAN STIENMETZ: Thanks, Frank.
COMMISSIONER CLARK: Thanks, Frank.
CHAIRMAN STIENMETZ: All in favor?
COMMISSIONER BAKKER: Aye.
COMMISSIONER CLARK: Aye.
COMMISSIONER WAITS: Aye.
CHAIRMAN STIENMETZ: Aye.

10) Discussion for possible action regarding the Lander County levee project and a direction to follow for construction of the project, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Ten. Discuss for possible action regarding the Lander County levee project and a direction to follow for construction of the project and other matters properly relating thereto.

KEITH WESTENGARD: We have the Army Corps of Engineers here to give an update. We also have Jeff Eisenberg here to give an update. And Tom Gallagher here to give an update.

And we can discuss the direction from there. Thank you.

CHELSEA STEWART: Chelsea Stewart, project manager for the Army Corps of Engineers.

JUDY SOUTIERE: Judy Soutiere, supervisor for civil works project management for the Army Corps of Engineers.

COMMISSIONER BAKKER: Good morning.

CHAIRMAN STIENMETZ: Good morning.

JUDY SOUTIERE: Good morning.

COMMISSIONER WAITS: Good morning.

CHELSEA STEWART: So to give you guys an update, yesterday, we wrapped up a geophysical investigation. You guys might have seen some people out --

CHAIRMAN STIENMETZ: Yeah.

CHELSEA STEWART: -- on the levee kind of doing some strange-looking stuff with some strange-looking equipment.

We're going to use the survey that was done to inform our geotechnical investigations.

So basically, we did a study to help us know where to dig.

The team completed the draft of the detailed project report. That's undergoing a quality assurance review.

The team has received a million dollars this year to proceed with design and engineering. Did you have any --

JUDY SOUTIERE: That's pretty much where we are.

I will let you know, just for your information, that the -- the Continuing Authority's Program, which this project falls under, it's a small program. But in our region, which includes California, Nevada, Arizona, Utah, and California, this is their highest priority, Continuing Authority's project. So it's got

real high visibility within the Corps right now to make sure that we get it completed in a timely manner.

COMMISSIONER BAKKER: And just for the -- oh, go ahead.

COMMISSIONER CLARK: That's my question. What is the average time to build a levee?

JUDY SOUTIERE: The average time to build a levee from the time you actually have final designs to construction? Probably three or four months.

COMMISSIONER CLARK: What is --

JUDY SOUTIERE: But to get --

COMMISSIONER CLARK: -- the problem --

JUDY SOUTIERE: -- to that --

COMMISSIONER CLARK: -- here? Because this has been going on for decades.

JUDY SOUTIERE: The reason it's been going on for decades is, first, we did a study -- what? 1997? -- thereabouts.

And then we went to -- we signed an agreement with Lander County in 2000 to go to design and full design and construction.

Unfortunately, we do require a 35 percent cost share. And at that time, Lander County said they didn't have money to proceed forward.

And then through our Corps budgeting process, we didn't have money then to proceed forward or very much money to proceed forward.

And so that's the one thing that we deal with is that with the -- with the decline of earmarks, which we had many years ago in Congress, all the projects are kind of -- for the continuing authorities are in a pot. And so we work our way through that pot. And that pot has been going down over time. We don't have a lot of money in it.

And that's why the fact that it is now one of the highest in the division in our region means that we're going to get money to get it done. Whereas, eight years ago, it wasn't. We had other projects going on that were up a higher priority, that had higher benefits to the communities and less cost.

So it's working its way through the system. Yes, it's taken about two -- two and a half years now to do this update to the original feasibility study because it was done in '97.

Things have changed. We have new standards for what we design to build because we want to make sure that what we build

is safe for you and that it's not going to cause additional problems. We learned a lot from Hurricane Katrina. That's changed some of our standards.

Other things that have caused us to be a little slow in getting this report done is that things in the county have changed. And so we have to -- and that's why now we're focusing on only the center portion of the levee is because of the fact that the federal government requires that we have a positive benefits-to-cost ratio. And that's what we're looking at. And we've gotten to that point. We've got the report now written. It's just going through to make sure that we didn't make any flaws in the -- in our documentation, that we're capturing all the technical information correctly. And we're looking to get approval of it sometime in the new calendar year, early new calendar year.

But in the process we're also starting on the actual design, doing the geophysical this fall, getting that done so we can go into the final -- the actual final design, the minute that we get final approval from our Corps headquarters that says, yes, this meets the Corps program, the program requirements, go forth and construct. And --

COMMISSIONER BAKKER: So, --

JUDY SOUTIERE: -- then once we get the design, then we are required that you -- you are required to help provide the real estate. And depending upon the real estate, it could take a lot of time to get to actual construction.

Because we have found, dealing with real estate over the years, it does take time. Locals -- it could take a year. California, on average, from the time we get a design to letting them know that, okay, we're ready to go to the construction, for them to get the real estate could take up to a year.

And we have a railroad that we might be dealing with. So that also, we know, takes time.

COMMISSIONER BAKKER: Where are we at right now?

JUDY SOUTIERE: Right now, we've got the -- the revisions to the feasibility study in quality assurance review. And then once we're done with that, it will go to our headquarters for approval.

We're doing the geotechnical investigation right now. So that's the first step to figuring out exactly if we're going to

do a seepage berm or a sewer wall -- or not point of sewer, a wall.

CHELSEA STEWART: Cut-off wall.

JUDY SOUTIERE: Cut-off wall. So -- and how deep that cut-off wall will be. So we're trying to refine things down now for the design.

COMMISSIONER BAKKER: And before we can start construction, all the paperwork and documents have to be in place?

JUDY SOUTIERE: Yes. And --

COMMISSIONER CLARK: Where are all the documents?

JUDY SOUTIERE: And we were --

COMMISSIONER BAKKER: Well, we'll get to that.

JUDY SOUTIERE: And -- and in our meeting this morning, we talked about some of the things that we can help provide -- to help provide a clearer timeline for the county as to what -- when different things will be happening and the process for -- for different pieces, such as the acquisition of real estate and all the pieces that would be required.

COMMISSIONER BAKKER: Okay.

COMMISSIONER MILLS: Awesome.

COMMISSIONER BAKKER: Thank you.

CHAIRMAN STIENMETZ: Thank you very much. Appreciate it.

COMMISSIONER MILLS: Appreciate your work.

JUDY SOUTIERE: Thank you.

COMMISSIONER WAITS: Thank you.

COMMISSIONER BAKKER: Tom or Jeff.

JEFF EISENBERG: Yes.

COMMISSIONER BAKKER: Or both. It don't matter.

JEFF EISENBERG: This --

Morning, Commissioners. I'm Jeff Eisenberg with Rock Spring Resource Solutions. I guess I'll go first, then -- or do you want to --

TOM GALLAGHER: No, you go first.

JEFF EISENBERG: All right. I'll go first.

I was retained by the county to prepare a report to -- to discuss what's the most cost-effective and -- and quickest way to get the project done.

I've submitted that report to all the commissioners at this time as well as Ted and Keith.

And maybe just the easiest way to proceed is if you have

any questions on what's in the report.

COMMISSIONER BAKKER: Okay. What -- what do we need to get going to -- to move forward with this project?

JEFF EISENBERG: Well, I think the -- I think the -- the biggest time block here is going to be provided by getting -- is by getting the real estate issues cleared up. You know, both there's going to be individual properties that may be implicated. You're going to have the railroad issue. And those things may be time -- may take a lot of time. And you've got to get them going. It depends how urgently you guys feel about getting this project actually constructed. You know, there's that stuff happening.

Other things that have to happen are engineering design, you know, which both the Corps has to finish. And Tom is going to be working on for both the northern and southern segments.

Once the engineering design -- and they're not going to be able to be doing their engineering design until after the Corps. And FEMA is going to come up with one elevation determination, which is going to be coming -- and we were told this morning that should be coming by the end of this -- this year. So after that comes, then they're going to be able to do their engineering design.

After that paperwork -- after the 408 process is initiated, then you're going to be able to do this -- you're going to submit a request to FEMA for a conditional letter of map revision called a CLOMAR. And what that basically does is you need FEMA to come up with a map that's going to show what the elevations are throughout the -- the project area, the flood area.

And -- and that's really important because that's going to really determine what your insurance rate is going to be behind those structures.

So really what -- what happens is, the engineering work, the structures are determined to be adequate to meet the needs for a hundred-year flood. And, you know, if in fact that's what the case is, then that will get reflected in the final map. And then those people who live behind those impoundments are going to have no insurance. They'll be liable for no insurance, which we also learned this morning is worth about 500 mill- -- was it 500 --

COMMISSIONER BAKKER: 500,000.

COMMISSIONER MILLS: 500,000, I believe.

COMMISSIONER MILLS: Five hundred million -- $500,000 a year to -- to the residents of the county.

So it's kind of a -- it's kind of painstaking. It really -- you know, environmental analysis of -- environmental analysis by the government is always enough to -- to make a grown person to weep. But, you know, they're on it. They're really done with it. They're going through their final review. And really what has to happen -- and Keith and I have talked about this quite a bit -- there's things now that have to happen for the county to step up and move some of these pieces forward that are within its control. And --

COMMISSIONER BAKKER: But -- what specific properties or pieces do we need to move forward?

JEFF EISENBERG: Well, I invite anybody in this room who has knowledge of that to -- to say how it is that those properties will be identified.

TOM GALLAGHER: Tom Gallagher, for the record.

The very first thing that has to happen is we have to get a flood elevation that the Corps and FEMA agree on. Okay, it doesn't do us any good to build the levee if FEMA isn't on board with flood elevation.

Currently, FEMA shows that the Interstate 80 is inundated with the flood.

Now, I know trying to get this thing fast tracked, we can't do anything until we get that. We can't tell -- the top of the levee is going to dictate if we need extra land. The top of the levee is going to dictate what we do at the railroad. The top of the levee's going to dictate when we can start the preliminary design to submit for the 408 permit.

I mean, the county can go ahead and write a letter to request a 408 permit to the Corps. But I think it will put -- be put on the back of the back page of your list of things to do until we submit the documentation that's required, which we can't prepare until we have an elevation.

It's highly critical to know whether Interstate 80 is going to be underwater or not. Because if that's the case -- and the Corps said today again that they don't believe it will be. And that's what we've been operating on. That's when we stopped

talks with NDOT when we figured out that it wasn't going to be underwater.

So the biggest thing right now is to get that.

Then every other piece, real estate, everything else can get underway. And final design and everything else can get underway.

But until we get that piece -- and it's, you know. I basically have for you today no update because nothing has happened from our standpoint.

COMMISSIONER WAITS: So when's the last time that we've contacted FEMA?

TOM GALLAGHER: FEMA?

FEMA has been contacted by our people. And I believe they've been contacted by -- by Jeff. And --

JEFF EISENBERG: And -- and Keith.

TOM GALLAGHER: And we come up with a conceptual plan to submit for a CLOMAR. Okay. We have to do that. We have to do these all the time in Reno.

And in this case, we should be able to get away with one CLOMAR. If we can all get on the same page and design the levee all at once and submit for one conditional letter of map revision with the final plans to FEMA, get them to -- get them to agree on it, and then go ahead with final design and construction.

Then they will do the LOMAR, which is the actual letter of map revision where they have to actually prepare a new flood map, a new floodplain map that shows the portion that are all pulling out of the floodplain is actually out of the floodplain.

COMMISSIONER WAITS: Okay. And that's the elevation information that we're after is that --

TOM GALLAGHER: Yes.

COMMISSIONER WAITS: -- letter.

JEFF EISENBERG: Which we're --

COMMISSIONER WAITS: But we have to do all this first?

JEFF EISENBERG: Well, we were --

TOM GALLAGHER: The elevation first.

JEFF EISENBERG: We were told to begin the work on the real estate stuff immediately.

In terms of the engineering stuff, you've got to have -- in terms of the engineering, you've got to have the elevation

determined and then that will be part of what gets submitted to -- for the CLOMAR.

TOM GALLAGHER: Well, that's also involved in the real estate stuff because the top of the levee is going to dictate how wide the footprint the levee is. So you can -- you know, you can request an appraisal on something. Because the stuff that you guys have on the -- on the water side of the levee is quite extensive. And it's a fairly big piece of property. And the appraisal is probably going to -- it could be done now or later, whatever -- whatever you want to do.

I don't think there's any purpose in submitting for a 408 permit with none of the documentation that's required for a 408 permit attached to your letter.

So I think that -- that is necessary.

JEFF EISENBERG: Well, what's -- what -- what -- what is the document -- before we go out there, what is the documentation requirements to be attached to the submission of the intent to do a 408 project?

JUDY SOUTIERE: The -- the actual letter is just a very simple letter saying that we're intending to do a 408 for a federal -- for this federally authorized levee. That then gives our internal folks fund- -- an avenue for funding to actually then start talking to you about what it is you actually need the funding -- to actually come out here and talk to you as to -- okay, these are all the pieces and these are all the things you need to be concerned with.

But we actually need that -- that formal letter come to -- coming to us saying that you're intending to do a 408. And that starts us with the ability to reach into some funds to be able to provide you assistance in developing the 408.

JEFF EISENBERG: And when does -- and when do you want that letter?

JUDY SOUTIERE: Whenever you want to send it to us is when it will start the clock and start the funding.

JEFF EISENBERG: So that's something easy that can be done right off.

JUDY SOUTIERE: And we'll make sure that Keith has -- there are -- we have a generic letter that can be adding in the special -- just the current information for your particular project. And we'll send it to him when we get back to the

office tomorrow.

COMMISSIONER BAKKER: Um.

COMMISSIONER CLARK: Keith, do we have diagrams, survey markers, correspondence?

KEITH WESTENGARD: We have a variety of paperwork that goes back probably, gosh, 20 years. Tom?

TOM GALLAGHER: Yeah. Oh, yeah.

COMMISSIONER CLARK: Twenty years?

TOM GALLAGHER: Yeah.

KEITH WESTENGARD: Oh, yeah.

TOM GALLAGHER: And Keith -- Keith requested copies of all our documentation up to date on this project. I called my office this morning, authorized them to reproduce everything we have on the levee, --

COMMISSIONER CLARK: Okay.

TOM GALLAGHER: -- which is going to be a lot. And I can -- I will represent to you right now that Joe Lindsey has a lot of the stuff in his office. But we'll be glad to reproduce everything we have. It's going to be --

COMMISSIONER CLARK: That's all -- that's work that's already been done.

JUDY SOUTIERE: Yes.

TOM GALLAGHER: Yes. It's going to be a little --

COMMISSIONER CLARK: Okay.

TOM GALLAGHER: -- pricy to print --

COMMISSIONER BAKKER: It shouldn't be --

TOM GALLAGHER: -- all that.

COMMISSIONER BAKKER: -- because our contract says we own the property.

TOM GALLAGHER: You own this. And we'll send you the originals --

COMMISSIONER BAKKER: Okay.

TOM GALLAGHER: -- if you want.

COMMISSIONER BAKKER: We'll do that and then it won't cost us --

TOM GALLAGHER: Okay.

COMMISSIONER BAKKER: -- anything.

TOM GALLAGHER: Then we won't have anything to go with.

COMMISSIONER BAKKER: Well, in our contract, it's our property.

TOM GALLAGHER: Yeah, it is your property. I don't disagree with that.

COMMISSIONER BAKKER: So...

TOM GALLAGHER: But in your contract, you also pay for copying.

COMMISSIONER BAKKER: Hm.

JEFF EISENBERG: Does the contract call for that?

COMMISSIONER BAKKER: I guess we might get the originals then, huh? We'll have to figure that out.

TOM GALLAGHER: What if --

COMMISSIONER MILLS: Don't know if we want to get the originals.

TOM GALLAGHER: If that's what you'd like.

COMMISSIONER MILLS: I don't think that's a good idea.

TOM GALLAGHER: I think you probably have the originals that we made the copies from, but the stuff is in our office.

COMMISSIONER MILLS: Hm.

TOM GALLAGHER: I think they're in Joe's office, which I've told everybody numerous times. And I'm sure Joe would share them with you.

COMMISSIONER WAITS: I'm sure we can coordinate --

CHAIRMAN STIENMETZ: (Indiscernible.)

COMMISSIONER WAITS: -- on that part so we don't have to --

TOM GALLAGHER: Yeah.

COMMISSIONER WAITS: -- have to ask for everything on it.

TOM GALLAGHER: And the portion --

COMMISSIONER WAITS: So the 408 request that we're looking at is the north? Is that ours?

JEFF EISENBERG: For the northern segment.

COMMISSIONER WAITS: The northern section only?

JEFF EISENBERG: And it's because we're augmenting an existing Corps facility and you do that under a 408 permit.

COMMISSIONER WAITS: Okay.

COMMISSIONER BAKKER: (Indiscernible.)

COMMISSIONER WAITS: And they're doing the central and then we're doing the south; right?

CHAIRMAN STIENMETZ: Right.

TOM GALLAGHER: The northern portion is the portion that the Corps -- the northern portion that we need the 408 permit is basically the portion that the Corps has no interest in. So I'm

not sure what we're talking about on the funding that would be --

JUDY SOUTIERE: It --

TOM GALLAGHER: -- set up for the 408 permit, except for the --

JUDY SOUTIERE: It's for us to -- to evaluate and review and make sure that you're doing it appropriately. It's --

TOM GALLAGHER: Oh, I understand.

JUDY SOUTIERE: -- our internal -- internal --

JEFF EISENBERG: So that's the answer.

COMMISSIONER BAKKER: The other thing --

TOM GALLAGHER: I thought you said something about funding.

JUDY SOUTIERE: It --

JEFF EISENBERG: Right.

JUDY SOUTIERE: -- it starts our process of being able to fund us.

COMMISSIONER BAKKER: With the sage grouse thing going on, is this levee in any part of the sage grouse habitat areas?

JEFF EISENBERG: Well, who has knowledge? Who has knowledge of where the sage grouse areas are in this area?

TOM GALLAGHER: We've got the maps of it. But it -- you can't really determine from the map which ones they consider critical, which ones they don't consider critical. We're going through this every place in the state.

CHAIRMAN STIENMETZ: Uh-huh.

JEFF EISENBERG: This is also --

COMMISSIONER WAITS: I didn't think we had --

JEFF EISENBERG: This is --

COMMISSIONER WAITS: -- any critical, though.

JEFF EISENBERG: You know I can say something here straight up. This is -- this is private land. It's not listed. You're not under any obligation to comply with the ESA on private land for an unlisted species.

COMMISSIONER BAKKER: Until you start moving equipment and 10 decibels -- you can't go over 10 decibels.

JEFF EISENBERG: On private land. On private land the only --

COMMISSIONER BAKKER: Within a quarter mile.

JEFF EISENBERG: -- regulations that would --

COMMISSIONER BAKKER: Oh.

JEFF EISENBERG: -- apply would be from the state. And I don't know --

COMMISSIONER CLARK: We're non-habitat.

JEFF EISENBERG: -- if the state has any or not.

COMMISSIONER BAKKER: Well, that's convenient. Okay.

JEFF EISENBERG: Like you're not -- you're not in the situation where you're going to get caught up here in the --

COMMISSIONER BAKKER: Okay.

JEFF EISENBERG: -- in the federal requirements on that.

COMMISSIONER CLARK: Nah, it'll --

JEFF EISENBERG: You'll -- the other -- there'll be other federal requirements for the 404 permit and all kinds of things that go along with the Corps work. But for ESA. So be- --

COMMISSIONER BAKKER: I was just throwing it out there.

COMMISSIONER CLARK: It's non-habitat.

JUDY SOUTIERE: Four oh --

JEFF EISENBERG: Good.

JUDY SOUTIERE: 408 will require an environmental statement, either an environmental assessment or an EIS. That's part of the 408 process.

JEFF EISENBERG: So...

CHELSEA STEWART: And your FEMA certification will require ESA. That is one thing that they are very -- they were very clear about, when I met with them, was that they were going to require an ESA compliance.

JEFF EISENBERG: And -- but I -- but I would still stay in this case it gets to be fairly clean cut. If it's private, then the federal ESA does not apply to private land.

CHELSEA STEWART: Which --

JEFF EISENBERG: -- for an unlisted -- for an unlisted species.

JUDY SOUTIERE: If it's going to be incorporated into a levee system that's going to be owned by the -- or operated and maintained by the county and certified and then accredited by FEMA, you have to meet your ESA compliance. Whether your -- because when you build it, you're going acquire some sort of real estate right to the land where the levee is going to sit particularly where there isn't a levee already.

JEFF EISENBERG: Sure.

JUDY SOUTIERE: So there will be --

COMMISSIONER CLARK: The land that we're talking about right now is classified according to the overlay maps as non-habitat so we're safe on that.

JEFF EISENBERG: Good.

TOM GALLAGHER: I didn't particularly look at this place. I had some other concerns in various other places that were attracting my attention. For instance, they have sage grouse all over Coal Springs Valley in northern Washoe County, which is also covered with houses. So...

COMMISSIONER CLARK: Sounds about right.

COMMISSIONER MILLS: Yeah.

TOM GALLAGHER: Yeah.

COMMISSIONER BAKKER: So where -- where do we need to go?

KEITH WESTENGARD: What I -- I would like to have Tom continue in or continue on once he gets the elevations with the maps or the drawings that we need to do.

What I need to find out is about utilities, roads, railways, how you want to me to proceed with that or how you want to proceed with all of those areas.

COMMISSIONER BAKKER: Jeff, are you still talking with the railroad?

JEFF EISENBERG: It's been -- it's been initiated. I need some more information to keep -- to get that going.

COMMISSIONER BAKKER: Okay, I think that would probably be your best avenue.

TOM GALLAGHER: One thing on the utilities, the major utilities through there, well, naturally, you have a highway you're going to have to raise somewhat. We've already talked to the district engineer for the district. And that's not going to be a problem.

And you have the gas line and the fiber-optic line. And I think you'll find out those are both in railroad right-of-way. I think the -- the gas line, I believe, is about 175 feet off the center line of the railroad.

COMMISSIONER BAKKER: Keith, --

KEITH WESTENGARD: Yes.

COMMISSIONER BAKKER: -- I think you, Tom, Jeff, and Chelsea need to get a list. We need to get a list of all the gas lines, the roads, all the paperwork that we need to get moving to move forward with this. And we need to have a clear

direction.

KEITH WESTENGARD: Okay.

COMMISSIONER BAKKER: So...

KEITH WESTENGARD: I'll (indiscernible).

COMMISSIONER BAKKER: Utilities, the house that's encroaching on the easement, stuff like that.

KEITH WESTENGARD: All right.

Mr. Eisenberg's -- he's completed his initial contract. So would you like me to negotiate and bring something back for a new one or to proceed with this stuff?

COMMISSIONER BAKKER: Is he going to have to?

COMMISSIONER WAITS: That's not an agenda item. So we need to put it on next --

KEITH WESTENGARD: Okay.

COMMISSIONER WAITS: -- time.

KEITH WESTENGARD: That's fine.

CHAIRMAN STIENMETZ: Yeah.

KEITH WESTENGARD: You're right.

CHAIRMAN STIENMETZ: We can give him direction on that; can't we?

COMMISSIONER BAKKER: Okay.

KEITH WESTENGARD: It's part of the direction is all.

COMMISSIONER BAKKER: Yeah. I'm giving -- okay. You have direction.

COMMISSIONER MILLS: Yeah. There's a lot to do.

JEFF EISENBERG: Yeah, it's --

COMMISSIONER CLARK: We asked Dean --

COMMISSIONER MILLS: We'll chip --

COMMISSIONER CLARK: -- to be here.

COMMISSIONER MILLS: -- away at it.

COMMISSIONER CLARK: Anything to ask him?

COMMISSIONER BAKKER: Dean, you got anything to add or you want to add? Sorry.

COMMISSIONER CLARK: You were gracious enough to come, so...

DEAN BULLOCK: Dean Bullock, for the record.

Just some questions. We're going backwards. I'll be honest.

The design was completed in 2011. Now you say there isn't anything in that design. Included the south, the north, and

everything.

COMMISSIONER BAKKER: Who did that design? Tom?

DEAN BULLOCK: Summit did.

COMMISSIONER BAKKER: Our --

TOM GALLAGHER: We did. We did the concept design, yes.

DEAN BULLOCK: Yes.

TOM GALLAGHER: At that point --

DEAN BULLOCK: It was --

TOM GALLAGHER: -- we were working --

DEAN BULLOCK: At that point we were there.

And so it looks like we're going back.

The Army Corps was on board for the whole thing.

And I know there were funding issues and we addressed that. 2012 I went to Washington, D.C., to the headquarters of the Army Corps of Engineers.

They offered money at that time and the Army Corps wouldn't accept it.

So I'm just trying to give a background here.

The Army Corps in Sacramento would not accept the money because they said we weren't a project at that time because we hadn't given any funding.

Furthermore, the agreement was that we sent $50,000 that the Army Corps has seemed to have lost somewhere. They have no record of.

Not only that, the agreement was that our portion of what was to take pace -- place with the levee, we would pay Summit up front all that billings and that would be deducted from our portion of that flood levee. And I don't know if that's still in order or not because we paid a lot of money out in engineering fees to begin with. And that was supposed to be part of our portion of -- of that.

Why you're going a 408, I don't get. I'll be honest with you.

I understand -- I don't know why the Army Corps is dropping part of that levee. I can understand the new part, the southern part. And if that's the case, the county can do that a lot on their own with the county trucks and everything else and defer a lot of that cost. You don't need all that.

But the existing levee itself was the Army Corps' mistake. The Army Corps is responsible for the existing levee because

they were the ones that didn't do it right and FEMA did not accept it.

So why are we doing a 408 when it's the Army's Corps responsibility to correct the levee to begin with?

So that's my concerns, my questions. That should be all part of the project. And I don't know why it's being dropped back on us when it was their responsibility to get it where it needed to be so FEMA would recognize it. So that's my concerns, update, and questions that I have.

COMMISSIONER BAKKER: Thank you, Dean.

CHAIRMAN STIENMETZ: Thank you, Dean.

COMMISSIONER CLARK: Thanks, Dean.

JUDY SOUTIERE: Okay. Would you like me to respond?

Thank you. Judy Soutiere with the Army Corps of Engineers.

The levee that was built years ago was built to the standards at that time. It was also built as a small levee. At that -- I think at the time it was built, FEMA was not yet in existence and FEMA did not have their certification requirements.

As all engineering standards change over time, and levees have changed over time, our standards for what is required now for a levee is different than what it was even 15 years ago.

Because Hurricane Sandy, Hurricane Katrina, the floods of '97 in the Sacramento area have taught us levee engineers that we have a lot of -- we didn't know a lot about what we were doing, that underseepage is a much bigger concern. It causes more problems than we had thought in the past. And the guidance as to what we need to put into those levees, which is why the cost has gone up on -- on the levee here -- is that we will have to do something for underseepage.

That wasn't known 15 years ago. It wasn't known when we built the original levee.

We have more information about the rainfall and about what your hydrology and hydraulic conditions are here than when we built the original levee.

At that -- when we built the original levee, it was a smaller community. And it was -- the study that we did in 1997 said, yes, we were going to try to bring it up to the 100-year level of protection.

So that's what was -- what we originally author- -- or what

we got approved to do.

And then there were some funding issues -- clear and simple -- and timing. Federal government always -- we're always fighting for funding on these small programs also.

So as has happened on so many other projects, the feds will have money; the locals don't. Then the locals have the money and then the feds don't. And so we have to have them all kind of come together at the same point in time.

So when it comes together like that, then we can actually move forward. And then we had -- because it's been so long, we have to go back and relook at what we did.

And Congress has required that we look at benefit-cost ratios, that we do not build anything that we do not have a positive benefit-cost ratio. And the benefit is the par- -- the lands and the environment that we're protecting from a flood.

Another thing that Congress is worked with us on and that the administration has is that we're not allowed to build a levee that -- or improve a levee that implies induced growth. Because what that means is that, even though we're designing the levee and Summit is going to be designing a levee, it's going to be a built to a certain level based on what we know about what -- what type of rains we have. That's what we know today based on what we've had in historical information.

But things can change. And we all know that we're getting few -- we're going through long- -- longer periods of drought. And I'm not sure what we're going to get for rain this year. But we could be getting a lot more rain than we've had in the past.

So we're -- we're designing and building to a certain level.

But Mother Nature can always do something that's going to -- going to overtop whatever it is we design. Even though we may get it up to the 100-year level that FEMA requires for their certification and so they can accredit it so that people don't have to buy flood insurance.

But those people on the water side of the levee, are -- or on the landward side of the levee are still in danger because something could happen.

And if the levees are not maintained -- some -- they can and will fail.

So, yes, it seems like we've gone backwards and forwards and backwards. But what we did when we had to update the report to prove that this project is still a valuable project and is still in the federal interest to protect the city of Battle Mountain, we had to look at the benefits and the costs.

And we were able to break it up into three different areas because if we looked at it as a whole -- both the north, the middle, and the south, as a whole project, we had no federal interest in it. There was not enough benefits for the cost of building it. But we broke it up into three different areas. And we were able to justify the cost for the benefits that we could get in the middle portion of the levee -- of the levee.

We couldn't do that for the existing portion on the north side. It still provides protection. Yes, it's not going to provide the 100-year based on its current condition. But it's also an area that there wasn't the benefits to justify it.

So we can't -- we can't invest our federal money into doing that. Yes, there's a federal levee there. Yes, we still hold Lander County accountable for maintaining that levee.

And we also have a law from Congress that tells us if you're going to modify a federal flood control system, you have to ask permission. And we have to approve that permission for you do that.

Whenever you have a utility that's going to go through a levee, you have to ask us permission for that utility to go through the levee. You can't just say, yeah, you can do that. You have to come and ask for the 408 permission from us. And we'll look at it and make sure that it's designed so that it doesn't harm the integrity of that levee.

And so that's why we want to look at it and make sure that you're not doing harm, that you're not going change what currently exists for protection. You're only going to enhance it.

And that's why we need to have the 408 so that you can do that on the north portion where we say there's not a federal interest in spending money to raise that portion.

The south portion, because there is no federal levee in the south portion, and that was really to -- it's designed to protect a little bit of property there now. But that may be further developed. That's increasing development in the

floodplain, which we're not allowed to do.

So we're fighting this battle of do we have a federal project here? Yes. Do we have a federal interest? Yes. It's a smaller federal interest.

And it's really not in the federal interest, truly, to bring a levee up to the FEMA 100-year standard so that it can be certified. Because you've transferred the risk from the federal govern- -- from the community onto the federal government for the levees that we build. Because we're saying, it's okay to build in a floodplain by raising the levees up to the 100-year. And you're not required to buy insurance.

But you're still in a flood -- in a floodplain. And you could still get wet. And so you should still have flood insurance.

COMMISSIONER CLARK: So what I'm hearing is that we have standards -- new standards set --

JUDY SOUTIERE: Yes.

COMMISSIONER CLARK: -- by the federal government?

JUDY SOUTIERE: Yeah.

COMMISSIONER CLARK: And just say hypothetically we got this done in 18 months. There could be another whole new set of federal standards.

JUDY SOUTIERE: There could be. And it could change.

But the other thing that FEMA looks at is that they -- in the past, up until -- I -- when they did their modernization program, that was the first time that they had even looked at updating the flood elevations and the floodplains in most communities. And that was at the direction of Congress that said, hey, guys, some of these are from 1972. There's been a lot of changes and you guys aren't keeping up with -- with what's out there.

So it's -- there are new standards. But once you get a levee certified by FEMA, they're just going to require that you continually operate and maintain it, according to the manual that you've sent to them, to say, this is how we're going to do things, and to evaluate it after any major event or after there's been a major change. They don't say that in ten years you have to go back and relook at your levee and redo the certification.

JEFF EISENBERG: So the an- -- the answer to your question

is no. That, I mean, that there may be new standards, but they're not going to affect the construction or engineering requirements for putting this thing in place.

JUDY SOUTIERE: After we've built it.

JEFF EISENBERG: After it's been certified if that's it.

JUDY SOUTIERE: Yeah.

JEFF EISENBERG: You have to meet the standards in the -- up to the same of time of certification.

JUDY SOUTIERE: Yeah, --

COMMISSIONER CLARK: Now, you're --

JUDY SOUTIERE: -- and --

JEFF EISENBERG: So you're going to be set. You're going to be set, basically.

COMMISSIONER CLARK: Oh, okay.

JUDY SOUTIERE: There may be changes in the future that we just don't have any idea about in --

JEFF EISENBERG: Legislation.

JUDY SOUTIERE: -- in legislation. And so...

COMMISSIONER BAKKER: FEMA could come in and do that though. Or -- what you're talking about.

JUDY SOUTIERE: They could.

COMMISSIONER CLARK: Okay. So you understand that the problem with the flood was debris; right?

When the debris was moved --

JUDY SOUTIERE: Uh-huh.

COMMISSIONER CLARK: -- the water went away. Miraculously.

COMMISSIONER BAKKER: Okay.

JUDY SOUTIERE: Yeah. Right. That -- but that's where we're at right now is that --

COMMISSIONER CLARK: Okay.

JUDY SOUTIERE: -- you guys have asked us to pursue this project. And we're pursuing the project. And we're -- like I said, we've got the money right now. And we're proceeding forward unless you tell us to stop.

Just so that we can keep it going. Because there is a cost share of 65/35 on this construction. And so for the center portion that we're doing, we're paying 65 percent of the design cost and the construction cost. And you'll come up with the 35 percent, which will include some of your lands, easements, relocations, --

COMMISSIONER BAKKER: And we don't have a number on that yet; do we?

JUDY SOUTIERE: No, we do not. And that's part of some of the information that we're going to be sending to them to start looking at what it is going to take to get what they need -- we need.

COMMISSIONER BAKKER: Okay. Keith, you -- like I said, get with everyone. We need to figure out all the hurdles we need to --

JUDY SOUTIERE: Yeah.

COMMISSIONER BAKKER: -- get over to get this going.

KEITH WESTENGARD: Good enough.

COMMISSIONER BAKKER: Okay.

COMMISSIONER WAITS: So is there any way we can continue looking for the $50,000 that --

JUDY SOUTIERE: Um.

COMMISSIONER WAITS: -- our commissioner said we had?

JUDY SOUTIERE: I will go back. I do know you have sent us a hundred and thirty -- $113,000. And that was when we did our feasibility study.

COMMISSIONER WAITS: And how about the design? The 2011 is kaput?

JUDY SOUTIERE: The --

COMMISSIONER WAITS: Or can you work --

JUDY SOUTIERE: The --

COMMISSIONER WAITS: -- from that?

JUDY SOUTIERE: The 2000. We have an agreement with you that was signed in 2000. And in that a- -- since we started working on that agreement, we have received nothing from the county. And we have received -- what? -- about two -- 2 million from the feds to finish it? Or are we at 3 million?

CHELSEA STEWART: Three million.

JUDY SOUTIERE: Three million, this year.

COMMISSIONER CLARK: Dean, you have a time frame on that 50,000?

DEAN BULLOCK: It was actually before I was put in the commission.

COMMISSIONER CLARK: Okay.

DEAN BULLOCK: So I would say 2009, 2010, somewhere in there.

JUDY SOUTIERE: Mm.
DEAN BULLOCK: It was --
JEFF EISENBERG: Well, do we have a r- -- I mean, is there a record?
COMMISSIONER CLARK: Have to --
COMMISSIONER BAKKER: We can --
COMMISSIONER CLARK: -- be somewhere?
COMMISSIONER BAKKER: -- go back and look.
DEAN BULLOCK: We have a record, but they don't.
JEFF EISENBERG: Also --
DEAN BULLOCK: We talked about --
JEFF EISENBERG: Does the hundred -- does the 113,000 count towards their contribution?
JUDY SOUTIERE: No, because that counted towards their contribution for the original feasibility study in 1997. Because the original study cost about --
COMMISSIONER BAKKER: Of course not.
JUDY SOUTIERE: It cost a hundred -- it was 50 percent of the --
JEFF EISENBERG: But that feels -- that feels harsh because the fruits of that feasibility study failed because -- in part because you didn't have the money.
JUDY SOUTIERE: That and --
JEFF EISENBERG: That's -- so that's not our fault.
JUDY SOUTIERE: And that you didn't have the money also. So it -- it boils down to that was the original study. And it -- feasibility is shared -- cost shared 50/50.
We're in the construction -- design construction phase. We're at 65/35.
And that's where the lands, easements, relocations, and disposals are so important because that can be counted towards your cost share of the project so that you won't owe us all cash.
And there are probably some other things that we can account for. But at this time, because we did not even know if we were going to have a -- a -- a valuable -- a viable federal piece of the project, we haven't done the full accounting of everything else other than our -- what we've received on federal dollars.
The 50,000, I'm sure we don't have a record of. If you can

find a canceled check, that would be appreciated. We can try and track it down.

And we'll go back and have our budget analyst try and find it. But I -- it -- they do -- we keep very good records in -- at this point, I've -- we haven't seen it.

So we can go back and check, but I'm -- but if you have anything that proves it, that would be better for us.

COMMISSIONER CLARK: Nan, can you look into that?

NAN ANCHO: Yes.

COMMISSIONER BAKKER: Thank you. Okay. Thank you, guys.

CHAIRMAN STIENMETZ: Thank you.

JEFF EISENBERG: Thank you.

COMMISSIONER WAITS: Thank you.

COMMISSIONER BAKKER: Appreciate it.

JUDY SOUTIERE: Thank you.

CHAIRMAN STIENMETZ: Five-minute, ten-minute break? All right. We need to do a ten-minute break.

(Break taken between 11:10 a.m. and 11:24 a.m.)

18) Update regarding the status of the Battle Mountain recreation center project and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. We're going to come back. Put -- order until they get back, we can go ahead and start with Item 18, which is update regarding the status of the Battle Mountain recreational center project and other matters properly related thereto.

BRAD VAN WOERT: Good morning.

COMMISSIONER CLARK: Good morning.

COMMISSIONER WAITS: Good morning.

CHAIRMAN STIENMETZ: It's you.

BRAD VAN WOERT: It was. That -- I'm -- it's been a whole lot of action going on today. This is good.

COMMISSIONER MILLS: We're expecting you to keep that pace going.

BRAD VAN WOERT: Yeah. We're the boring part, I hate to say.

For the record, I'm Brad Van Woert from the architectural firm of Van Woert Bigotti Architects.

We've been hanging around for two or three years now on various projects. And we're working on the Battle Mountain recreation center.

As a short quick update, last week we turned in our design development package, which means the project -- and it's through its design process is about 35 percent complete.

We're working with CORE Construction on the CMAR delivery method, matching up the dollars that are available with the design that you see just in front of you here.

Just brought two plans. On your left is the floor plans. It's about 25,000 square feet. It is holding, with slight revisions, to exactly what we envisioned with the original -- original program.

The site plan and landscaping plan is on your right, just to kind of show how it sits right next to Altenburg Drive.

And the key to that is trying to use existing parking and asphalt that's already created between the -- what is now the elementary school and our new building.

And the other thing is to the park side is to try to save as many of those trees that are there. Some of them could probably go. But some are really nice and mature and would lend themselves well to the project.

Also incorporated in the plan, if you were to really look and squint at it, there are some public restrooms. So as the pool building -- the existing pool building goes down, we're incorporating new public restrooms that will facilitate the park use as well.

Our -- we met last night. And we're -- we're tracking our schedule I think in the right -- right direction.

So we will submit our 50 percent contract document package on November 11th. And then we'll finish up the drawings, 100 percent package will be done on December 10th.

So in -- that will go to the contractor who will put out his sub-bids, put forth a guaranteed maximum price for the project. And that will usually take -- I'm speaking for CORE right here, but probably two to two and a half months. So we can probably expect a groundbreaking sometime in the middle of February or the first of March, all things being said, which is really good news because we can finally get a spade in the ground.

A couple of the other things that I think --

COMMISSIONER BAKKER: Brad when do you think --

BRAD VAN WOERT: Yes?

COMMISSIONER BAKKER: -- finish up of construction will be?

BRAD VAN WOERT: Yeah. I would think it would be an eight- to twelve-month construction period. We're -- is Casey here?

CASEY GUNTHER: Nope.

BRAD VAN WOERT: Talk to me, man. Well, --

CHAIRMAN STIENMETZ: He's off today.

CASEY GUNTHER: I believe our schedule shows right now a completion sometime around the month of December.

BRAD VAN WOERT: Yeah.

COMMISSIONER BAKKER: Okay.

BRAD VAN WOERT: In December.

COMMISSIONER BAKKER: Sounds good.

BRAD VAN WOERT: Indoor pool.

COMMISSIONER BAKKER: Yeah.

BRAD VAN WOERT: Be a great park.

COMMISSIONER BAKKER: Yeah, then you can go swimming all winter long.

BRAD VAN WOERT: That --

COMMISSIONER BAKKER: All year --

BRAD VAN WOERT: Exactly.

COMMISSIONER BAKKER: -- long, really.

BRAD VAN WOERT: Yeah.

COMMISSIONER BAKKER: Regardless of the weather.

COMMISSIONER MILLS: The company Christmas pool party.

COMMISSIONER BAKKER: Yes.

BRAD VAN WOERT: Just a few things before we wrap up, they're -- the packet that's coming together does have one added alternate. It's the racquetball court.

So it allows us to deal with the budget and make sure that we'll have a successful project.

If the bids come in lower than we were projecting right now, we'll get this racquetball court.

But other than that, everything will be in the base bid, including the game rooms and the gym, the pool, things of --

COMMISSIONER BAKKER: Oh, and the --

BRAD VAN WOERT: -- that nature.

COMMISSIONER BAKKER: -- slide. Two alternates.

BRAD VAN WOERT: Yes. So -- and we -- last night we talked about two other items that will -- could get thrown into the mix.

One is an indoor slide for the big pool. And it's been a talk -- a topic of discussion to do something like that for the pool. And they come --

COMMISSIONER CLARK: In the --

BRAD VAN WOERT: -- in small --

COMMISSIONER CLARK: -- kids' pool?

BRAD VAN WOERT: No.

COMMISSIONER MILLS: No.

BRAD VAN WOERT: This is --

COMMISSIONER MILLS: The big pool.

BRAD VAN WOERT: -- the big pool.

COMMISSIONER BAKKER: The big pool.

BRAD VAN WOERT: It would be more --

COMMISSIONER CLARK: That's more for kids than -- they're not going to be in the deep end.

BRAD VAN WOERT: That's right. It'll be down at the shallow end. And they come in small, medium, and large. The cost of them, little prohibitive right now. They range just, for the slide itself, FOB to the job, is small, medium, and large. It's like 30-, 50-, and $70,000. I mean, we have to install --

COMMISSIONER BAKKER: Well, that's not true because then you got to add all the other crap in there.

BRAD VAN WOERT: That's right. I mean, you have to --

COMMISSIONER MILLS: That's why I was saying --

BRAD VAN WOERT: -- add all the --

COMMISSIONER BAKKER: Yeah, we're --

COMMISSIONER MILLS: -- water.

COMMISSIONER BAKKER: -- looking at 50 grand for the slide.

BRAD VAN WOERT: That's right.

COMMISSIONER CLARK: We -- will we still have a one-meter board for competition?

BRAD VAN WOERT: No, there is no board --

COMMISSIONER BAKKER: There's no --

BRAD VAN WOERT: -- in the pool.

COMMISSIONER BAKKER: -- diving board.

DISTRICT ATTORNEY HERRERA: Liability.

COMMISSIONER BAKKER: Insurance. Liability.
CHAIRMAN STIENMETZ: Too much liability.
COMMISSIONER CLARK: Well, if you're going have a competition pool, part of competition is a one-meter board for a standard competition.
COMMISSIONER MILLS: Part of the other part of that too is the pool depth isn't enough to have a board.
DISTRICT ATTORNEY HERRERA: Didn't have -- it's not deep --
CHAIRMAN STIENMETZ: This --
DISTRICT ATTORNEY HERRERA: -- enough.
CHAIRMAN STIENMETZ: -- is strictly for swimming.
COMMISSIONER BAKKER: Yeah, it's --
COMMISSIONER MILLS: So there's a couple of restrictions to --
DISTRICT ATTORNEY HERRERA: It's a --
COMMISSIONER MILLS: -- the diving board.
DISTRICT ATTORNEY HERRERA: -- competitive racing, you know, swimming, not diving.
COMMISSIONER CLARK: But you'll never draw competition here if you don't have swimming and diving.
COMMISSIONER BAKKER: Didn't you guys build one in --
COMMISSIONER CLARK: That's a statement.
COMMISSIONER BAKKER: -- Ely?
DISTRICT ATTORNEY HERRERA: No. No. I don't disagree.
COMMISSIONER BAKKER: Did it have a diving board?
CASEY GUNTHER: White Pine Aquatic Center?
COMMISSIONER BAKKER: Yeah. Did it have a diving board?
CASEY GUNTHER: I can't recall.
COMMISSIONER BAKKER: Oh.
CHAIRMAN STIENMETZ: No, I don't think it does. We have pictures of it.
COMMISSIONER CLARK: Well, --
KEITH WESTENGARD: Yeah, I've got some pictures. I'll have to find them. Might take me a little --
COMMISSIONER BAKKER: And they hold competitions there.
COMMISSIONER WAITS: I don't suppose there's anything like a portable one you can take up and take down.
COMMISSIONER CLARK: Oh, goodness.
CHAIRMAN STIENMETZ: No, you can't do it; we don't have the dep- -- deep enough pool.

DISTRICT ATTORNEY HERRERA: We'd have to make the pool --
BRAD VAN WOERT: We don't have the depth now --
COMMISSIONER WAITS: Ah.
BRAD VAN WOERT: -- for the pool.
COMMISSIONER WAITS: Ah.
BRAD VAN WOERT: Yeah.
COMMISSIONER WAITS: Okay.
BRAD VAN WOERT: For public pools, the diving boards have -- have not gained any favor because of the liability issues that Ted's talking about.
COMMISSIONER BAKKER: That's why they took the one out of the old pool.
BRAD VAN WOERT: That's right. And then the last issue is a big topic of discussion was a pool cover. There -- I'll show you this picture. I'll pass it around.
They're insulated tarps that if you cover the pool on a daily basis, after the pool shuts down in the evening, there could be up to a 40 percent energy savings for the building and water savings for evaporation and then the heating of -- of the water.
So to not do it, we would probably be remiss. But it's probably a 50- to $60,000 item as well.
So right now, it'll be integrated into our design. And we'll provide all the power for it and things of that nature. And -- but it may not make the cut on bid day. But it will set up as an equipment purchase maybe for a later date as the slide could be as well.
COMMISSIONER WAITS: So it won't be part of the base bid is what you're saying.
BRAD VAN WOERT: We'll see.
COMMISSIONER WAITS: But you're prepared to put it in.
BRAD VAN WOERT: Well, we have this one alternate. We'll probably incorporate the pool cover and the slide as additional alternates.
So to -- to finish the story, we've got -- probably gone from one to three additive alternates. So they'll be in our bid documents. And a price will be secured for each one of those. And we'll see if it fits in --
COMMISSIONER BAKKER: So there's no --
BRAD VAN WOERT: -- with --

COMMISSIONER BAKKER: -- change orders.

BRAD VAN WOERT: -- the amount of money that's available. And if it is, we'll incorporate them in, and they'll be done.

COMMISSIONER WAITS: Well, Sean will just wait for another donation and he can earmark that.

BRAD VAN WOERT: That's right. Yeah.

But that's it. I think we're headed toward a successful project. And we'll have documents completed in mid- -- mid-December.

COMMISSIONER BAKKER: Okay. Thank you.

BRAD VAN WOERT: Thank you.

CHAIRMAN STIENMETZ: Thanks.

KEITH WESTENGARD: No -- no boards.

CHAIRMAN STIENMETZ: No. I didn't see any in my pictures.

11) Update non-action item from Synergy Resource Solutions and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. Now we'll move back to Item 11. Update non-action item from Synergy Resources Solutions and other matters properly relating thereto.

MARTIN PARIS: Martin Paris, Synergy Resource Solutions.

So I just had kind of a general update for you guys today on a few different things.

And I'll start with the Argenta Allotment. As you might know, Western Watersheds Project is a part of the collaborative management group that came out of the settlement agreement.

And to this point in time, they have not been collaborative. They have filed a protest against the permittees --

COMMISSIONER BAKKER: No way.

MARTIN PARIS: -- on greens permits.

COMMISSIONER BAKKER: We didn't see that coming.

MARTIN PARIS: And they also have -- I think I saw it in your packets. They have a lawsuit pending against the BLM. So we need to discuss -- it's supposed to be the collaborative management group. And --

COMMISSIONER BAKKER: Martin, whose idea was it to put them on there?

MARTIN PARIS: That --

COMMISSIONER BAKKER: The guys who are against any ranching, cattle, wildlife, whatever.

MARTIN PARIS: Not the permittees.

COMMISSIONER BAKKER: Yeah. Anything to do with the allotment, why would they put them on that board?

MARTIN PARIS: I think they've --

COMMISSIONER CLARK: A piece --

MARTIN PARIS: It started out as --

COMMISSIONER BAKKER: (Non-word utterance.)

MARTIN PARIS: -- just a public entity that have a stake in how this would work.

COMMISSIONER BAKKER: Very counterproductive.

MARTIN PARIS: And then they didn't choose to sign onto the agreement. And they should have been out at that point. They should have been out of the collaborative management group, but they're not.

COMMISSIONER BAKKER: Who --

MARTIN PARIS: So...

COMMISSIONER BAKKER: -- kept them in?

MARTIN PARIS: The -- they've -- nobody, I guess. They just kind of --

COMMISSIONER BAKKER: Hung on?

MARTIN PARIS: -- kept on going.

COMMISSIONER BAKKER: Yeah.

MARTIN PARIS: And they're in the group. So we need -- we're going to have some discussion on how to fix that.

COMMISSIONER BAKKER: Okay.

MARTIN PARIS: Sage grouse. You guys probably know -- most of you need to know. I don't think anything important's happened in the last couple of days since the special meeting.

But at this point in time, seven counties have joined the lawsuit: Lander, Humboldt, Lincoln, Washoe, Eureka, and White Pine. And I think more counties will join --

COMMISSIONER CLARK: Yeah, I got it.

MARTIN PARIS: -- in the coming days.

COMMISSIONER BAKKER: Did --

MARTIN PARIS: I just got a e-mail from the attorney --

COMMISSIONER CLARK: (Indiscernible.)

MARTIN PARIS: -- on that --

COMMISSIONER BAKKER: Oh.

MARTIN PARIS: -- that our --
COMMISSIONER BAKKER: Read that.
MARTIN PARIS: -- attorney general has decided to join as well. And I don't know if it's join the lawsuit that's ongoing. Do you -- you aware of this?
COMMISSIONER MILLS: Good.
COMMISSIONER BAKKER: Oh.
DISTRICT ATTORNEY HERRERA: Yes. That's it right there.
MARTIN PARIS: Or a --
COMMISSIONER WAITS: It's -- it's --
MARTIN PARIS: Or would it be --
COMMISSIONER WAITS: Yeah.
MARTIN PARIS: -- a separate one?
COMMISSIONER WAITS: Yeah. It's just --
MARTIN PARIS: I just got an --
COMMISSIONER WAITS: -- just --
MARTIN PARIS: -- e-mail.
COMMISSIONER WAITS: -- written. It says, today Nevada Attorney General Adam Paul Laxalt joined a suit on behalf of the State of Nevada, challenging the federal government's Greater Sage Grouse Land Use Plan.
Again, joins, but it says State of Nevada. And that isn't the other --
COMMISSIONER MILLS: So...
COMMISSIONER WAITS: -- suit. So...
MARTIN PARIS: Yeah, that's where I --
COMMISSIONER WAITS: It's kind of --
MARTIN PARIS: -- will have to --
COMMISSIONER WAITS: -- open, you know.
MARTIN PARIS: -- look. I just --
COMMISSIONER WAITS: We still --
MARTIN PARIS: -- got that as well --
COMMISSIONER WAITS: -- aren't positive.
MARTIN PARIS: So...
COMMISSIONER MILLS: Yeah, a little clarification there would be nice.
MARTIN PARIS: I'll check on it.
COMMISSIONER BAKKER: So the restrictions on the sage grouse are implemented right now?
MARTIN PARIS: They're started. Yes. They're starting to.

And that's what this was, is a preliminary -- a preliminary injunction to just stop the implementation of this until the lawsuit can be heard.

COMMISSIONER BAKKER: Right.

COMMISSIONER WAITS: And they have a hearing set for that; do they not?

DISTRICT ATTORNEY HERRERA: Thirteenth.

MARTIN PARIS: Yeah, the 13th.

DISTRICT ATTORNEY HERRERA: Thirteenth.

COMMISSIONER BAKKER: Hey, --

DISTRICT ATTORNEY HERRERA: Twelfth. The 12th.

COMMISSIONER WAITS: The 12th --

DISTRICT ATTORNEY HERRERA: November 12th.

COMMISSIONER WAITS: -- of November?

COMMISSIONER BAKKER: Just -- just for the record and air it out. Do you still have that list of stuff we can't do on -- in sage grouse areas?

MARTIN PARIS: Yes. Yeah, I can get that sent.

COMMISSIONER BAKKER: Okay.

MARTIN PARIS: I think I have it, actually, right here.

COMMISSIONER BAKKER: Could you just say something for the public.

MARTIN PARIS: Yeah, I have the acreages that one of our guys, our G- -- GIS guys mapped out. And I'll just repeat that again.

So what we mapped was -- this would be closed to oil and gas leasing and geothermal -- was 59,101 acres. Moderate stipulations to oil, gas, and geothermal was 602,249 acres. Major stipulations to oil and gas and geothermal was 765,480 acres. Major right-of-way avoidance areas was 1,348,064 acres. Major right-of-way exclusion areas 59,101 acres. Then we get to, like, solar -- solar exclusion areas was one million 380 -- 80,622 acres. Trails and travel management limited -- and this is something that was I discussing with Doug. They're going to make the committee that's going to decide which roads will be open, closed. We don't know what they're going to come up with. But the area that is in their mapping for which roads they need to decide on is also 1,398,622 acres of roads.

COMMISSIONER MILLS: Okay.

MARTIN PARIS: That they --
COMMISSIONER MILLS: The whole county?
MARTIN PARIS: Yeah. That comes to.
COMMISSIONER MILLS: In essence.
MARTIN PARIS: Yeah. Pretty close.
COMMISSIONER BAKKER: How many acres -- do you know how many acres there are in Lander County total?
MARTIN PARIS: I have it.
COMMISSIONER WAITS: Five thousand seven hundred and -- what? -- 21?
MARTIN PARIS: No, it's in the mill- -- we're in the millions.
COMMISSIONER MILLS: Yeah, we're more than that.
MARTIN PARIS: Public -- total 3,529,542 acres.
COMMISSIONER MILLS: So half --
COMMISSIONER WAITS: Yeah, five --
COMMISSIONER MILLS: The county.
COMMISSIONER WAITS: -- thousand two hundred and seventy-one square miles.
MARTIN PARIS: Uh-huh.
COMMISSIONER MILLS: Oh, okay.
COMMISSIONER WAITS: Six hundred and forty --
COMMISSIONER BAKKER: Oh.
MARTIN PARIS: Yeah, I'll have --
COMMISSIONER MILLS: Miles an acre.
COMMISSIONER BAKKER: Yeah.
COMMISSIONER WAITS: Six hundred and forty acres per square mile.
MARTIN PARIS: Yeah.
COMMISSIONER WAITS: And so that's what --
MARTIN PARIS: Yeah.
COMMISSIONER MILLS: Yeah.
CHAIRMAN STIENMETZ: There's an update.
MARTIN PARIS: So that's -- that's that. And it's going to go forward. We'll have to wait and see what happens. Hopefully they'll put a stay on that too.
And I was going to move into the waters of the U.S.
Patsy, good thing I walked in when you were talking about it. You clarified everything that -- that needed to be happened.

There's a nationwide stay on that, as well, which is the good thing. The bad thing, it's temporary. So we'll -- that's another thing similar to the sage grouse issue that we need to keep track of.

JEFF EISENBERG: I'd -- I'd like to say something on that.

MARTIN PARIS: Okay, go for it.

JEFF EISENBERG: The -- it's a preliminary -- sorry.

Jeff Eisenberg.

So I'm -- I'm -- for other work I'm doing, I'm following the water stuff too closely on behalf of agriculture.

But the -- the court acted quickly and decisively to really move solidly against that rule. And so it's temporary.

But it's -- I think the court has really shown its hand where it wants to go. And I, you know, I have long been of the view that it doesn't pass legal muster. But this is the Sixth Circuit, and it's a big deal.

So I think it's more than -- you know, there's all kind of procedure.

MARTIN PARIS: Well, if I understood correctly too that was a court that the EPA wanted to be in.

DISTRICT ATTORNEY HERRERA: Yes.

MARTIN PARIS: And they ruled against the EPA thus far. So that's a really good --

JEFF EISENBERG: They haven't ruled on the jurisdiction issue.

DISTRICT ATTORNEY HERRERA: No.

JEFF EISENBERG: It was the --

MARTIN PARIS: No.

JEFF EISENBERG: -- sixth circuit. It was the sixth circuit that -- that entered the nationwide stay.

DISTRICT ATTORNEY HERRERA: Right.

COMMISSIONER WAITS: Yes.

JEFF EISENBERG: Right. They -- they declined the consolidation.

COMMISSIONER BAKKER: Whose phone is this?

DISTRICT ATTORNEY HERRERA: Right.

JEFF EISENBERG: The multi-panel district --

COMMISSIONER BAKKER: Is this Ted's?

JEFF EISENBERG: -- in D.C. But you got the -- you got the Sixth Circuit. You've got the Sixth Circuit which -- which

entered a stay, but has not ruled jurisdiction, which is crazy. Because why are you issuing an order if you don't have power? But this -- the feeling is they must have a feeling about where this is going.

DISTRICT ATTORNEY HERRERA: Right.

JEFF EISENBERG: But --

DISTRICT ATTORNEY HERRERA: The EPA wanted it there.

MARTIN PARIS: Yeah, so that's.

DISTRICT ATTORNEY HERRERA: And they're going against that so far.

JEFF EISENBERG: Oh, yeah.

DISTRICT ATTORNEY HERRERA: Yeah.

MARTIN PARIS: Oh, yeah.

JEFF EISENBERG: It's a -- they're getting what they deserve.

DISTRICT ATTORNEY HERRERA: Yeah.

MARTIN PARIS: So I guess we'll just keep track of that, see where that ends up.

COMMISSIONER BAKKER: Yes.

MARTIN PARIS: Kind of the last thing I had for you was Jack and I -- Jack, the president of Synergy, will be going to Washington next week.

We have a lot of meetings set up with quite a few people. Some of the topics we wanted to talk about were these sage grouse land use amendments and just the effects on Lander County, not only in Lander County but just rural counties in -- in general and small businesses, what role this plays in those.

And then also wild horses and BLM issues. Specifically this -- this district office is one of our main talking points.

And also as of yesterday, whether you love or hate Jeb Bush, he -- he revealed his public land policy. And one of his i- -- ideas was to move the department of danger to Reno or Salt Lake. So --

COMMISSIONER WAITS: Or Denver.

MARTIN PARIS: Yeah, --

COMMISSIONER CLARK: Or Denver.

MARTIN PARIS: -- or Denver --

COMMISSIONER CLARK: Yeah.

MARTIN PARIS: -- was one of the ones. So I don't know. I think -- I think that would help. It should be kicked around at

least. No matter what candidate ends up winning, I think that we should look into that and see.

COMMISSIONER WAITS: And they commented on Neil Kornze too since he's from Elko and, of course, said that they thought that would help giving Washington an idea of --

MARTIN PARIS: Yeah.

COMMISSIONER WAITS: -- what the West was like.

COMMISSIONER MILLS: Yeah, because they don't have a clue.

COMMISSIONER WAITS: But he's all by himself. And that's not working. So he said, let's move it out west. Yeah.

MARTIN PARIS: So who knows? I don't know how that will work. I just thought I would mention that.

But yeah, we're going to be meeting with Senator Heller, Senator Tester of Montana. I saw Megan here.

We're going to be meeting with Representative Amodei. And I was told by his staff that this week, I think, actually, he's going to be meeting with Representative McCarthy to discuss possible legislation about these land use amendments.

So I don't know what will come out of that, but that was good news that they're talking about it.

We're also meeting with the senior adviser on Wild Horse and Burro Department for the BLM. So we'll see what happens there.

Probably the biggest meeting we're going to have is with the White House committee on environmental quality. And Eddyann Filippini and Lynn Tomera met with them a few months ago. And they did such a good job that we were asked to come back. And I think that's a really -- it's a really important meeting. I mean, it's the White House and they make direct recommendations to President Obama. And they're concerned about issues specific to Lander County.

So we're going to have a chat about some things, which is really good news. I'm glad that they gave us the chance to meet with them.

COMMISSIONER BAKKER: Do you -- do have any information on the direction the -- what the Cattlemen's Association, farming/ranching associations in the states are going to be affected by this plan to do? Are they going to join in? Are they going to --

MARTIN PARIS: So we need to talk about --

COMMISSIONER CLARK: -- support it financially?

MARTIN PARIS: Yeah. My dad, actually, is the -- he's going to be the board member for California and Nevada for the United States Cattlemen's Asso- -- Association. So that's something, I think, we -- yeah, I would --

COMMISSIONER BAKKER: Okay.

MARTIN PARIS: -- hope the Cattlemen's Association would jump -- jump on this.

COMMISSIONER CLARK: Okay.

JEFF EISENBERG: Did -- those suits are going forward now in Wyoming. I know -- so I know Wyoming Stock Horse very closely. And they're involved right now, including the state.

COMMISSIONER WAITS: No, you don't have to come up, Jeff, just state your name. It's okay.

JEFF EISENBERG: Oh, Jeff -- Jeff Eisenberg. I'm sorry.

COMMISSIONER CLARK: You know, --

JEFF EISENBERG: Over time I'll learn.

COMMISSIONER CLARK: Wyoming seems to be ahead of the power curve -- curve with -- with other states on these issues.

JEFF EISENBERG: They're totally. They're very proactive.

COMMISSIONER CLARK: Yeah.

JEFF EISENBERG: Very involved and -- on the grazing stuff.

COMMISSIONER CLARK: Yeah, they --

JEFF EISENBERG: And on other things.

COMMISSIONER CLARK: They've got the wild horse issue under hand and --

JEFF EISENBERG: Oh, yeah.

COMMISSIONER CLARK: -- you know, but they have a lot of grass too.

JEFF EISENBERG: That suit's going -- that suit is going forward though.

COMMISSIONER CLARK: Yeah.

JEFF EISENBERG: That suit's been filed. It was in the press.

COMMISSIONER BAKKER: Good deal.

MARTIN PARIS: So yeah, the cattle -- I know there's a lot of phone calls and conversations happening between the Cattlemen's. As far as putting up money, I don't know if we're there yet with some of them. But I hope -- hopefully we are. I know they're -- it's -- it's in their -- it's their plans in

everything that they do. They're -- they're concerned about it so we'll see where it ends up.

COMMISSIONER MILLS: With the sage grouse, the new rule's in effect, is that going to affect aviation at all?

MARTIN PARIS: Avia- --

COMMISSIONER MILLS: Because I --

MARTIN PARIS: I didn't see anything about that. So...

COMMISSIONER MILLS: Because if they have a -- if they a have a noise requirement and we have a fire and BLM goes out with their bombers to put out --

MARTIN PARIS: Uh-huh.

COMMISSIONER MILLS: -- fires, they're going to break their own rules.

MARTIN PARIS: Uh-huh. Yeah, I never thought of that.

COMMISSIONER MILLS: Too.

MARTIN PARIS: And that's the challenging thing with these land use amendments is it's, you know, a hundred pages or so. And then everything says refer to this appendix, refer to that appen- -- and that ends up being, you know, ten or so appendices that you have to refer to. And it's -- it's a -- there's a lot of stuff tucked and hidden away in those that -- that's -- if you pick them out, they're pretty concerning.

So that -- that's one of those things I don't know if that's clarified within one of those appendices or not. Aviation. I have -- I haven't seen it, though.

COMMISSIONER MILLS: Right. Especially with the noise thing.

MARTIN PARIS: Yeah, that's --

COMMISSIONER MILLS: What they could possibly do is put a -- a base altitude that you can't fly below because of the noise requirement.

MARTIN PARIS: Yeah, it's possible. I don't know.

COMMISSIONER MILLS: So that could be --

COMMISSIONER CLARK: If you don't have fire suppression, then this -- well, this whole issue is counterproductive as far as --

COMMISSIONER MILLS: Right.

COMMISSIONER CLARK: -- protecting the sage grouse habitat. Because if you don't have grazing, you have more dead grass.

MARTIN PARIS: Uh-huh.

COMMISSIONER CLARK: -- and more wildfires. And we just got to hope that --

MARTIN PARIS: And lots -- they are --

COMMISSIONER CLARK: -- we win this.

MARTIN PARIS: Yeah. And you have -- you guys have your declar- -- declaration in. So I think -- hopefully we'll have, enough stuff to --

COMMISSIONER CLARK: Hope so.

MARTIN PARIS: -- put a stay on this.

That's all -- that's all I had. Do you guys have any questions?

COMMISSIONER CLARK: Thanks, Martin.

CHAIRMAN STIENMETZ: Thanks, --

COMMISSIONER BAKKER: Thanks, --

CHAIRMAN STIENMETZ: -- Martin.

COMMISSIONER BAKKER: -- Martin.

MARTIN PARIS: Yep.

CHAIRMAN STIENMETZ: Appreciate it.

All right. Go to 12.

KEITH WESTENGARD: Comm- -- Commissioner Stienmetz.

CHAIRMAN STIENMETZ: Yeah.

KEITH WESTENGARD: The district attorney has a meeting he needs to get to. And it's time sensitive.

Can we jump into 14, 15?

DISTRICT ATTORNEY HERRERA: Fifteen. I have to be in Lovelock at 2:00 to discuss the Leighton Hall, the potential lawsuit with the judges, the DAs. So if we could take 15 and 16 so I can be here for those.

CHAIRMAN STIENMETZ: All right.

DISTRICT ATTORNEY HERRERA: Then I can leave after that.

CHAIRMAN STIENMETZ: All right. We'll go to item 15. Discussion --

FRANK WHTIMAN: Austin here, just for a moment, on Item 11.

CHAIRMAN STIENMETZ: Yes.

FRANK WHTIMAN: Just briefly. Frank Whitman.

I just want to say thanks again to the commissioners for setting aside that $10,000 to start getting this involvement in the lawsuit on this. I know you guys all understand that it's a huge impact to the county. And just want to say thank you. And that's just from Austin.

COMMISSIONER BAKKER: Thanks, Frank.
CHAIRMAN STIENMETZ: Thank you, Frank.
COMMISSIONER CLARK: Thanks, Frank.

15) Discussion for possible action regarding the phone/data contract for the Lander County courthouse/administration Building project, and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. Now we'll go to 15. Discussion for possible action regarding the phone, slash, data contract for the Lander County courthouse, slash, administrative building project, and other matters properly relating thereto.

JUDGE MAX BUNCH: I believe they're going to get the assessor right now so she can come down and talk about it.

COMMISSIONER BAKKER: We're on 15? Yeah.

COMMISSIONER MILLS: Think so.

CHAIRMAN STIENMETZ: Should we have started with 16?

DISTRICT ATTORNEY HERRERA: No, it's the same thing. These are very expensive phone systems and software going into the courthouse and the sheriff's department. Four or five hundred thousand dollars. So we need Lura here to explain.

JUDGE MAX BUNCH: They just went to get her.

CHAIRMAN STIENMETZ: Right. I know she was here and then she left.

COMMISSIONER BAKKER: Are you cold?

CHAIRMAN STIENMETZ: I'm cold.

COMMISSIONER BAKKER: It's all the hot air's been let out.

COMMISSIONER MILLS: Yeah. We quit all the exciting stuff. It's getting cold in here.

DISTRICT ATTORNEY HERRERA: This is what was handed out to you right before. We just got these contracts, like, yesterday or the day before. And they're time sensitive if we want to get into the building ever.

COMMISSIONER WAITS: So have you had a chance to review them?

DISTRICT ATTORNEY HERRERA: I've -- I've reviewed them. But I wasn't part of the negotiations so -- so I don't understand the things that Lura and Max can give you. What I've done is there are five different documents that need to be signed --

CHAIRMAN STIENMETZ: All right.

DISTRICT ATTORNEY HERRERA: -- by the board for both the sheriff's department and the courthouse.

CHAIRMAN STIENMETZ: All right.

DISTRICT ATTORNEY HERRERA: So we -- they're basically offers to buy these things.

CHAIRMAN STIENMETZ: We're on Item 15, Lura. And it's discussion for possible action regarding the phone, slash, data contract for the Lander County courthouse, slash, administrative building project, and other matters properly related thereto.

LURA DUVALL: Okay.

CHAIRMAN STIENMETZ: It's all yours.

LURA DUVALL: All mine?

Well, this is for the VoIP system that is in progress right now for the new courthouse.

And you have the contracts in front of you.

I asked him to break it out because the sheriff's office is going on the same system, but they're two separate buildings. So we need your approval so that we can have phones when we get to the courthouse.

COMMISSIONER WAITS: How does this fall within the budget that we've got? It was going to cost us --

LURA DUVALL: You had no money in your budget for this.

COMMISSIONER WAITS: This is all extra?

COMMISSIONER CLARK: Lura paid for it.

LURA DUVALL: This is all extra. And I'm paying for it out of my technology fund.

COMMISSIONER WAITS: Coming out of your fund.

LURA DUVALL: Yes.

COMMISSIONER WAITS: Do you have enough --

LURA DUVALL: And no, I do not have to do that. I stepped up to do that because otherwise we won't have phones. And I kind of think we need phones.

DISTRICT ATTORNEY HERRERA: And -- and for the commissioners' edification, we should be very thankful for Lura for doing this --

CHAIRMAN STIENMETZ: Yes.

DISTRICT ATTORNEY HERRERA: -- because it's a 400,000 or so hit, but --

CHAIRMAN STIENMETZ: 450,000.

DISTRICT ATTORNEY HERRERA: -- there's also in this a $46,000 a year maintenance thing that the county will have to budget for next year because we're -- we're going to carry that weight.

LURA DUVALL: Okay. Thank you.

DISTRICT ATTORNEY HERRERA: It's my understanding.

LURA DUVALL: Yes, I'm paying the first year maintenance and all the costs associated with all the equipment, the switches, the phones, all the connections, everything.

This will include training. They're going to come in when they set up the phones and train everyone how to use these.

And then the maintenance is ongoing. And it'll be a 100 percent maintained so we won't be doing anything in-house. And that's the --

COMMISSIONER WAITS: So are we --

LURA DUVALL: -- best route to go.

COMMISSIONER WAITS: -- are we buying this equipment or leasing it?

LURA DUVALL: We're buying the phones. Yes, we are. We are purchasing the phones. Yes.

Which is --

COMMISSIONER BAKKER: And they're --

LURA DUVALL: -- definitely --

COMMISSIONER BAKKER: -- working on this now?

LURA DUVALL: -- the way to go.

COMMISSIONER BAKKER: Are they working on this now?

LURA DUVALL: Yes.

COMMISSIONER BAKKER: Yeah? Okay.

DISTRICT ATTORNEY HERRERA: Well, --

LURA DUVALL: Are you panicked?

DISTRICT ATTORNEY HERRERA: As -- as soon as these contracts --

LURA DUVALL: Yeah.

DISTRICT ATTORNEY HERRERA: -- are signed -- because what they are is we're offering to purchase to -- and Max explained the purchasing agreement that we're using. We're -- we're -- these contracts are offers -- offers to purchase at the prices they've given. And you can see those. You can see exactly what you get. They're two one-page sheets. And --

LURA DUVALL: Now the summary's the best one.

DISTRICT ATTORNEY HERRERA: The summary's the best one and shows you where it's at.

And then there's a Lander County thing. And it tells you what equipment or -- and we can (indiscernible.)

JUDGE MAX BUNCH: So your summary should like this. Look like this.

Max Bunch, for the record.

Your summary should look like this.

Now, just to make sure everything's clear. There is IT switches that are required for the building to run the network system.

So just don't think of this as the phone system.

And there's an additional phone system.

So there's really three things --

LURA DUVALL: Uh-huh.

JUDGE MAX BUNCH: -- going on here, combined in this contract, which we're working through somebody, that we're working through state purchasing.

LURA DUVALL: Uh-huh.

JUDGE MAX BUNCH: So all of this has been -- is being provided at state purchasing price.

So -- just so you know, it's been pre-bid, pre-done, pre everything's been taken care of on it through the state purchasing.

The IT portion of it is only for the courthouse. That's the switches, everything to make all the computers talk and go into the main server room out to every office within the building.

Then there's a separate phone system that this VoIP system that she's referred to -- that Lura's referred to -- and that's part of the diagram --

LURA DUVALL: Uh-huh.

JUDGE MAX BUNCH: -- that you have there.

Then there's the sheriff's office that is going to also have installed on it a VoIP system. And that VoIP system will be available to talk to the other building.

LURA DUVALL: Uh-huh.

JUDGE MAX BUNCH: So their -- so those phones in the sheriff's office will talk to the commissioners. And you can call the sheriff directly, if you choose to, out of your office

and be able to talk directly to the sheriff without having to call up some other number. You go directly to his phone. And there's numerous things -- there's numerous things in this. This system is expandable.

LURA DUVALL: Uh-huh.

JUDGE MAX BUNCH: We can expand this phone system to go countywide --

DISTRICT ATTORNEY HERRERA: To Austin?

JUDGE MAX BUNCH: -- if we choose to.

LURA DUVALL: Lura Duvall, for the record. I was -- I know you're looking at me and that was going to be your question.

At a point, at an additional cost, after we get all set up in the new building, I do have a plan to add Austin on. But you've got to have the Internet first. You've got to have the high-speed Internet for this to work.

So there will be a point in the very near future where Austin will come on board. And they will be part of this same network and this same VoIP system hopefully real soon. Okay.

COMMISSIONER MILLS: Does that mean we're going to be able to do some kind of teleconference for these commission meetings?

DISTRICT ATTORNEY HERRERA: Yep.

LURA DUVALL: Yes.

COMMISSIONER MILLS: Okay.

JUDGE MAX BUNCH: We're -- we're working towards that. We're even trying to get it to where it's audio and visual.

LURA DUVALL: Yes.

COMMISSIONER MILLS: Okay.

JUDGE MAX BUNCH: For -- for the meeting. So we are --

LURA DUVALL: That's --

COMMISSIONER BAKKER: So we'll see --

LURA DUVALL: -- outside --

COMMISSIONER BAKKER: -- Austin --

LURA DUVALL: -- of this.

COMMISSIONER BAKKER: -- and they'll see us.

COMMISSIONER MILLS: Right.

JUDGE MAX BUNCH: Yeah. This is --

LURA DUVALL: This is --

JUDGE MAX BUNCH: -- completely separate.

LURA DUVALL: -- one component. That's another --

COMMISSIONER MILLS: Oh.

LURA DUVALL: That's another project that we will be working on, but --

COMMISSIONER WAITS: I'm sure all of this is state of the art, but is there anything built in, like, for cybersecurity anywhere?

JUDGE MAX BUNCH: All the -- all the firewalls and everything are being taken care within all of this.

And the IT department we have -- we have numerous firewalls we have. We've got DMV firewalls. We've got court firewalls. We've got for all these different systems we have going.

LURA DUVALL: Uh-huh.

JUDGE MAX BUNCH: But it's very imperative that we get this IT portion of it done. I've been working with the gentlemen for the last couple of weeks making sure we have this so --

COMMISSIONER BAKKER: Okay.

JUDGE MAX BUNCH: -- so that the building can function and operate when we get to the next thing.

But we have them in -- it is in two separate agenda items that we have here today. So there is the data, slash, phone for the courthouse building, which is Agenda Item 15. So...

And Lura's paying for that out of her IT funds.

And I've already kind of pre-started it because I've already went and got the purchase orders from the county so the -- so that they could order it.

It's -- the reason it's so important is because the IT is supposed to be completed a week from today. That means it has to be here either tomorrow, Saturday, Sunday, Monday. And it's going to take them a week to get everything done. So we're hoping to get it done by the 30th, 31st, first part of November. So that's why it's imperative that we have this scope of work approved and whatever Ted's highlighted there for approval.

So what we're asking for is a motion to approve the scope of work and the --

DISTRICT ATTORNEY HERRERA: And the --

JUDGE MAX BUNCH: -- signing of the contract. And it's all -- it's all within the state --

DISTRICT ATTORNEY HERRERA: There's -- there's -- required for signature, there's two offers to purchase product -- products and services. There's -- that -- each one requires a signature.

There's one support services agreement. And that requires a signature.

There's one scope of work for Lander County juniper. And that requires signature.

And there's one scope of work for the phones and accessories that requires signature.

So we need signatures on -- we need five different documents. And I've got -- I've tabbed them all. Sadie has them. And you just have to approve it.

COMMISSIONER BAKKER: Can I just approve this contract and then authorize the chair to sign? Or do you need that individually spaced out?

DISTRICT ATTORNEY HERRERA: Well, the problem -- if -- if we --

COMMISSIONER BAKKER: There's a problem?

DISTRICT ATTORNEY HERRERA: There's a problem, but there's a fix to it. And the fix can be by motion. Because we have -- five documents need to be signed. Some of them are contained in Number 16 and some of them are contained in Number 15.

So the motion should include -- you should understand that when you're making the motion.

COMMISSIONER BAKKER: I got you.

COMMISSIONER WAITS: So we're combining 15 and 16 together?

DISTRICT ATTORNEY HERRERA: Kind of.

COMMISSIONER WAITS: And we can do that.

DISTRICT ATTORNEY HERRERA: Okay, then --

COMMISSIONER WAITS: Yeah.

DISTRICT ATTORNEY HERRERA: -- then if -- yeah, if --

COMMISSIONER WAITS: That's --

DISTRICT ATTORNEY HERRERA: -- have --

COMMISSIONER WAITS: -- allowable.

DISTRICT ATTORNEY HERRERA: -- authorize --

COMMISSIONER WAITS: Absolutely.

DISTRICT ATTORNEY HERRERA: -- to do that.

COMMISSIONER WAITS: Okay.

JUDGE MAX BUNCH: Well, don't we have to open --

COUNTY CLERK SULLIVAN: You --

JUDGE MAX BUNCH: -- 16 to do it?

CHAIRMAN STIENMETZ: Yep.

LURA DUVALL: Yes.

DISTRICT ATTORNEY HERRERA: Okay. That would be --
CHAIRMAN STIENMETZ: All right.
DISTRICT ATTORNEY HERRERA: -- easiest.

16) Discussion for possible action regarding the phone/data contract for the Lander County Sheriff's Department, and other matters properly related thereto.

CHAIRMAN STIENMETZ: Let's --
DISTRICT ATTORNEY HERRERA: Let's --
CHAIRMAN STIENMETZ: -- go ahead --
DISTRICT ATTORNEY HERRERA: -- do this.
CHAIRMAN STIENMETZ: -- open Number 16, which is discussion for possible action regarding the phone, slash, data contract for the Lander County sheriff's department, and other matters properly related thereto.
COMMISSIONER BAKKER: Patsy, I'm going to let you take a stab at this motion. Or Doug.
COMMISSIONER WAITS: Okay. I make a motion that we approve the phone/data contract for the Lander County courthouse/administration project and the sheriff's office, including the scope of work -- all the contracts, support services, which will amount to five contracts, and authorize the chair to sign.
DISTRICT ATTORNEY HERRERA: Perfect.
COMMISSIONER BAKKER: Second. Perfect.
CHAIRMAN STIENMETZ: Any public comment? All in -- oh.
JERRY KUMAR: Jerry Kumar. Satview Broadband.
And this part is already done. And I understand that.
Our company handles Internet, phones, and television for this city. We have a franchise. We've been providing services for our local business.
We don't provide equipment, phone systems, things like that; however, we do provide a pipeline coming into the building. And we worked closely with the contractor to install all the conduits, things like that that's necessary to facilitate all this.
So in the future, if you find that you need higher speeds than what you're getting today, please consider us.
COMMISSIONER BAKKER: Thank you.

JERRY KUMAR: Yeah.
COUNTY CLERK SULLIVAN: May I please get a spelling for your last name?
JERRY KUMAR: K-U-M-A-R. Satview Broadband.
COUNTY CLERK SULLIVAN: Thank you.
JERRY KUMAR: Okay.
COMMISSIONER WAITS: Thank you.
LURA DUVALL: Lura Duvall, for the record.
I did receive a bid or a quote, I should say, from Satview Broadband prior to accepting the quote from PC Internet, who is providing our Internet. And it was about three times the monthly cost. So they did -- I did receive their information and reviewed it, but it was just way out of our budget.
COMMISSIONER WAITS: And that was on the other agenda --
LURA DUVALL: That was --
COMMISSIONER WAITS: -- that we did.
LURA DUVALL: -- just for the Internet --
COMMISSIONER WAITS: Yes.
LURA DUVALL: -- quite some time ago. Yeah.
CHAIRMAN STIENMETZ: All right.
COMMISSIONER BAKKER: Ted, thank you.
DISTRICT ATTORNEY HERRERA: Commissioners, thank you.
CHAIRMAN STIENMETZ: All right. Thanks, Ted.
COMMISSIONER BAKKER: Good luck.
CHAIRMAN STIENMETZ: Have a safe trip.
COMMISSIONER WAITS: Do you want to wait until we vote? Or are you concerned about that?
DISTRICT ATTORNEY HERRERA: Well, I'll wait until --
CHAIRMAN STIENMETZ: All in favor?
COMMISSIONER BAKKER: Aye.
COMMISSIONER MILLS: Aye.
COMMISSIONER WAITS: Aye.
CHAIRMAN STIENMETZ: Aye.
DISTRICT ATTORNEY HERRERA: Oh, perfect.
COMMISSIONER CLARK: You're going to give us --
COMMISSIONER WAITS: Have a safe --
COMMISSIONER CLARK: -- a text --
COMMISSIONER WAITS: -- trip.
COMMISSIONER MILLS: Thanks, Ted.
COMMISSIONER CLARK: -- and let us know what happens, Ted?

DISTRICT ATTORNEY HERRERA: I will.
COMMISSIONER BAKKER: Hey, good luck.
CHAIRMAN STIENMETZ: Good luck.

12) Update non-action item from J-U-B airport consultants and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right now we go back to 12. Up -- update non-action item for the J-U-B airport consultant and other properly -- other matters properly there related.

COMMISSIONER CLARK: Thanks for finding that money, Lura.

LURA DUVALL: You're welcome.

COMMISSIONER BAKKER: Thank you.

COMMISSIONER MILLS: Yeah.

CHAIRMAN STIENMETZ: What's that?

COMMISSIONER WAITS: Gentlemen, we've -- we've had you stay a long time with us today.

LEW LOTT: No, that's -- that's fine. I think Keith wanted us to go ahead with the update.

My name is Lew Lott. I'm with J-U-B Engineers.

KEN ATKIN: And my name is Ken Atkin. And I'm with J-U-B Engineers as well.

LEW LOTT: And I'm going to go through this rather quickly. So maybe as I go through, if you have any questions.

We -- we've finished a lot of projects. We've got a few things going. Just want to give you a quick update.

The Austin Airport apron expansion, that was completed. There was a final inspection back the end of July. Joe Dory and Frank Whitman were on site. They were -- they seemed to be very pleased with everything.

The contractor did, however, run over on his contract time, but finished on budget. And there was about two weeks of overtime, running over on time. And J-U-B, we have to be there when someone's working so there was a cost incurred of approximately 20,000. And this -- J.D. Heithoff, who you've normally meet with, he said that he is contacting the FAA to try to cover 93.75 percent of that. And the final report, which is really what you need for the closeout of that, that should be completed within the next 30 days.

COMMISSIONER MILLS: So on the Austin Airport, I seem to

recall I seem to have heard there was a problem with the spacing of the tie-downs on that apron? Is -- am I --

KEN ATKIN: They looked pretty good when I flew in there.

LEW LOTT: I hadn't --

COMMISSIONER WAITS: Actually --

LEW LOTT: -- heard that.

COMMISSIONER WAITS: I -- I did that report at --

LEW LOTT: Uh-huh.

COMMISSIONER WAITS: -- one of our meetings.

COMMISSIONER MILLS: Okay. Maybe that's where I heard about that.

COMMISSIONER WAITS: I'm sure that's where you heard it. Because we had some of the private planes come in and couldn't -- couldn't reach them.

LEW LOTT: Uh-huh.

COMMISSIONER WAITS: And so we said, why can't we put, you know, the big extensions with the big chains in? Which have been done in other airports. And that's all.

But I don't know why you folks didn't, you know, talk to them about it or something or --

LEW LOTT: Well, some of the FAA guidelines for tie-downs, I know they've changed. And they -- they've actually went larger with the spacing because you are going to get some aircraft that are larger in -- on there. I don't know why that happened. I will get with J.D. on that and get you an answer.

COMMISSIONER WAITS: Well, I don't -- I don't think it's -- we aren't looking to why it happened so much. I'm just saying, can -- can you give them some guidance over what kind of chains we need to buy so they can connect? Because they usually --

LEW LOTT: And I can --

COMMISSIONER WAITS: -- the private airplanes don't always carry this huge, big extension.

KEN ATKIN: So there's a couple of things, just flying into different tie downs and what have you. If you have to deal with snow removal and you have those chains, what happens is when the snow plow hits it, it will tear the chains out. So sometimes they'll take the chains and put them off to side or when airplanes come in, depending on their tie-downs, circumstances, they'll bring their own rope or their own tie -downs.

So there -- we can work with Austin Airport and come up

with a solution.

LEW LOTT: Yeah, what we'll probably look at is, for that reason, is keep them somewhere with, you know, a known area so that when someone does come in, they can walk over there and grab them and use them. But you don't want to have those extensions on or you're going to shear them off with snow removal.

COMMISSIONER WAITS: Okay. We need you to work with us is what I'm saying.

LEW LOTT: Sure.

COMMISSIONER WAITS: Frank, you're on; are you not?

FRANK WHTIMAN: Yeah, I'm here.

COMMISSIONER WAITS: Okay. So it's okay, like, if they just give us advice at the -- at the advisory board or something?

FRANK WHTIMAN: That'd be great.

LEW LOTT: Okay.

KEN ATKIN: We'd do that.

LEW LOTT: Yeah.

COMMISSIONER WAITS: Thank you.

LEW LOTT: On the fueling system, there was one bid. Bids were open Jul- -- the end of July. There was one bid. It was very high from L.A. Perks out of Elko.

I believe you're -- our understanding is you're wanting to rebid that in January and go back out. Is that correct?

COMMISSIONER WAITS: That's on the --

LEW LOTT: Okay.

COMMISSIONER WAITS: -- next agenda; is it not?

LEW LOTT: And --

CHAIRMAN STIENMETZ: No.

COMMISSIONER WAITS: Nope. Nope.

LEW LOTT: We'll -- what's that?

COMMISSIONER WAITS: No, we did it on a couple meetings ago, I think.

LEW LOTT: Right. So yeah, we'll -- we'll help with that. And it will be ready to go.

GPS approach. We'll go through that really quickly. One thing that's needed is the Navy controls that air space around there. And they need to give up a small portion of that to get that approach in there.

Austin is up for a master plan as one of your next projects. And that can be addressed real thoroughly in that. But we'll be working, you know, on that also.

We did make contact. And I believe, Commissioner, you did also.

COMMISSIONER WAITS: Yes. That was a report I gave a couple of times --

LEW LOTT: Okay.

COMMISSIONER WAITS: -- ago was the community service officer that came in from the Fallon Navy Air Base. And he said they just couldn't give up their GPS. And off the record, if we had enough outside influences, like letters from the EMS and -- and Summit and our air ambulances and the Forest Service and BLM, et cetera, et cetera, that that's things that they would look at.

LEW LOTT: And that's where that can be handled really nicely under the master plan, those type of things. But we'll get some example letters.

COMMISSIONER WAITS: I'd love to do the letters before --

LEW LOTT: Okay.

COMMISSIONER WAITS: -- we complete the master --

LEW LOTT: Okay.

COMMISSIONER WAITS: -- plan.

LEW LOTT: Yeah. It could be part of it. It wouldn't be --

COMMISSIONER WAITS: Sure.

LEW LOTT: -- completion --

COMMISSIONER WAITS: But at least --

LEW LOTT: -- of it, but --

COMMISSIONER WAITS: -- it will be addressed in that.

LEW LOTT: And I'll put that on the list to get those.

Battle Mountain pavement rehab. This was the one that was opened earlier this month on the 5th.

CHAIRMAN STIENMETZ: That's the next.

LEW LOTT: The low bid --

COMMISSIONER BAKKER: Hold --

LEW LOTT: -- was lower than the engineer's estimate.

CHAIRMAN STIENMETZ: All right.

COMMISSIONER BAKKER: Hey, we need to open it up.

CHAIRMAN STIENMETZ: I need to --

LEW LOTT: Oh, I'm --
CHAIRMAN STIENMETZ: -- open --
LEW LOTT: -- sorry.
CHAIRMAN STIENMETZ: -- up Item 14?
KEN ATKIN: Do you want to just skip --
CHAIRMAN STIENMETZ: Or 13?
LEW LOTT: Do you want me to skip that and then I'll -- I'll come back? We've got a couple more little ones. I'm sorry. Tried to hurry and I messed this up.

Battle Mountain meeting master plan on the water. That was provided to Keith and Bert on -- back in July. And we're just standing by whenever you want us to help and assist on that.

KEITH WESTENGARD: I've reviewed it. Bert's finishing up with his review.

LEW LOTT: Okay.

KEITH WESTENGARD: So...

LEW LOTT: Yeah.

KEITH WESTENGARD: And I've been -- I've been in contact with J.D. about this.

LEW LOTT: Okay. Yeah, he just had it on here to bring it --

KEITH WESTENGARD: Yeah.

LEW LOTT: -- up to -- for the commissioners.

KEITH WESTENGARD: No problem.

LEW LOTT: Master plan for the Battle Mountain Airport. We're working on the final two chapters of that and the -- the recommendations section. And that is anticipated to be completed probably within 30 days.

And the runway 12-30, that is going to be, basically, handled under the one that we're going to talk about.

Capital improvement plans. This is your wish list to the FAA. Those went in. And they're at the FAA.

And spill prevention control. You don't have one. That's something we can talk about when you have more time. But a spill prevention plan should be in place for each airport with -- when you have fuel tanks and that sort of thing.

Now we can open up.

CHAIRMAN STIENMETZ: All right.

LEW LOTT: I'm sorry, Steve.

13) **Discussion for possible action not to award the construction contract to any of the bidders on the Battle Mountain airfield pavement rehabilitation project and a recommendation that the project be rebid in January of 2016 and other matters properly related thereto.**

CHAIRMAN STIENMETZ: Now we'll go to Item 13. Discussion for possible action not to award the con- -- the construction contract to any of the bidders on the Battle Mountain airfield pavement rehabilitation project and the recommendation that the project be rebid in January of 2016, and other matters properly related thereto.

LEW LOTT: Yeah. And that one, we -- we actually got a great low bid from Maxwell Asphalt. I think they're out of Salt Lake. But they exceeded what they were showing for the State of Nevada unfortunately.

So the guy that was third caught that and even the guy that was second had an issue where his -- he didn't have a current contractor license. So I -- I don't know why it is what it is.

But the third one was getting up there a ways. It was a couple hundred thousand more than the low bid. So you don't want to accept that.

So our recommendation would be to go ahead and -- and go back out with this and rebid scenario so that you can g- -- get good cost.

Maxwell, I'm sure would probably rebid this. They'll have all their ducks in order.

That's what we're suggesting.

KEITH WESTENGARD: Yeah. When he says they exceeded, their maximum bid limit was $750,000. They thought they had a way around it. But the contractor's board said, no, they don't.

So to make a long story short, we decided that in the best interest of the county, with the third bid being so high, that we would come and ask that we scrap the pro- -- not scrap it, but rebid it in January of -- of '16.

LEW LOTT: And the FAA did --

KEITH WESTENGARD: They -- they were fine with that.

LEW LOTT: -- concurred on that.

KEITH WESTENGARD: Yes. They did. We talked with Holly at

Phoenix --

LEW LOTT: Right?

KEITH WESTENGARD: -- ADO. And she was good with it.

COMMISSIONER MILLS: So that doesn't put our 93.25 percent at risk at all then?

LEW LOTT: Yes.

COMMISSIONER MILLS: Okay.

LEW LOTT: Yeah.

COMMISSIONER MILLS: Well, we need a motion on that one?

CHAIRMAN STIENMETZ: Yep.

COMMISSIONER MILLS: I'll make a motion that we go back and rebid the paving and the sealing project for the airport and rebid in January of 2016.

COMMISSIONER BAKKER: Second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER MILLS: Aye.

COMMISSIONER WAITS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

14) Discussion for possible action regarding approval for the executive director to advertise and commence the selection process for an airport engineering and airport planning company, and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. Now we go to 14. Discussion for possible action regarding approval of the executive director to advise and --

COMMISSIONER BAKKER: Advertise.

CHAIRMAN STIENMETZ: Oh -- advertise and commence -- commence? Yeah.

COMMISSIONER WAITS: Uh-huh.

CHAIRMAN STIENMETZ: -- the selected process for an airport engineer and airport planning company, and other matters properly related thereto.

KEITH WESTENGARD: So as you guys know, J-U-B's contract did expire earlier this year.

I've been working on some wording. I've spoken with Ted about it. I'll have it done here probably today or tomorrow.

And I'll get it to Ted for review. And then we'll advertise for the airport contract, what J-U-B's doing right now.

COMMISSIONER BAKKER: Okay.

Good. I'll make a motion to approve for the executive director to advertise and commence the selection process for an airport engineering and airport planning company.

COMMISSIONER CLARK: Second.

CHAIRMAN STIENMETZ: Any public comment?

(No comment.)

CHAIRMAN STIENMETZ: All in favor?

COMMISSIONER BAKKER: Aye.

COMMISSIONER MILLS: Aye.

COMMISSIONER CLARK: Aye.

COMMISSIONER WAITS: Aye.

17) Update regarding status of the Lander County courthouse/administration building project and other matters properly related thereto.

CHAIRMAN STIENMETZ: All right. Now we'll go to Item 17.

LEW LOTT: Thank you.

COMMISSIONER BAKKER: Thank you.

CHAIRMAN STIENMETZ: Thank you, guys.

COMMISSIONER MILLS: Thank you.

COMMISSIONER WAITS: Thank you.

CHAIRMAN STIENMETZ: Appreciate you coming down, Lew.

LEW LOTT: Yep.

CHAIRMAN STIENMETZ: Update regarding status of the Lander County courthouse, slash, administrative building and other prop- -- and other matters properly related thereto.

JUDGE MAX BUNCH: Max Bunch, for the record.

COMMISSIONER BAKKER: I'm going.

CASEY GUNTHER: Casey Gunther, for the record.

COMMISSIONER MILLS: Most of the people are going. They didn't --

COMMISSIONER BAKKER: I know. Everyone stayed here for the -- the action. Now they -- you must be boring, Max.

JUDGE MAX BUNCH: Well, --

COMMISSIONER CLARK: They're afraid of you, Max.

JUDGE MAX BUNCH: They just don't know what we're going to be saying, so...

COMMISSIONER BAKKER: You might want to shut the door.

COMMISSIONER WAITS: We stayed. But we all stayed. We care.

JUDGE MAX BUNCH: There you go.

COMMISSIONER MILLS: Yeah.

JUDGE MAX BUNCH: I hope you do because there's going to be major decisions we're going to have to look at.

COMMISSIONER BAKKER: No way.

JUDGE MAX BUNCH: So all carpet has been installed in the building.

The wood panels, are -- yeah, it's done. All right. Casey's letting me know it's done.

I thought there was a couple pieces still missing, but maybe they're in by now.

The wood panels in the corridor are being installed as we're talking.

The glass handrail and stainless steel handrail have been installed. In all the places? Or is there one?

CASEY GUNTHER: All the places except --

JUDGE MAX BUNCH: Except for one.

CASEY GUNTHER: -- the landing where we have to pull the glass back off and make it look right.

JUDGE MAX BUNCH: Oh. And then the -- all the wood panels have been installed in the courtrooms and the commissioners' chambers. So all those are done.

All the JAV systems are being installed and tested in the courtrooms and the commissioners' chambers this week.

The mechanical, electrical, and plumbing finishes are being completed in the courtrooms and the commissioners'.

CASEY GUNTHER: No plumbing?

JUDGE MAX BUNCH: No plumbing. Well, we might have more no plumbing. You never know.

All signage in the -- is being installed next week, all the signage that we talked about way back when. All of that will be installed.

All the programming will begin as soon as the

owner-supplied equipment is delivered to the on-site.

And that is the IT stuff that we previously talked about in 15 and 16 that basically the county dropped the ball. And I picked it up a couple of weeks ago and got it done.

So all punch list is still ongoing.

Site work and punch list will be completed -- the site work part of the outside of the building, it should be completed by the end of the week.

We are awaiting delivery of the last run of the fabric -- fabric-wrapped acoustic panels for the inners of the courtrooms and the commissioners'. There was a little size differential. And we think we have that coming and all fixed now.

Casey is going to talk about -- a little bit about the dates that we have for this. Do you need --

CASEY GUNTHER: Yeah, I just want to go back here. Just to clarify, the fabric-wrapped acoustic panels, if anyone's taken any tours lately. Those are everywhere in the corners and around doors and windows where we had to have the wood panels installed because we have to maintain basically quarter-inch reveals or gaps, if you will. We had to be able to get those measurements correct for us to release that last run of panels. We should have those on-site the end of next week. So that's looking good.

JUDGE MAX BUNCH: Before you get to that. There was a janitor walk that was conducted on the 16th. And I did that walk. That's what I (indiscernible).

COUNTY CLERK SULLIVAN: Was there candidates?

JUDGE MAX BUNCH: There are candidates. Yes. There were three -- three groups at that walk. And there was a mandatory walk in order to be able to bid on the project.

There are two companies out of Winnemucca and one potential new company out of Battle Mountain that is a former county commissioner.

COMMISSIONER MILLS: Hm.

JUDGE MAX BUNCH: So I'll leave it at that.

COMMISSIONER MILLS: Hm.

CASEY GUNTHER: All right. Moving on to the dates.

So we've discussed it before. Our contractual completion date is November 13th.

JUDGE MAX BUNCH: Right.

CASEY GUNTHER: Friday the 13th. And --

COMMISSIONER BAKKER: That's not good.

CASEY GUNTHER: No, it's going to be a great day because we will meet that date. The certificate of occupancy will be given and at that point in time, we'll be turning the building over to the county for their occupancy.

With that said, there will be little stuff that will be kind of paint touch-up here and there, tidying up.

We're going to be doing our grand-opening ceremony right now, the Saturday the 21st of November.

COMMISSIONER BAKKER: So be here.

CASEY GUNTHER: Yes. I think we're looking at 11:00. About 11:00 o'clock, Saturday the 21st.

COMMISSIONER BAKKER: I may not be here. That's all right though.

CHAIRMAN STIENMETZ: I will.

CASEY GUNTHER: Okay.

JUDGE MAX BUNCH: Well, -- so yeah. That's -- that's kind of -- we're getting to the end here. We're -- we're trying to get stuff done. So...a lot of it --

COMMISSIONER BAKKER: Doing a good job, guys.

JUDGE MAX BUNCH: A lot of it relies on IT. I wish I could say we were done. But I can foresee one issue. We're going to need to discuss at some point in time, and probably the next meeting, when we were going to close for business to be able to make the move. Okay.

Being the 21st when we have the grand opening, the next Wednesday, Thursday, Friday is Thanksgiving. I don't think we want to move then.

Then the next one is the 2nd, 3rd, and 4th. And you guys are scheduled for a commission meeting on December 3rd. So -- if you guys want to maybe think about putting on the agenda to reschedule your December 3rd meeting or you can have it, but we're -- we've got offices trying to move themselves.

COMMISSIONER BAKKER: I say we just push that meeting back a little bit.

COMMISSIONER WAITS: Back or forward?

JUDGE MAX BUNCH: Well, -- well, you -- well, you --

COMMISSIONER BAKKER: Or whatever.

JUDGE MAX BUNCH: Well, I don't think you can move it

forward any because you're going to go into Thanksgiving.

COMMISSIONER BAKKER: Yeah. That's why we did that --

JUDGE MAX BUNCH: So --

COMMISSIONER BAKKER: -- one there.

JUDGE MAX BUNCH: So --

COMMISSIONER WAITS: That's back.

JUDGE MAX BUNCH: -- Thanksgiving is on Thursday.

COMMISSIONER WAITS: That's a back. December 3rd, if he wants it --

JUDGE MAX BUNCH: Okay.

COMMISSIONER WAITS: -- after December 3rd, that's moving --

JUDGE MAX BUNCH: Well, I think --

COMMISSIONER WAITS: -- it forward.

JUDGE MAX BUNCH: -- he was talking about pushing that out another week.

COMMISSIONER BAKKER: Yeah.

JUDGE MAX BUNCH: To maybe the --

COMMISSIONER BAKKER: Moving the --

JUDGE MAX BUNCH: -- 10th.

COMMISSIONER BAKKER: -- meeting back.

JUDGE MAX BUNCH: But you already have one scheduled for the 17th. You want the 3rd and the 17th of December.

COMMISSIONER MILLS: That's what we had decided.

JUDGE MAX BUNCH: That's what you --

COMMISSIONER WAITS: But what --

JUDGE MAX BUNCH: -- had done.

COMMISSIONER WAITS: -- you're saying, push it back, you want it --

CHAIRMAN STIENMETZ: Push it back means to -- to extend it out to the --

COMMISSIONER WAITS: No, no. It doesn't. That's moving forward. Sorry. But okay. All right. So when do you want it?

JUDGE MAX BUNCH: Well, I -- I don't -- I don't know that you can make that decision today, because --

COMMISSIONER WAITS: No, --

JUDGE MAX BUNCH: -- we don't know that it's --

COMMISSIONER WAITS: -- we can't.

JUDGE MAX BUNCH: -- agendized.

COMMISSIONER WAITS: We're going to put it on the --

JUDGE MAX BUNCH: But --
COMMISSIONER WAITS: -- agenda.
JUDGE MAX BUNCH: But I just --
COMMISSIONER WAITS: But, I'm asking --
JUDGE MAX BUNCH: -- want you guys to realize.
COMMISSIONER MILLS: So we get --
JUDGE MAX BUNCH: What do you want us to do?
Do you guys want to move yours? Because the longer we go into December, the colder it's going to get for moving all of this stuff that we're going to be moving.
COMMISSIONER BAKKER: Okay, if we --
JUDGE MAX BUNCH: I would have liked to have done it in October, but that just become unreasonable at some point.
COMMISSIONER WAITS: If you -- if you started on that Thanksgiving holiday, --
COMMISSIONER BAKKER: Did it -- did it, Max? Did it become unreasonable?
JUDGE MAX BUNCH: It become very unreasonable.
COMMISSIONER BAKKER: Oh, man. We're almost out of October.
COMMISSIONER MILLS: Yeah, --
JUDGE MAX BUNCH: I know.
COMMISSIONER MILLS: -- we've almost messed it all up.
COMMISSIONER BAKKER: Yeah.
COMMISSIONER WAITS: Judge, if you start on that last weekend in November, okay, and that's over the holiday.
JUDGE MAX BUNCH: I --
COMMISSIONER WAITS: But if you start moving that Monday, Tuesday, --
JUDGE MAX BUNCH: I don't know that we'd have a lot of people to move if we --
COMMISSIONER WAITS: Monday, Tuesday, and Wednesday. Okay? Then -- then you've -- then they've got off for the holiday. Then can you start the next week? Which is the 30th, 1st, and 2nd. That gives you a whole week?
JUDGE MAX BUNCH: Say that one more time.
COMMISSIONER WAITS: Okay, you take the Thanksgiving week. But we're only open three days. So they can move in three days. Some of them might want to come in --
JUDGE MAX BUNCH: But -- but you're -- but you're looking

at shutting down county government for a week.

COMMISSIONER WAITS: Aren't we going to anyway?

JUDGE MAX BUNCH: Well, no. We're going to shut it down for three days.

COMMISSIONER WAITS: Well, then that's your three days.

CHAIRMAN STIENMETZ: Yeah, but then you shut down Thursday and Friday.

COMMISSIONER WAITS: Well, we're going to shut --

COMMISSIONER BAKKER: Go ahead, Nan.

COMMISSIONER WAITS: -- it down --

COMMISSIONER MILLS: That makes it a full week.

COMMISSIONER WAITS: -- anyway.

NAN ANCHO: Nan, Finance.

We have payroll that we have to do that week. So we -- we will have to be there. That's -- we have to do -- yeah.

JUDGE MAX BUNCH: We can't be -- and the problem is is that we can't be taking -- and we were trying to do a Wednesday, Thursday, Friday, which allowed us to have a Saturday, Sunday to follow that --

COMMISSIONER CLARK: Yeah.

COMMISSIONER BAKKER: Right.

JUDGE MAX BUNCH: -- in case we needed that extra time.

COMMISSIONER BAKKER: Right.

JUDGE MAX BUNCH: Because the first things have got to be moved are the computers from each office so --

CHAIRMAN STIENMETZ: (Indiscernible.)

COMMISSIONER WAITS: Okay.

JUDGE MAX BUNCH: -- that they can start the process -- of getting everything going.

COMMISSIONER WAITS: So...

COMMISSIONER BAKKER: And the other problem was getting our packets ready. I mean, they're not going -- if everyone's moving and everything's jumbled, they're not going to be able to get the packet and stuff ready.

COUNTY CLERK SULLIVAN: You can have one meeting in December.

COMMISSIONER CLARK: Do we have --

COMMISSIONER MILLS: Just cancel --

COUNTY CLERK SULLIVAN: We have --

COMMISSIONER MILLS: -- the 3rd.

COUNTY CLERK SULLIVAN: -- before.

JUDGE MAX BUNCH: Or you could do the 10th and 17th.

COMMISSIONER BAKKER: I would like -- yeah, the 10th or the 17th.

NAN ANCHO: Or you could just do the 17th.

COMMISSIONER BAKKER: Or just do the 17th. Here's an idea. How about everyone get their ideas, their roadblocks, we'll make an agenda item, and we'll come back to this.

JUDGE MAX BUNCH: What you've got to remember and keep in mind is there is your information that's going to be given to you on the rec center.

COMMISSIONER BAKKER: Right. That's -- we had to approve that by the 20th, I thought.

JUDGE MAX BUNCH: Right.

COMMISSIONER MILLS: Oh.

JUDGE MAX BUNCH: So I thought you had to have a special meeting. You were going to have one agendized item.

COMMISSIONER BAKKER: It was in February because of the --

JUDGE MAX BUNCH: No.

COMMISSIONER BAKKER: -- the way -- no, the way we planned it --

JUDGE MAX BUNCH: December.

COMMISSIONER BAKKER: -- in December, it all fell together.

JUDGE MAX BUNCH: Being the 17th? I thought he just said today, December 21st, or something like.

COMMISSIONER WAITS: Seventeenth.

JUDGE MAX BUNCH: Did he say the 17th?

COMMISSIONER BAKKER: Is that when our commission meeting was? Yeah, because they said the 17th's fine because it only gives them one or two more working (indiscernible).

JUDGE MAX BUNCH: Well, you guys can do a full day on the 17th, if you want.

COUNTY CLERK SULLIVAN: Which --

JUDGE MAX BUNCH: It'll be --

COUNTY CLERK SULLIVAN: -- we're going to.

CHAIRMAN STIENMETZ: We're going to have to anyway.

COMMISSIONER WAITS: Okay.

JUDGE MAX BUNCH: I mean, you -- you'll have to do a --

COMMISSIONER WAITS: Okay.

JUDGE MAX BUNCH: You may have 30, 40 items.

COMMISSIONER WAITS: Right. Then you folks can take any time you want to move if -- if we put it on the agenda and cancel the 3rd; right?

COMMISSIONER BAKKER: Yeah.

JUDGE MAX BUNCH: I --

KEITH WESTENGARD: I hope so.

JUDGE MAX BUNCH: I just -- I just want you guys to be aware of that, because I don't want to come back and say, hey, we're moving in the middle of the day and you're saying, no, we're having a meeting. I don't want to be --

COMMISSIONER MILLS: One other --

JUDGE MAX BUNCH: -- having an argument.

COMMISSIONER MILLS: We could --

COMMISSIONER WAITS: You don't want to have it in -- in --

JUDGE MAX BUNCH: no.

COMMISSIONER WAITS: -- the Lander County van?

KEITH WESTENGARD: So for an agenda item, you want to cancel the 12 -- 12/3 meeting, just have the 12/17 meeting, and look at moving --

JUDGE MAX BUNCH: We'll have to have an agenda item to -- to shut down for business on the 2nd, 3rd and 4th of December.

KEITH WESTENGARD: Shut down on the (indiscernible).

JUDGE MAX BUNCH: Is that Wednesday, Thursday, and Friday?

COMMISSIONER BAKKER: I'm sure you've got to post that for however many days?

JUDGE MAX BUNCH: Huh?

COMMISSIONER BAKKER: I'm sure you've got to post that somewhere.

JUDGE MAX BUNCH: Well, yeah. And that's why --

CHAIRMAN STIENMETZ: Sooner we --

JUDGE MAX BUNCH: -- we can get --

CHAIRMAN STIENMETZ: -- get it out, the better off we are.

JUDGE MAX BUNCH: So if we get it out in early November that we're going to be closed for those three days in earlier December, right after your -- your next meeting, which is the 5th.

KEITH WESTENGARD: Yes. November 5.

JUDGE MAX BUNCH: So you have November 5th that you have a meeting, that's almost a month's notice.

COMMISSIONER WAITS: Okay. My question then is: Is it --

is it too long to go from the 5th to the 17th? Do we need to think -- if we're only having one meeting, do we think about putting it a different day?

You said you couldn't make the 17th; right? Steve?

CHAIRMAN STIENMETZ: November 17th?

COMMISSIONER MILLS: I'm the -- no, December. So maybe we should think about one meeting on the 10th, is what I'm saying, if --

JUDGE MAX BUNCH: Well, --

COMMISSIONER WAITS: -- it's too --

COMMISSIONER MILLS: So like --

COMMISSIONER WAITS: -- long.

COMMISSIONER MILLS: We could still --

JUDGE MAX BUNCH: -- what that does is --

COMMISSIONER MILLS: -- do our meeting on the 3rd and hide down here in this room and let everybody do their stuff out there.

COMMISSIONER WAITS: There won't be anything in here.

CHAIRMAN STIENMETZ: That was December, I think.

COUNTY CLERK SULLIVAN: Actually, there will be.

CHAIRMAN STIENMETZ: Oh, wait.

COUNTY CLERK SULLIVAN: Nothing in here is going but the walls.

CHAIRMAN STIENMETZ: I could make the 17th.

COMMISSIONER MILLS: Yeah.

CHAIRMAN STIENMETZ: Because I said I could. It's the 21st or the 29th I'm going to be gone.

COMMISSIONER WAITS: Oh, okay.

JUDGE MAX BUNCH: The 21st of what? December?

CHAIRMAN STIENMETZ: Yeah.

COMMISSIONER WAITS: December.

JUDGE MAX BUNCH: So -- but the rec center thing falls on that 17th date. So I don't know that you can move that December date.

COMMISSIONER WAITS: I see.

JUDGE MAX BUNCH: Because I think that information --

COMMISSIONER WAITS: Okay.

JUDGE MAX BUNCH: -- coming in is going to be very important for --

CASEY GUNTHER: The GMP presentation.

NAN ANCHO: Also you're going to have -- if the auditors wrap up their audit, they will be presenting the financial statement on the 17th also.

COMMISSIONER WAITS: Okay. We don't want to change the 17th. That's concurred.

JUDGE MAX BUNCH: Okay.

COMMISSIONER WAITS: But can we go ahead and have a meeting in here on the 3rd then?

If you've got all our equipment, if this is all going to still be here, it's the offices that are being moved?

JUDGE MAX BUNCH: But you've got personnel that --

CHAIRMAN STIENMETZ: Can't come --

JUDGE MAX BUNCH: -- are in here.

CHAIRMAN STIENMETZ: -- to the meeting.

JUDGE MAX BUNCH: They need to be moving their offices.

CHAIRMAN STIENMETZ: They're going to be tied up.

JUDGE MAX BUNCH: You have --

COMMISSIONER MILLS: How many of them do we really have to have here for a meeting?

JUDGE MAX BUNCH: -- finance department to move. You've got an executive director's department, commissioners to move.

COMMISSIONER MILLS: So if -- how many of them do we really have to have here for our meeting?

COUNTY CLERK SULLIVAN: Keith, myself, Ted, --

CHAIRMAN STIENMETZ: Yeah.

COUNTY CLERK SULLIVAN: -- Max, Nan.

JUDGE MAX BUNCH: No, you don't need me.

COMMISSIONER MILLS: So out -- so out of those three days of moving, the -- taking that morning --

JUDGE MAX BUNCH: You don't need me.

COUNTY CLERK SULLIVAN: We don't need him.

JUDGE MAX BUNCH: Not me. I'm done.

COMMISSIONER MILLS: -- to do a meeting, --

JUDGE MAX BUNCH: This'll be it.

COMMISSIONER MILLS: -- is that really going to throw you off that bad or what?

COUNTY CLERK SULLIVAN: That's up to --

COMMISSIONER MILLS: You've still got --

COUNTY CLERK SULLIVAN: -- everybody else. I don't care.

COMMISSIONER BAKKER: Hey, --

COMMISSIONER MILLS: You've still got other people in your --

COMMISSIONER BAKKER: -- guys.

COMMISSIONER MILLS: -- department.

COMMISSIONER BAKKER: Guys.

COMMISSIONER CLARK: Let's just have an agenda item.

COMMISSIONER BAKKER: Yeah. Let's just agendize this --

CHAIRMAN STIENMETZ: Let's agendize --

COMMISSIONER BAKKER: -- and hash --

CHAIRMAN STIENMETZ: -- what we're going to do.

COMMISSIONER BAKKER: -- this out. Not.

COMMISSIONER CLARK: Man.

COMMISSIONER BAKKER: Damn. Darn. Heck. Let's move on.

COUNTY CLERK SULLIVAN: Well, (indiscernible.)

COMMISSIONER CLARK: Thank you, Sean.

CHAIRMAN STIENMETZ: Thanks, Sean.

COMMISSIONER MILLS: Sean doesn't like any of those ideas.

COMMISSIONER BAKKER: I don't care. Honestly.

CHAIRMAN STIENMETZ: All right.

COMMISSIONER BAKKER: So whatever --

CHAIRMAN STIENMETZ: That gets that.

COMMISSIONER BAKKER: -- you guys want to do.

CHAIRMAN STIENMETZ: Then we go to -- we just talked quite a bit about that.

JUDGE MAX BUNCH: So potentially we need to look at the other agenda, 2nd, 3rd, and 4th. So we're -- so we're good --

COMMISSIONER BAKKER: Yep.

JUDGE MAX BUNCH: -- to move?

COMMISSIONER BAKKER: Thank you, guys. Appreciate it.

KEITH WESTENGARD: Shut down the 12th.

19) <u>Correspondence/reports/potential upcoming agenda items.</u>

CHAIRMAN STIENMETZ: Correspondence, reports and potential upcoming agenda items.

(The following correspondence was received:

1. BLM to Interested Public, pursuant to the National Policy Act and Council on Environmental Quality Regulations for Implementing NEPA, the Bureau of Land Management (BLM) Mount

Lewis Filed Office (MLFO) will be preparing an Environmental Impact Statement (EIS) which will analyze the impacts of the Proposed Greater Phoenix Mine Project in Lander County, Nevada.

2. BLM to Interested Party, Rossi Mine Expansion Project.

3. BLM to Interested Public, Public Consultation Letter, Wild Horse Ranching.

4. BLM to Interested Public, Public Consultation, Potts Allotment, Proposed Drought Response Actions, Mount Lewis Field Office.

5. BLM to Ladies and Gentlemen, Temporary Permit No. 85397T for the waters of an underground source.

6. Nevada Division of Environmental Protection to Mr. Gili, Finding of Alleged Violation and Order.

7. Nevada DOT, October 12, 2015, Agenda.

8. United States Department of the Interior, Office of Hearings and Appeals, Departmental Hearings Division, Western Watersheds Project, Appellant v. Bureau of Land Management, Respondent.)

COMMISSIONER CLARK: Yeah, we need to agendize --

COMMISSIONER BAKKER: Um.

COMMISSIONER CLARK: -- item for moving.

KEITH WESTENGARD: I want to make sure I have this right. So we're going to do an agenda item to cancel December 3rd --

CHAIRMAN STIENMETZ: Correct.

KEITH WESTENGARD: -- meeting. We'll keep the 12/17 meeting. And then another agenda item to shut down the county on 12/2, 3, and 4.

CHAIRMAN STIENMETZ: Right.

COMMISSIONER BAKKER: Okay.

KEITH WESTENGARD: Is that it?

CHAIRMAN STIENMETZ: Yep.

COMMISSIONER BAKKER: Hold on.

COMMISSIONER WAITS: We also need an agenda item. I don't think we've ever approved the Austin Airport av fuel for -- to go out to bid again. We talked about it, but it hasn't been approved yet.

COMMISSIONER BAKKER: The Austin --

COMMISSIONER MILLS: Yeah, that's the first that I heard that wasn't going in so...

COMMISSIONER WAITS: No, no, no. It came in too high. We --

COMMISSIONER MILLS: Yeah. I didn't know about that.

KEITH WESTENGARD: A hundred thousand dollars.

COMMISSIONER MILLS: So if we're going out to bid, well, --

COMMISSIONER WAITS: Two hundred; --

COMMISSIONER MILLS: I think. Yeah.

COMMISSIONER CLARK: -- wasn't it? It was way over.

KEITH WESTENGARD: A hundred thousand over.

NAN ANCHO: It was a hundred thousand dollars over. And I thought we were going to wait until, like, January, February.

COMMISSIONER WAITS: We are. But I'm asking for us to put it on the agenda so he can and --

CHAIRMAN STIENMETZ: Rebid it then.

COMMISSIONER WAITS: -- get it out in January. Yeah.

COMMISSIONER BAKKER: We need to get the winterizing this building and boarding up the windows on all the buildings.

KEITH WESTENGARD: I've got that on for the 5th.

COMMISSIONER BAKKER: Okay.

Conserva- --

Steve, I need you to call a special meeting on Thursday, the morning of Thursday, for us to appoint the conservation district seat vacancy.

COUNTY CLERK SULLIVAN: Next Thursday?

COMMISSIONER BAKKER: Yep. And that will take two minutes, maybe.

CHAIRMAN STIENMETZ: Right.

KEITH WESTENGARD: The 29th? 10/29 special?

COMMISSIONER BAKKER: But it's got to have your approval.

CHAIRMAN STIENMETZ: Right. No problem.

COMMISSIONER BAKKER: Okay.

CHAIRMAN STIENMETZ: She can put it on there.

COMMISSIONER BAKKER: Because we were planning on meeting that night. And there hasn't been a quorum.

COUNTY CLERK SULLIVAN: Pardon me?

COMMISSIONER BAKKER: I'm tired of showing up and no one else.

COMMISSIONER MILLS: That's next Thursday?

COMMISSIONER BAKKER: Yeah. You going to go be there?

COUNTY CLERK SULLIVAN: Yeah.

KEITH WESTENGARD: Okay. Thank you.
COMMISSIONER WAITS: I won't be able to make that one.
CHAIRMAN STIENMETZ: When are you doing it? November 19th?
COUNTY CLERK SULLIVAN: No, October 29th.
KEITH WESTENGARD: October 29th.
CHAIRMAN STIENMETZ: October 29th.
COMMISSIONER BAKKER: Also on, we can put down there on the agenda, but moving the excess furniture and stuff from our building and all over into this courthouse.
CHAIRMAN STIENMETZ: Okay.
COMMISSIONER BAKKER: For all the stuff that's not going to the new building.
COMMISSIONER MILLS: So em- -- empty out the other --
COMMISSIONER BAKKER: Yeah, --
COMMISSIONER MILLS: -- county buildings.
COMMISSIONER BAKKER: -- because we're selling it to GBC or whatever. I mean. Or whatever we plan on doing.
COUNTY CLERK SULLIVAN: Where are you placing that? Like all the furniture? So in the --
CHAIRMAN STIENMETZ: Hallways. Your office.
COMMISSIONER MILLS: Just in here somewhere.
COMMISSIONER BAKKER: This building.
COUNTY CLERK SULLIVAN: Yeah.
COMMISSIONER BAKKER: Yeah. This building. Why? You got an idea?
COUNTY CLERK SULLIVAN: Not on the record, I don't.
KEITH WESTENGARD: Sean, 9:00 a.m. on your special meeting?
COMMISSIONER BAKKER: Yeah, that's fine, 9:00, 10:00, whatever you guys want to do. Whatever's good.
KEITH WESTENGARD: 10:00? 9:00?
COMMISSIONER BAKKER: And then we only need three. It's not a big deal. It'll take two minutes.
KEITH WESTENGARD: We only have -- as of yesterday, we only have one interested person in the position or in the seat, the vacancy.
COMMISSIONER BAKKER: So --
COMMISSIONER MILLS: So it's been advertised and --
KEITH WESTENGARD: Yeah.
COMMISSIONER MILLS: Okay.

COMMISSIONER BAKKER: Second time it's been advertised.
KEITH WESTENGARD: Yeah.
COMMISSIONER BAKKER: Also the juvenile building, what we're going to do with that after we move everything out of, haul it to the dump, sell it, I don't know, whatever.
CHAIRMAN STIENMETZ: Have a yard sale.
COMMISSIONER BAKKER: Yep. Firefighter -- practice. I don't care. Whatever you guys decide.
And then one more thing is the list --
CHAIRMAN STIENMETZ: Grace has to --
COMMISSIONER BAKKER: -- for the levee.
CHAIRMAN STIENMETZ: -- get rid of all that stuff.
COMMISSIONER BAKKER: All the stuff we need to do like directed.
And then ask Joe to get all the levee project work that has been done. Apparently, there was a comment made while you guys were in the meeting out here from Tom. And he told Joe to load all of his stuff up in his truck, drive it to Reno, and bring it back, and we'll call it the county's copies. So we need to look into that.
KEITH WESTENGARD: What?
COMMISSIONER BAKKER: Yep. And he said it in front of an elected official.
But anyways, so let's look into that.
KEITH WESTENGARD: Okay.
COMMISSIONER BAKKER: That's all I got.
KEITH WESTENGARD: Okay.
COMMISSIONER CLARK: You sure?
COMMISSIONER BAKKER: I make a motion to adjourn. Oh. Nope.
COMMISSIONER MILLS: (Indiscernible.)
COMMISSIONER BAKKER: Time out.
COUNTY CLERK SULLIVAN: Wait.
CHAIRMAN STIENMETZ: Please speak up fast enough.
COMMISSIONER WAITS: Public comment.
COMMISSIONER MILLS: I just --
CHAIRMAN STIENMETZ: Oh, wait.
COMMISSIONER MILLS: I'd just like to get --
CHAIRMAN STIENMETZ: We do have to have public comment --
COMMISSIONER MILLS: And I've talked to you --

CHAIRMAN STIENMETZ: -- for --

COMMISSIONER MILLS: And I've talk to your staff about districts.

CHAIRMAN STIENMETZ: -- non-agendized items only.

COUNTY CLERK SULLIVAN: Just get --

COMMISSIONER BAKKER: Oh.

COUNTY CLERK SULLIVAN: -- Doug.

COMMISSIONER BAKKER: Sorry, Doug.

COMMISSIONER MILLS: I want to -- I want to be sure we get -- and I've talked to your staff about this -- about getting the Convention and Tourism's --

COMMISSIONER BAKKER: Meeting minutes.

COMMISSIONER MILLS: -- meeting minutes up to date.

COUNTY CLERK SULLIVAN: I did talk to Ted. And he was going to back me on this. There's several boards. And I've talked to Keith and the ones that Keith is -- oversees, they've gotten all theirs in.

I've never had any backing in the past. And so Ted said that he'd help me emphasize that it's the statute. And they're well aware of it, but I can't necessarily enforce it.

So, anyway, I'll talk with Ted again and see if he could draft up a little letter or whatever it may be, so then that way those --

COMMISSIONER MILLS: Okay.

COUNTY CLERK SULLIVAN: -- meeting minutes are in my office per the NRS like they're supposed to be.

COMMISSIONER BAKKER: Okay.

COMMISSIONER MILLS: Those may be important --

COMMISSIONER BAKKER: Yeah, we need those.

COMMISSIONER MILLS: -- in the not too distant future.

COUNTY CLERK SULLIVAN: Oh, absolutely.

COMMISSIONER MILLS: Yeah.

COUNTY CLERK SULLIVAN: Yeah.

COMMISSIONER BAKKER: Okay. Sorry, Patsy.

CHAIRMAN STIENMETZ: All right.

COMMISSIONER BAKKER: Didn't you have something?

PUBLIC COMMENT

CHAIRMAN STIENMETZ: -- non-agendized --
COMMISSIONER WAITS: -- public comment.
CHAIRMAN STIENMETZ: -- items only.
COMMISSIONER WAITS: I was just stopping you from making the motion.
COMMISSIONER BAKKER: Oh.
COMMISSIONER WAITS: I'm sorry.
COMMISSIONER BAKKER: Sorry.
CHAIRMAN STIENMETZ: Any public comment?
If none...

ADJOURNMENT

COMMISSIONER BAKKER: I make a motion to adjourn.
COMMISSIONER CLARK: Second.
CHAIRMAN STIENMETZ: All in favor?
COMMISSIONER MILLS: Aye.
COMMISSIONER BAKKER: Aye.
COMMISSIONER WAITS: Aye.

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.