

1 The Honorable Board of Lander County Commissioners met in
2 regular session in the Commission Chambers of the Lander County
3 Courthouse in Battle Mountain, Nevada, on February 27, 2014 at
4 8:58 a.m.

5
6 **PRESENT:** **DEAN BULLOCK, COMMISSIONER**
7 **STEVEN STIENMETZ, COMMISSIONER**
8 **BRIAN GARNER, COMMISSIONER**
9 **DAVID MASON, COMMISSIONER**
10 **PATSY WAITS, COMMISSIONER**
11 **SADIE SULLIVAN, COUNTY CLERK**
12 **NICOLE TING, DEPUTY DISTRICT ATTORNEY**
13 **ROGENE HILL, FINANCE DIRECTOR**
14 **JOY SWEENEY, HUMAN RESOURCES DIRECTOR**
15

16 Let the record reflect the presence of a quorum of five
17 Commissioners.

18
19 Let the record reflect the presence of Austin via telephone
20 conference.

21
22 [Meeting commenced on February 27, 2014 at 8:58 a.m.]
23

24 **CHAIRMAN GARNER:** Call to order the Lander County
25 Commission Board, Town Board of Battle Mountain, Austin Board of
26 County Highway Commissioners to order.

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

29 (Pledge of Allegiance)
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31

32 **APPROVAL OF AGENDA NOTICE**
33

34 **CHAIRMAN GARNER:** Discussion for possible action regarding
35 approval of Agenda Notice.

36 **COMMISSIONER STIENMETZ:** I'll make a motion to approve the
37 Agenda Notice.

38 **COMMISSIONER WAITS:** I'll second that motion.

39 **CHAIRMAN GARNER:** Any public comment?

40 (No comment.)

1 CHAIRMAN GARNER: All in favor?
2 COMMISSIONER STIENMETZ: Aye.
3 COMMISSIONER BULLOCK: Aye.
4 COMMISSIONER MASON: Aye.
5 CHAIRMAN GARNER: Aye.
6 COMMISSIONER WAITS: Aye.
7 COMMISSIONER MASON: I've got it.

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9

10 **APPROVAL & ACCEPTANCE OF MINUTES**

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12 CHAIRMAN GARNER: Discussion for possible action regarding
13 approval and acceptance of Minutes of February 2013 [sic] --
14 '14, Regular Session.

15 COMMISSIONER WAITS: I do have one correction on page 88,
16 line 37, under -- actually under mine, Commissioner Waits. It
17 says, "Now, sir, are you with the same firm that represented us
18 in 2010?" And what I said was "Counselor."

19 COMMISSIONER MASON: So what?

20 COMMISSIONER WAITS: No, I was addressing --

21 COMMISSIONER MASON: Instead of sir --

22 COMMISSIONER WAITS: I was addressing him. I said,
23 "Counselor, are you with the same firm." And I didn't speak
24 clearly enough for our reporter to pick that up.

25 COMMISSIONER MASON: I love it.

26 COMMISSIONER WAITS: I'll make a motion we approve the
27 amended minutes.

28 COMMISSIONER MASON: Second.

29 CHAIRMAN GARNER: Any public comment?

30 (No comment.)

31 CHAIRMAN GARNER: All those in favor?

32 COMMISSIONER STIENMETZ: Aye.

33 COMMISSIONER BULLOCK: Aye.

34 CHAIRMAN GARNER: Aye.

35 COMMISSIONER WAITS: Aye.

36 COMMISSIONER MASON: Aye.

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1 **COMMISSIONER REPORTS**

2
3 CHAIRMAN GARNER: Commissioners' Reports on meetings,
4 conferences, and seminars attended.

5 COMMISSIONER STIENMETZ: I only have one. I attended the
6 joint land use study in Fallon. And it was a four-hour meeting.
7 And we just went through and on the draft, all the proposed
8 things that they had questions on, went through and decided what
9 we actually needed and what we didn't. It was very long.
10 That's all I have.

11 COMMISSIONER BULLOCK: I have nothing.

12 CHAIRMAN GARNER: I have nothing.

13 COMMISSIONER WAITS: I have a few. Thank you.

14 On the 18th of February, I also attended the joint land use
15 study. This is with the Fallon Navy Base. Steve sits on the
16 Technical Committee. And I sit on the Policy Committee so we
17 meet at different times. And as he said, we are still putting
18 the draft together for the public. There were several concerns.
19 Some of their main concerns are the trespassing on the land,
20 some of the high voltage with lights when they're doing night
21 flying, and the electronic devices when you're on Highway 50.
22 And some of their technical electronic things seem to interfere
23 so they were looking at perhaps better signage in those areas.
24 But we're putting that together.

25 On the 19th February, I did attend the Kingston Town Board
26 meeting. They'll be working on their budget soon. There was
27 some discussion about the firefighters.

28 On the 20th of February, I attended the budget meetings
29 here and spent the day with the different departments and our
30 Finance Department going over those.

31 On the 21st of February, I attended the NACO meeting. A
32 couple of things I wanted to bring forth on that. The 150 --
33 support of our Nevada sesquicentennial has been a big thing for
34 us this year. And NACO actually did a resolution. And they
35 encouraged all of the counties to be involved in the 150 and
36 also to do a resolution. So we may look at an agenda item down
37 the road to take care of that.

38 Also, on the -- actually it's the state -- Nevada Land Sage
39 Grouse EIS that we did with Northern California that all our
40 comments had to be in the end of January. NDOW wrote a letter

1 with their comments. And that was up for discussion in some
2 detail at our NACO meeting. The gentleman who wrote the letter
3 with his comments happens to be a staff member. His name is
4 Shawn Espinosa. He's a wildlife staff specialist in the Game
5 Division. And his comments were very direct. He didn't even
6 care for the same amendment that most of the regional management
7 plans have been working towards in the counties. He was extr --
8 his tone was really drenched with anti-grazing, anti-mining,
9 anti-multi-recreational. I mean, it was really heavy.

10 And so the counties have been up in arms after reading
11 these comments. And Eureka actually wrote a letter asking how
12 NDOW could put forth that comment from one person. That he felt
13 it should have been from the director. Did the director see it?
14 Did the director approve it? They were upset about the whole
15 thing.

16 Elko wrote a letter directly to the governor asking him to
17 ignore the letter that they didn't feel he had the right to do
18 that either. So I'm only bringing it up if the Commission feels
19 they want Lander to take a look at that and respond; otherwise,
20 a couple of the counties are.

21 Let's see, the 21st of February, also that afternoon, was
22 the land -- the Nevada Land Management Task Force. We're
23 working on our timeline strategies and looking at all that
24 information. We're hoping to be done with a full draft in July
25 so that we can approve everything then. And it will go before
26 the legislative committee the 1st of August so they can have
27 that ready for their September informational meetings.

28 On the 24th of February, I attended the Austin Community
29 meeting, which was on our town roads with Summit Engineering and
30 three of their staff to go through with our community. It was
31 an excellent meeting. Hopefully, we'll be able to have another
32 one. There were some really good ideas and some really good
33 communication.

34 Thank you.

35 CHAIRMAN GARNER: Dave?

36 COMMISSIONER MASON: On the 24th of this month or last
37 Monday, I went to Austin with Mark our county engineer. And we
38 did a complete tour of the Loneliest Highway Project, which
39 is -- they're putting finishing touches on it now. And it's
40 really well built. It's nice. It's going to be very nice.

1 But I -- I have some reservations about letting anybody use
2 it -- I don't think the water's turned one yet anyway -- because
3 we haven't discussed maintenance -- maintenance program for it.
4 It's a three quarter of a million dollar project. And
5 housekeeping, resupply, and cleaning schedules. And I have some
6 ideas on it, but it needs to go on the agenda. I would like the
7 Commission to put it on the agenda so we can openly discuss it
8 about its open hours and when it closes and all that stuff.
9 It's really nice though. And I think if you get a chance to go
10 down there, you ought to see it. It was open for us, but I
11 don't know who's got the keys. I think the contractor's got
12 control of it right now.

13 And then on the same day, Mark had a meeting to make it all
14 work out. Mark had a meeting with Road and Bridge. Then I
15 went -- Mark and I both went to the first public meeting of the
16 lot line adjustments in Austin through Summit Engineering. And
17 Tom Gallagher and his crew was there for the public. Mark and I
18 and Jan Morrison and Patsy was there.

19 And I counted at one point 35 people in the building. I
20 thought it was a good turnout.

21 The -- the idea is to let the public see what work is going
22 on on the lot adjustment and to invite the public on individual
23 status to circle on the map their property and sit down with the
24 engineers to see if anything can be done to help them or be
25 creative. And nothing's carved in stone yet. So -- but I
26 thought the meeting was very well.

27 And then on the -- last night, between 4:00 and 6:00 p.m.,
28 the Battle Mountain Airport, there was a meeting with J-U-B
29 Engineers. Jan Morrison was there. The county engineer was
30 there, myself, and others. That's on the agenda today for a --
31 you get a brief overview of what happened in that meeting last
32 night. And that's all I have.

33
34
35 **PAYMENT OF THE BILLS**

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37 CHAIRMAN GARNER: Discussion for possible action regarding
38 Payment of Bills.

39 JANE BIANCI: I have a couple to ratify today: Check #47248
40 in the amount of \$2,559.14 to Business Card; Check #47261 in the

1 amount of \$633.72 to Grace Powrie; Check #47266 in the amount of
2 \$1,784.53 to Wells Fargo Remittance.

3 COMMISSIONER WAITS: I will be abstaining from Check #47382
4 travel expenses.

5 CHAIRMAN GARNER: I'll be abstaining from Check 47293, Car
6 Wash.

7
8 (Commissioners reviewing Payment of the Bills.)
9

10 COMMISSIONER MASON: Don't you eat when you go on these
11 trips?

12 COMMISSIONER WAITS: Usually not.

13
14 (Commissioners reviewing Payment of the Bills.)
15

16 **Wells Fargo Remittance**
17

18 COMMISSIONER STIENMETZ: I'll make a motion to ratify check
19 number four -- or 047266 in the amount of \$1,784.53 to Wells
20 Fargo Remittance CT.

21 COMMISSIONER BULLOCK: Second.

22 CHAIRMAN GARNER: Any public comment?

23 (No comment.)

24 CHAIRMAN GARNER: All those in favor?

25 COMMISSIONER STIENMETZ: Aye.

26 COMMISSIONER BULLOCK: Aye.

27 CHAIRMAN GARNER: Aye.

28 COMMISSIONER WAITS: Aye.

29 COMMISSIONER MASON: Aye.
30

31 **Business Card**
32

33 COMMISSIONER STIENMETZ: I'll make a motion to ratify Check
34 #047248 in the amount of \$2,559.14 to Business Card.

35 COMMISSIONER BULLOCK: Second.

36 CHAIRMAN GARNER: Any public comment?

37 (No comment.)

38 CHAIRMAN GARNER: All those in favor?

39 COMMISSIONER STIENMETZ: Aye.

40 COMMISSIONER BULLOCK: Aye.

1 CHAIRMAN GARNER: Aye.
2 COMMISSIONER WAITS: Aye.
3 COMMISSIONER MASON: Aye.
4

5 **Grace Powrie**
6

7 COMMISSIONER STIENMETZ: I'll make a motion to ratify Check
8 #047261 in the amount of \$633.72 to Grace Powrie.

9 COMMISSIONER BULLOCK: Second.

10 CHAIRMAN GARNER: Any public comment?
11 (No comment.)

12 CHAIRMAN GARNER: All those in favor?

13 COMMISSIONER STIENMETZ: Aye.

14 COMMISSIONER BULLOCK: Aye.

15 CHAIRMAN GARNER: Aye.

16 COMMISSIONER WAITS: Aye.

17 COMMISSIONER MASON: Aye.
18

19 (Commissioners reviewing Payment of the Bills.)
20

21 COMMISSIONER STIENMETZ: I'll make a motion to approve
22 submitted expenditures in the amount of \$195,809.05 from Check
23 #47285 through 47387.

24 COMMISSIONER BULLOCK: Second.

25 CHAIRMAN GARNER: Any public comment?
26 (No comment.)

27 CHAIRMAN GARNER: All those in favor?

28 COMMISSIONER STIENMETZ: Aye.

29 COMMISSIONER BULLOCK: Aye.

30 CHAIRMAN GARNER: Aye.

31 COMMISSIONER WAITS: Aye.

32 COMMISSIONER MASON: Aye.
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35 **PAYROLL CHANGE REQUESTS**
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37 CHAIRMAN GARNER: Seeing no Payroll Change Requests, we'll
38 move on to Public Comment.
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1 PUBLIC COMMENT

2
3 CHAIRMAN GARNER: Anybody with any public comment?

4 RAY WILLIAMS: If there's no one down there, we do have
5 some public comments here in Austin.

6 CHAIRMAN GARNER: Go ahead, Ray.

7 RAY WILLIAMS: Yeah. Just for the record. I'm Ray
8 Williams. I'm just an Austin citizen.

9 And I attended the Austin Mapping Meeting the other night
10 and just like to commend the Commission for continuing to try to
11 -- to improve our property boundaries up here and clarify some
12 of the discrepancies that we had on the old Donovan map that was
13 adjudicated.

14 I was kind of disappointed in one part of the meeting
15 because there was no one there from Lander County Sewer and
16 Water District #2. And over the years we've done extensive --
17 they've upgraded the water lines and they've upgraded sewer
18 lines. Those lines all run down the existing routes that are
19 depicted on those maps. And looking at the proposals that came
20 across at the meeting there, there's several areas where they
21 plan on either discontinuing those right-of-ways or changing the
22 right-of-ways to different widths and all that sort of stuff.
23 It just kind of astounded me the amount of effort that went into
24 trying to change what we originally had.

25 I was involved in this early on and met with some of the
26 engineers of Summit probably in 2010. But it took a long time
27 to get -- to get to the board to start working on the project.
28 And my intention was just to -- to do the existing right-of-ways
29 and shrink those right-of-ways down and abandon the areas where
30 there were conflicts with private property and not change the --
31 the property lines.

32 But, anyway, I know I had a long discussion with
33 Commissioner Mason about this again yesterday morning. And I
34 think we came to a resolve. And I'll go ahead and meet with
35 those engineers and express my individual concerns.

36 I do appreciate you guys going ahead. And hopefully,
37 you'll just kind of follow the guidelines that was set in the
38 Austin Master Plan. That's -- we spent two years working on
39 that plan and identifying routes that could be abandoned and
40 routes that should be kept for future. And, anyway, that's

1 about all I have to say.

2 Thank you for your time. There's some other people here
3 that would like to speak.

4 FRANK WHITMAN: Frank Whitman, citizen of Austin and
5 President of the Chamber of Commerce.

6 I, too, want to change you guys, you know, for a start on
7 this really a messy project of getting these roads squared away
8 and getting the property lines started to some process there.
9 But thank you for that.

10 But I -- I also -- I -- when I look at the maps, you know,
11 the proposed the roads to save and roads to close, I -- I really
12 sense that we're trying to overlay a 21st century urban planning
13 ideas on a 19th century village. And you know, the two really
14 aren't compatible. We're not -- we're not -- we're not Vegas,
15 you know, we're more like an old city like Boston or Portland,
16 Maine, some New England city where the streets don't all run
17 square and nice and neat, never have and really probably never
18 should. It's part of the charm of Austin is that we do have
19 grades over 10%. And people who live here just know in the
20 winter just go around and summer it's fine.

21 You know, I even have to ask things like all the
22 cul-de-sacs, I mean, are they even historically accurate? Could
23 they even be put in the town, you know, given our past
24 difficulties with the State Office of Historical Preservation,
25 you know, some of these road closures, the same thing. I just
26 have to ask that. I do wonder, a cul-de-sac, again, you know,
27 that works great with urban planning in Sparks, but really seems
28 a little irrelevant for a town like Austin, 150 years old in a
29 pinched up old canyon.

30 I do have some fear, though, that if we go ahead and, you
31 know, as the engineers were talking about, such as Virginia
32 Street Hill, trying to get that to grade and several other
33 places of in the end, how many million dollars would we -- would
34 the county spend on those roads that are pretty -- you know,
35 they're working fine now.

36 And in the end, you know, I think if you ask the people of
37 Austin, I think they'd much rather see the millions of dollars
38 spent on straightening and widening and lowering grades of these
39 roads spent on other things in the town that we would feel would
40 be more beneficial long term.

1 Anyhow, that's my two bits. And again, I know that this is
2 a long work in progress. And I want to thank you for what we
3 have gotten done. And that's it. Thank you.

4 PHILLIP WILLIAMS: Yeah. Phillip Williams here. My
5 understanding of the meeting the other night and from what the
6 (indiscernible) proposed Court Street. And there's from the
7 courthouse -- I think it's Fifth goes up over to Virginia Hill.
8 The -- you know, there's three people that live on that street.
9 I own property on that street. I don't know how you close that
10 street with those people living on there.

11 And another -- another question that I asked that was never
12 answered up there at that meeting was that I asked about the
13 abandonments that the county has already done. And it never was
14 answered. You know, for instance, they have Pine Street going
15 right up through the middle of William Gandolfo and Bill Bauer's
16 trailer park. And they have roundabouts or whatever it is right
17 in the middle of that trailer park. When I asked about
18 afterwards about it, they said Burt had paved that street. That
19 street hasn't been -- it - Burt Gandolfo had it closed,
20 abandoned I think in the 1970s. And apparently, they didn't do
21 their homework or whatever.

22 But I thank you for guys for as much as -- as far as
23 they've done, but it has a lot of problems.

24 Thank you for your time.

25 COMMISSIONER MASON: Could I address you?

26 COMMISSIONER STIENMETZ: No.

27 COMMISSIONER WAITS: No. Public comment.

28 COMMISSIONER MASON: I'm a public comment. I want to make
29 a public comment.

30 COMMISSIONER STIENMETZ: All right.

31 CHAIRMAN GARNER: You can make a comment, --

32 RAY WILLIAMS: We understand.

33 CHAIRMAN GARNER: -- but you can't address him.

34 COMMISSIONER MASON: Huh?

35 CHAIRMAN GARNER: You can't address him, but you can make a
36 comment.

37 COMMISSIONER MASON: Oh.

38 I want to make a public comment. This is -- the work being
39 done in Austin right now is not carved in stone. It's the
40 beginning. That was the first public meeting.

1 And it would be prudent for the people in Austin to get
2 together with Summit Engineering on the next meeting along with
3 our tax appraiser and Road and Bridge and Water Sewer and hammer
4 some of this stuff out. That's what these public meetings are
5 all about.

6 And Summit Engineering is more than willing -- Tom
7 Gallagher, the president of Summit, has expressed that many
8 times. And I'll just say it again for him. Please make
9 arrangements to meet with Summit Engineering and bring the
10 appropriate department heads in on it. And we'll get some of
11 this straightened out that is concerning you.

12 Thank you.

13 CHAIRMAN GARNER: Any more public comment?

14 You good down there, Ray?

15 RAY WILLIAMS: Yes. Thank you for your comments, Dave.
16 And I just -- I personally appreciate your efforts in coming
17 down. I know you made at least two or three trips down here.
18 And you're very familiar with the town because I made sure that
19 you knew what was going on in the back streets. Anyway, thank
20 you.

21 That's all we have for public comment down here.

22 CHAIRMAN GARNER: Thank you.

23
24
25 **FINANCE**

26
27 1) **Discussion for possible action regarding budget review,**
28 **contracts, financial update, and other matters properly**
29 **relating thereto.**
30

31 CHAIRMAN GARNER: Item 1, discussion for possible action
32 regarding budget review, contracts, financial update, and other
33 matters properly related thereto.

34 NAN ANCHO: Good morning, Nan Ancho, Finance.

35 We've just spent the last -- it was last week we met with
36 all of our departments on their budgets. And the last one was
37 held on Tuesday. So the next few days we'll be putting together
38 the books in preparation for the workshop to currently be held
39 on March 12th at 8:00 o'clock sharp.

40 And one other topic we have is the -- at the last meeting,

1 we went over the list of contracts that we had. And we had one
2 that was not signed for the Austin Roping Club. We did receive
3 a payment from them. So we're kind of confused on the status of
4 that contract.

5 DEPUTY DISTRICT ATTORNEY TING: The Austin Roping Club is
6 actually -- we're going to try to do something different.
7 There's going to be something else brought forward.

8 NAN ANCHO: Okay.

9 DEPUTY DISTRICT ATTORNEY TING: We can talk about that.

10 NAN ANCHO: Okay. And that's about all I have.

11 CHAIRMAN GARNER: Thanks, Nan.

12 COMMISSIONER STIENMETZ: Thanks, Nan.

13 NAN ANCHO: Thank you.

14 COMMISSIONER WAITS: Thank you, Nan.

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17 **SAFETY**

18
19 2) **Discussion for possible action regarding operations and**
20 **projects of the Lander County Safety Manager, and other**
21 **matters properly related thereto.**
22

23 CHAIRMAN GARNER: Two, discussion for possible action
24 regarding operations and projects of the Lander County Safety
25 Manager, and other matters properly related thereto.

26 KEITH WESTENGARD: Good morning.

27 COMMISSIONER WAITS: Good morning, Keith.

28 CHAIRMAN GARNER: Good morning.

29 KEITH WESTENGARD: I wanted to give you all an update on
30 what's going on.

31 Currently, our LEPC is working on the 2015 planning,,
32 training, Equipment, and operations grant. It's an annual grant
33 that we apply for. And we've been pretty successful in the past
34 with it. It's a \$30,000 grant. They're putting together -- the
35 committee's putting together a list of items that we'll be
36 asking for in our grant. It also has a \$2,000 additional
37 operations funding that allows us operational expenses
38 throughout the year and then a \$2,000 clerical funding that
39 allows us to have a clerical person throughout the year.

40 Our Safety Committee's working on a point-of-dispense

1 trailer dedicated completely to Lander County. It will be put
2 together here probably in the next four to six weeks. And that
3 will be dedicated to Lander County if we have events that we've
4 had in the past where we have to put out mass amounts of shots
5 for our communities.

6 So far this year, we've had three recordable incidents,
7 accidents within the county. We continue to work for a -- a
8 better safety record, but incidents happen within the county.

9 The next commission meeting, I've been working with all the
10 department heads on a drug and alcohol policy that I'll be
11 putting forth to you for your approval so that we can implement
12 and have a current drug and alcohol policy within the county.

13 COMMISSIONER MASON: Comment. Are you addressing marijuana
14 in that?

15 KEITH WESTENGARD: We're addressing all -- we're addressing
16 drugs and alcohol within the county -- or on our policies.

17 COMMISSIONER MASON: I have -- I have a question on your
18 \$30,000 grant, is that inclusive -- all-inclusive of the
19 administration operations?

20 KEITH WESTENGARD: No, it actually ends up being 34,000
21 total.

22 COMMISSIONER MASON: That's what I thought.

23 KEITH WESTENGARD: Yes.

24 COMMISSIONER MASON: Thank you.

25 KEITH WESTENGARD: Mm-hm.

26 COMMISSIONER STIENMETZ: I wanted to say, I saw some of the
27 signs on the vehicles. They look very nice.

28 KEITH WESTENGARD: Oh, good. Thanks. Thanks.

29 Oh, also the StormReady -- I believe Commissioner Bullock
30 you brought up additional signs at the last meeting. They have
31 been ordered, so we'll have additional signs throughout the
32 whole county.

33 And that's all I have.

34 CHAIRMAN GARNER: That's good.

35 COMMISSIONER MASON: I want to say that your work to date
36 has taken us out of a deep pit in the last -- since you've been
37 here. We had liabilities coming out of our ears --

38 DEPUTY DISTRICT ATTORNEY TING: (Attempt to interject.)

39 COMMISSIONER MASON: -- and you have helped us
40 dramatically.

1 KEITH WESTENGARD: We continue to work positively. Thank
2 you.

3 COMMISSIONER MASON: Thank you.

4 COMMISSIONER BULLOCK: Thanks, Keith.

5 KEITH WESTENGARD: Thanks.

6 DEPUTY DISTRICT ATTORNEY TING: Just for the record, the
7 legal department would recommend that statements like that
8 should not be made. Please.

9 CHAIRMAN GARNER: Did he hear you?

10 COMMISSIONER MASON: I beg your pardon.

11 DEPUTY DISTRICT ATTORNEY TING: Oh, Commissioner, I was --
12 I was just recommending that -- I would recommend you refrain
13 from making those kind of statements based upon the county's
14 liability.

15 COMMISSIONER MASON: What kind of statement was it?

16 DEPUTY DISTRICT ATTORNEY TING: Your previous one, talking
17 about county's liability.

18 COMMISSIONER MASON: You mean liability?

19 DEPUTY DISTRICT ATTORNEY TING: Correct.

20 COMMISSIONER BULLOCK: That's what this is -- this is an
21 open meeting; is it not?

22 DEPUTY DISTRICT ATTORNEY TING: It is an open meeting. And
23 it -- you are very welcome to make any more comments. The legal
24 advice has been made.

25 CHAIRMAN GARNER: You want to call a legal?

26 DEPUTY DISTRICT ATTORNEY TING: We'll take a break. We can
27 go on.

28 CHAIRMAN GARNER: Hm?

29 DEPUTY DISTRICT ATTORNEY TING: We'll go on. We'll go on.
30
31

32 **ROAD AND BRIDGE SOUTH**

33
34 3) **Discussion for possible action regarding operations and**
35 **projects for the Road and Bridge South Department, and other**
36 **matters properly related thereto.**
37

38 CHAIRMAN GARNER: Item 3, discussion for possible action
39 regarding operations and projects for the Road and Bridge
40 Department South, and other matters properly related thereto.

1 We got anybody down there, Burt?
2 COUNTY CLERK SULLIVAN: Ray, is Burt down there by chance?
3 RAY WILLIAMS: No. Burt's -- Burt's not here in the
4 office. I think I seen him in the snow plow this morning, but
5 I'm not sure.
6 CHAIRMAN GARNER: Okay. Thanks, Ray.
7 COMMISSIONER STIENMETZ: Thanks.

8
9
10 **ROAD AND BRIDGE NORTH**

11
12 4) **Discussion for possible action regarding operations and**
13 **projects for the Road and Bridge North Department, and other**
14 **matters properly related thereto.**
15

16 CHAIRMAN GARNER: Moving on to Item 4, discussion for
17 possible action regarding operations and projects for the Road
18 and Bridge North Department, and other matters properly related
19 thereto.

20 COMMISSIONER STIENMETZ: Good morning, Donnie.

21 DONALD NEGRO: How are you?

22 COMMISSIONER STIENMETZ: Good.

23 COMMISSIONER WAITS: Morning.

24 DONALD NEGRO: Donald Negro, Road and Bridge North.

25 Pretty much what we're doing is -- slow down -- business as
26 normal. We've got a screening plant set up at Antelope Valley.
27 We've got a dozer working our Skyline Pit. We've got a dozer
28 working over in Crescent Valley pushing material. And that's
29 what we do this time of year is, you know, we haul -- we screen
30 and haul and everything else.

31 Austin got the snow. We didn't. We got the rain, which is
32 okay.

33 Okay, and I've been working with the -- Rick Bell and the
34 ambulance crew to help them expedite their -- their new
35 ambulance. And so, like we were -- the NJAP -- we were a member
36 of that, which it's a bidding process that we eliminate. And it
37 goes out -- it goes through those.

38 And now we're a member of the HGAC Buy. It's another
39 buying process. And we've been dealing with -- it's called
40 North Star Emergency Equipment. And that's who they're going

1 through to get their ambulance. And rescue truck, we can go
2 through the same thing. It just expedites everything so just --
3 just so you're aware of what we're doing. It's on our bidding
4 process. So that's about all.

5 CHAIRMAN GARNER: Potholes?

6 DONALD NEGRO: Huh?

7 CHAIRMAN GARNER: Potholes.

8 DONALD NEGRO: Potholes. We're working on potholes.

9 CHAIRMAN GARNER: Okay.

10 DONALD NEGRO: We run out of oil. And they're heating oil
11 again. We'll be back at it, hopefully, Monday.

12 COMMISSIONER WAITS: On the county buying service,
13 actually -- which is what? -- government?

14 DONALD NEGRO: Yeah.

15 COMMISSIONER WAITS: We -- this is our first year that
16 we've been doing that; is that right?

17 DONALD NEGRO: Yeah.

18 COMMISSIONER WAITS: And it's working out well.

19 DONALD NEGRO: It was out there, but, you know, I -- we
20 just never was aware of it. And I was talking to Ron Damele in
21 Eureka, and they've went to it too. And what you're doing is
22 you're -- the bidding process, you know, you're -- they're doing
23 all the work for you, these -- these agencies, you know, they're
24 putting it out to bid. And what they've already done is go
25 through and get you the best deal they can. It's like through
26 state purchasing and like that. And most of the counties are
27 going to it so. You go -- you know, I'm still, like on our road
28 projects, I believe in putting it out to bid because then you
29 get the best price. But on the equipment, you know, you're --
30 you might get something you don't want because it's cheapest,
31 and, you know, it's --

32 COMMISSIONER WAITS: So that would include, like, when we
33 need new service trucks and vehicles? That also --

34 DONALD NEGRO: Yeah.

35 COMMISSIONER WAITS: -- is covered under that part. So we
36 --

37 DONALD NEGRO: Yeah.

38 COMMISSIONER WAITS: -- need to be aware of that.

39 DONALD NEGRO: Service trucks, vehicles. The vehicles,
40 what we do is pretty much with Rogene we go through state

1 purchasing. And they have a set price, you know. We don't have
2 to go out to bid on them.

3 COMMISSIONER WAITS: Thank you.

4 DONALD NEGRO: Thank you.

5 COMMISSIONER BULLOCK: Thanks.

6 CHAIRMAN GARNER: Thanks, Donnie.

7 COMMISSIONER MASON: Thank you.

8
9
10 **PUBLIC WORKS**

11
12 5) **Discussion for possible action regarding operations and**
13 **projects for the Public Works Department, and other matters**
14 **properly related thereto.**

15
16 CHAIRMAN GARNER: Five, discussion for possible action
17 regarding operations and projects for the Public Works
18 Department, and other matters properly related thereto.

19 COMMISSIONER STIENMETZ: Good morning, Jake.

20 JAKE EDGAR: Morning. Jake, Public Works.

21 Normally, in the -- what we've been doing is mostly water
22 leaks right now. We've got a couple more over East Gate. We've
23 got one on Lemaire again. Same thing just it's the setters in
24 the old water boxes that are -- once we've turned the pressure
25 up, it seems to be all the little things are showing up. So
26 basically that's what we've been doing.

27 We got the leak on Front Street over here -- Front and
28 Broad on the corner there -- we got it dried up. We're hoping
29 we don't have to replace any of the material under the state --
30 under the state highway. They have it dug up today. She's
31 going to come take a look at it and do the moisture content.
32 And if don't -- we shouldn't have to dig it up. It looks pretty
33 good. So -- I'll know more when I leave the meeting. And as
34 soon as we can get that valve set pulled out -- what we did is
35 put two separation valves on either side of the valve set that
36 was already there, so we could get it shut up and dried up. So
37 it worked out good.

38 So far we just put a new water box in yesterday over off
39 of -- oh, by Mr. Bullock's house there at the trailer park. I
40 guess it doesn't really have an address. It's right next to the

1 fence there. That's pretty much it, I mean, as far as Water and
2 Sewer goes.

3 We've been out at the sewer plant working on our auger.
4 It's completely plugged. We haven't seemed to find a way to get
5 it unplugged. The book said to use a hundred pounds of ice in
6 the auger. We tried everything the book said, called the
7 manufacturer. And so right now we're just kind of at a
8 standstill on what we're going to do. We might have to take the
9 head off and pull the whole thing apart. So other than that, I
10 can't really think of anything unless you guys have any
11 questions on the water and sewer side of it.

12 CHAIRMAN GARNER: I don't think so.

13 JAKE EDGAR: Parks, we're getting ready to fire up. March
14 1st Marilyn starts.

15 Scott's going to open on March 1st. We still don't have
16 signed contract for Scott, but that's in the works. He is not
17 going to be taking any money at the golf course for the county's
18 part of it until we have the signed contract just, you know, it
19 makes no sense to do that for him or us. Once the contract's
20 signed, we'll go back to normal business as -- he can collect
21 all the fees, and that should work out good.

22 Marilyn -- I don't think Marilyn has very many issues at
23 start up this year. She hasn't mentioned anything to me. She
24 actually went out and did pre, pre-walk-through the other day.
25 And she said everything looks good. So we shouldn't have any
26 issues like last year. So that's about it in the parks.

27
28 (Court reporter requested clarification on spelling of
29 Marilyn's name.)

30
31 CHAIRMAN GARNER: Number 5, dis --

32 COMMISSIONER STIENMETZ: No.

33

34 **6) Discussion for possible action regarding the status of the**
35 **existing nine (9) holes at the Mountain View Golf Course and**
36 **expansion of the additional nine (9) holes; and other matters**
37 **properly related thereto.**

38

39 CHAIRMAN GARNER: Number six, discussion for possible
40 action regarding the status of the existing nine holes at the

1 Battle Mountain -- at the Mountain View Golf Course and
2 expansion of additional nine holes; and other matters properly
3 related thereto.

4 COMMISSIONER BULLOCK: I'd like to make a disclosure.
5 Pursuant to NRS 281A.420, I am disclosing that I may have an
6 interest in a private capacity in this decision because my son
7 is Scott Bullock, who currently has an agreement with Lander
8 County to manage the Mountain View Golf Course. Even though I
9 have -- I may have an interest in a private capacity in this
10 matter because my son is Scott Bullock, I believe that whatever
11 decision is made in this matter, it would not give me any more
12 personal gain or loss than anyone else who would be affected by
13 this decision. This decision is about the maintenance of the
14 golf course only; therefore, I will not be abstaining from the
15 decision.

16 JAKE EDGAR: So I hope everybody got their packet. We went
17 through. Jay's been helping me. Jay Fischer for the record.

18 JAY FISCHER: Yeah. Jay Fischer, Vice President of the
19 Mountain View Golf Course.

20 JAKE EDGAR: Club.

21 JAY FISCHER: Club.

22 JAKE EDGAR: There you go.

23 JAY FISCHER: Club.

24 JAKE EDGAR: Jay's been helping me. And last time we came
25 to you guys, we said we'd come back with some options. We
26 actually wanted to go out to bid. When we got the numbers, it
27 kind of got a little bit more scarier than the first time. So
28 we came up with a -- say -- fourth option that we thought fit
29 our budget number a lot better.

30 You guys have read -- you guys have this stuff in front of
31 you. What we're proposing is to get this scope of work out to
32 bid as fast as we can. And that would be the fourth -- fourth
33 option on here. Other than that, I would like to hear the
34 discussion from you guys on your thoughts of what direction we
35 should go from here, if any direction.

36 COMMISSIONER MASON: Well, Nan how much money do we have in
37 that, that we have not spent on the golf -- is it?

38 NAN ANCHO: It was originally budgeted for one 1,750,000.
39 And you currently you have 1,664,900.

40 COMMISSIONER MASON: One six hundred sixty-four. Okay.

1 Thank you.

2 NAN ANCHO: Uh-huh.

3 COMMISSIONER MASON: I have a proposal. It's not a
4 proposal. I have a thought that goes along with your
5 recommendations and to stay in budget without going any further.
6 Try this on for everybody.

7 Without water, we can't operate a golf course. So we have
8 to repa -- I mean, in my thinking, we have pumps four and --
9 what are they? four and nine?

10 JAKE EDGAR: Mm-hm.

11 COMMISSIONER MASON: And they're operating basically. And
12 the other pump -- what's the number on that other pump?

13 JAKE EDGAR: There is no number on the pump.

14 COMMISSIONER MASON: There was a third pump.

15 JAY FISCHER: We just call it the softball field one.

16 COMMISSIONER MASON: It's collapsed, right?

17 JAY FISCHER: Well, we don't really know.

18 JAKE EDGAR: Kind of.

19 COMMISSIONER MASON: Okay.

20 JAY FISCHER: I mean, that's what's been reported.

21 COMMISSIONER MASON: Forgetting that. Here's my first
22 thought on this for you guys to mull around, too, is we have
23 next to the ball field, we are operating -- these two pumps are
24 operating the sprinkler system on the ball field right next to
25 the golf course. I would like to have you think about attaching
26 that to the wetter -- the regular water -- city water supply.
27 It goes right by that ball field and take that load off of our
28 two wells.

29 Then fix the two wells, refurbish them, get them to maximum
30 operating order. Put in the -- put in the irrigation lake. Get
31 the pumps installed and the manifold system that would support
32 an 18-hole golf course and stop. I think we have enough money
33 to do all that. And if there's any money left over of the
34 million six, use it for the sprinkler head systems that need to
35 be replaced.

36 JAY FISCHER: Well, could I add here that from the
37 information that the county has received from Day Engineering on
38 the golf course designs and estimates, there's no option that
39 was presented that fits within our budget. So --

40 COMMISSIONER MASON: I beg your pardon?

1 JAY FISCHER: There's not -- there was five alternatives
2 presented in the Day Engineering proposal, preliminary proposal
3 and cost estimate. And none of them, either improvements to the
4 existing nine or adding nine new holes, can be accomplished
5 within our -- in the budget that we have.

6 COMMISSIONER MASON: I didn't ask you to do that. I was
7 asking you to do -- fix the ballpark. Take it off of our wells.

8 JAKE EDGAR: Can --

9 COMMISSIONER MASON: Put the -- refurbish the new two
10 wells -- I mean, the new wells, four and nine.

11 JAY FISCHER: Right.

12 COMMISSIONER MASON: Put in the irrigation pond and the
13 manifold system for -- that would supply an 18-hole golf course
14 and stop.

15 JAY FISCHER: Oh, okay.

16 COMMISSIONER MASON: Nothing more. We don't have any more
17 money. If there's anything left over, we could use it for
18 repairs on the nine -- the existing nine.

19 COMMISSIONER STIENMETZ: Don't you have to get a cost of
20 that?

21 JAY FISCHER: I don't know if we'd have money to accomplish
22 that within our budget.

23 COMMISSIONER STIENMETZ: Probably.

24 JAKE EDGAR: Yeah, that was not --

25 CHAIRMAN GARNER: That's kind of off --

26 JAY FISCHER: Yeah.

27 JAKE EDGAR: Anyway, I like your comment. That's a very
28 doable deal.

29 JAY FISCHER: Sure.

30 JAKE EDGAR: I have nothing against that.

31 COMMISSIONER MASON: You don't think there's enough money
32 to do that?

33 JAKE EDGAR: What? I -- there might be, --

34 COMMISSIONER STIENMETZ: Don't know.

35 JAKE EDGAR: -- but we didn't go into that scope of work.
36 That's not what we were trying to do.

37 COMMISSIONER MASON: I think we're looking at a budget
38 thing. And I just -- I just thought that was a good way to go.
39 Just handle it.

40 JAY FISCHER: Well, the pond alone and the booster station

1 was, again, preliminary estimates was about \$1.3 million. That
2 one --

3 JAKE EDGAR: Outside of that, I like your comment. If
4 that's the direction that the board would like to go as a whole,
5 I'm not against it.

6 COMMISSIONER MASON: It's just discussion at this point. I
7 didn't make a motion.

8 JAKE EDGAR: I know. I'm just saying, I would like to hear
9 everybody else's comment also, if you have one.

10 COMMISSIONER MASON: It's -- I wish you'd comment on that
11 because it's a basic -- without -- without the irrigation
12 system, we have nothing anyway. It's a mess.

13 And if we take the ballpark off of it, it's going to
14 lighten our load a lot in the future.

15 CHAIRMAN GARNER: But I think taking the existing money and
16 using as much as we can on the front nine and making it -- fix
17 all the problems we have on the front nine, and I think that's
18 the -- I think that's the way we need to go. We need to do our
19 biggest bang for our buck with what's broke on the front nine.

20 COMMISSIONER BULLOCK: All these figures are based on
21 contractors doing all the work.

22 JAKE EDGAR: Correct.

23 COMMISSIONER BULLOCK: We don't need the contractors to do
24 all this work.

25 JAKE EDGAR: Okay.

26 COMMISSIONER MASON: We have three full-time employees that
27 can work on that golf course.

28 JAKE EDGAR: Okay.

29 COMMISSIONER BULLOCK: Okay. These tee boxes can be done
30 on a maintenance-type period.

31 JAKE EDGAR: Sure.

32 COMMISSIONER BULLOCK: Sprinklers can be replaced on a
33 maintenance-type --

34 JAKE EDGAR: I'm all right with that.

35 COMMISSIONER MASON: But we don't necessarily need
36 contractors to get in here. So we're looking at figures that
37 brings contractors in to do the whole thing. And I don't
38 believe we need to. A lot of it can be done in-house, which
39 defra -- which takes down the cost of what it would take to do
40 repairs or to add nine holes or whatever the situation may be.

1 So --
2 JAKE EDGAR: So.
3 COMMISSIONER BULLOCK: So why do we need to contract it all
4 out?
5 JAKE EDGAR: Sorry.
6 COMMISSIONER BULLOCK: My other concern here is if we're
7 going to put variable frequency drives on the pump, why do we
8 need a pond?
9 JAKE EDGAR: We don't. That was the whole point of -- what
10 --
11 COMMISSIONER BULLOCK: The whole point of the pond was
12 because we had constant feed pumps.
13 JAKE EDGAR: Right.
14 JAY FISCHER: You don't need it --
15 COMMISSIONER BULLOCK: If we put these --
16 JAY FISCHER: -- as you brought up before.
17 COMMISSIONER BULLOCK: -- in, then you take the cost of
18 that pond clear out of the picture.
19 JAKE EDGAR: Absolutely. So back up. Again.
20 So on your portion of it, would you say that so all the
21 modification part of this is where -- is what you're -- you're
22 speaking of, so that the tee boxes and the wires and the
23 sprinkler heads and all that, you would like to be done by the
24 department? And the variable speed frequency drive pumps, you'd
25 like to have contracted out?
26 COMMISSIONER BULLOCK: Well, of course, we need to contract
27 out.
28 JAKE EDGAR: Yeah, I know.
29 COMMISSIONER BULLOCK: I'm just saying, a lot of this work
30 can be done in-house. And it takes down the cost of all this
31 because Day Engineering was asked what would it cost for a
32 contractor.
33 JAY FISCHER: Sure.
34 COMMISSIONER BULLOCK: And so we're looking at those
35 figures.
36 JAY FISCHER: Yeah.
37 COMMISSIONER BULLOCK: But you can take those figures down
38 a lot if we do a lot of it in-house as far as looking at the
39 back nine, we have contractors willing to come in and donate
40 their equipment and time, which defrays that cost.

1 So I -- I'm not saying one way or another. I'm just saying
2 we need to take a look that, okay, we have this much money. We
3 can't do it because it's, you know, too much budget. But a lot
4 of that can be done in-house.

5 JAKE EDGAR: Yeah, but I think the biggest portion of this,
6 before anyone says anything, is we have to have the water. And
7 at this point in time, we don't have the water to water 18
8 holes. Even if we put the softball fields on city water, you're
9 still not -- don't have enough to water 18 holes. We would have
10 to do some sort of well refurbishment or drill a new well.

11 COMMISSIONER BULLOCK: Mm-hm.

12 COMMISSIONER MASON: Or lake.

13 JAKE EDGAR: Still got to pump the water into the lake
14 somehow.

15 COMMISSIONER MASON: Yeah. I know.

16 JAKE EDGAR: So at this point in time -- and I think the
17 last time -- I might be speaking out of pocket a little bit
18 here -- but the last time we went to drill the -- the well for
19 the arsenic deal, the test well out there, there was, I mean,
20 the community was a little bit upset. There's still some people
21 on that side of the -- of the system out there that are on
22 wells. And they threw a big giant fit about, you know, what's
23 it going to do to our water resource, which they have an option
24 to do. And they can go in and say that they don't want us to do
25 it.

26 But all that said, our -- so you -- go back over that one
27 more time with me. So -- it's making it really difficult -- I'm
28 sorry that this has to be this way. But it makes it really
29 difficult when -- well, I love all the points that everyone
30 makes, and they all sound great. But sooner or later, we have
31 to make a decision on what scope of work we want to put out --

32 COMMISSIONER BULLOCK: I understand that.

33 JAKE EDGAR: -- period.

34 COMMISSIONER BULLOCK: But bottom line the whole reason we
35 put in money for this project was we wanted an extra nine holes
36 because if anybody comes after the water rights, we're going to
37 lose them.

38 JAKE EDGAR: Right.

39 COMMISSIONER BULLOCK: Now, maybe nobody's putting in at
40 this time. But that doesn't say next year somebody can't come

1 in and say, I want those water rights. We've -- we're not even
2 going to have the water we have now.

3 JAY FISCHER: That's not true. As the water rights
4 administrator for the county, I -- that -- that -- that is a
5 remote possibility at the very best that somebody could come in
6 and grab our water rights that we have out there. They're in
7 good standing and will continue to be so, unless we fail to
8 continue to report on it.

9 But, you know, the water is -- is -- is not in jeopardy
10 here that we have that we're not using. We have legitimate
11 plans for expansions, improvements that are -- are more than
12 enough to keep those water rights that we have in good standing.

13 COMMISSIONER BULLOCK: For now. This is it. There is no
14 more money going to that golf course.

15 JAKE EDGAR: So --

16 COMMISSIONER BULLOCK: I can pretty much guarantee to you
17 that.

18 JAY FISCHER: Okay.

19 COMMISSIONER BULLOCK: This is all we got. This is a
20 one-time shot. So we can't say that, okay, I don't care if it's
21 ten years from now, we may not use lose them.

22 JAY FISCHER: All right. Well, --

23 COMMISSIONER BULLOCK: No. No. No.

24 JAY FISCHER: -- if I could --

25 COMMISSIONER BULLOCK: Because --

26 JAY FISCHER: If I could --

27 COMMISSIONER BULLOCK: -- we are permitted for --

28 JAY FISCHER: -- explain --

29 COMMISSIONER BULLOCK: -- eighteen holes.

30 JAY FISCHER: -- the motivation behind my -- my letter or
31 my letter to Mr. Edgar was every option that we were considering
32 here is beyond our means.

33 COMMISSIONER BULLOCK: And I understand that.

34 JAY FISCHER: And so there's I guess --

35 COMMISSIONER BULLOCK: That's going back to my point of --

36 JAY FISCHER: -- preliminary estimates.

37 COMMISSIONER BULLOCK: -- donated or in-house work. That
38 goes back to that point.

39 JAY FISCHER: So are we going to -- are you proposing then
40 we build nine --

1 COMMISSIONER BULLOCK: I'm not proposing anything --
2 JAY FISCHER: -- new holes with --
3 COMMISSIONER BULLOCK: We're just putting this -- all the
4 options --
5 JAY FISCHER: -- suggesting --
6 COMMISSIONER BULLOCK: -- out there.
7 JAY FISCHER: -- that we build nine new holes with
8 volunteer labor? And -- and the staff?
9 COMMISSIONER BULLOCK: Well, you can -- there's some things
10 you can do, some things you can't. You don't do the whole
11 thing.
12 JAKE EDGAR: Yeah.
13 COMMISSIONER BULLOCK: Although, the front nine was all
14 volunteer labor. Don't forget that. It can be done. It was
15 all volunteered when it was put in there to begin with. We
16 didn't go out for any contract or anything. Everything was
17 donated and put in there. So there is some options of getting
18 people in here.
19 These tee boxes, I definitely don't want to see a
20 contractor do it. It can be done. You haul some dirt around.
21 You put the sprinklers in and you put sod in. There's no sense
22 of a contractor coming in and doing that. You put a temporary
23 tee box out there until you get it in. You can do one every
24 three months, one every six months. And eventually you get new
25 tee boxes. So I just don't see us budgeting for that when we
26 can do it in-house.
27 COMMISSIONER MASON: In line with what Dean is saying, I
28 have one question. It's technical. Can we do without the
29 irrigation pond?
30 JAY FISCHER: Yes.
31 COMMISSIONER MASON: Can we do 18 holes without it?
32 JAY FISCHER: Not with the wells we have.
33 COMMISSIONER MASON: All right.
34 JAY FISCHER: You'd need additional wells.
35 COMMISSIONER MASON: Well, I mean, let's say those two
36 wells are totally --
37 JAY FISCHER: Yes, you could.
38 COMMISSIONER MASON: -- refurbished. Can -- is there any
39 way we can eliminate the irrigation pond for 18 holes?
40 JAKE EDGAR: The answer to your question is yes. But how

1 much it costs is another issue.

2 COMMISSIONER MASON: Is that because of -- you need a
3 holding tank? You need some way of --

4 JAKE EDGAR: If you don't have -- if you don't have a pond
5 or somewhere to store the water and you're using a variable
6 frequently drive, right now the two wells we have will not
7 produce the water. It won't come out of the ground.

8 COMMISSIONER MASON: I understand that.

9 JAKE EDGAR: So we'll have to have another well.

10 COMMISSIONER MASON: I just didn't know --

11 JAKE EDGAR: Which adds --

12 COMMISSIONER MASON: -- if there was technology available
13 that would circumvent the pond.

14 JAY FISCHER: The pond does two things. It's esthetic for
15 one. And it provides some -- some reserve if -- if one of the
16 wells is not available for a short period of time. You can
17 still water your course. But it's not a permanent solution
18 to -- you still need the water flowing into the pond either from
19 wells or your city system someplace. So --

20 COMMISSIONER MASON: So I go back to my original point. We
21 have enough money right now to put in the irrigation pond,
22 refurbish the two wells, and put in a manifold system that would
23 eventually service 18 holes. Stop.

24 COMMISSIONER WAITS: I think one of the concerns Dean is
25 saying is if we don't do the 18 now, we may never do the
26 additional nine.

27 But even if we had that money, my concern is the cost of
28 the additional nine because golf courses don't really make us a
29 lot of money. And we've been putting in this, regardless of how
30 we first built it, it's been a lot of money from this county
31 that goes in there. And if we put in an additional nine, I see
32 that as costing a lot down the road when we may really be
33 watching our budget a little bit closer than some of the reserve
34 money that we put aside now. I definitely think whatever we
35 own, we should be taking care of.

36 So if I'm following you right, we don't have to have the
37 irrigation and the pump house or the lake and the pump house for
38 the nine.

39 JAY FISCHER: Mm-hm.

40 COMMISSIONER WAITS: You're really okay with that?

1 JAY FISCHER: That's correct.
2 COMMISSIONER WAITS: Because my understanding earlier was
3 not only was there a problem with our sprinkler system, but we
4 didn't have the water for nine either? But that's not true?
5 JAKE EDGAR: There's still a problem with sprinkler system.
6 The pond --
7 COMMISSIONER WAITS: Yeah.
8 JAKE EDGAR: -- and the pump house is a separate.
9 COMMISSIONER WAITS: That I know.
10 JAKE EDGAR: So two pieces of paper. Here's the pond and
11 the pump house. This is the sprinkler system. Sprinkler
12 system's still bad. Pond and pump house doesn't have to go in
13 because we're going to use variable frequency drives, --
14 COMMISSIONER WAITS: Right.
15 JAKE EDGAR: -- which Dean had came up with a long time
16 ago. And we're now back to that.
17 But -- the -- what we're here today for is to choose a
18 scope of work that -- okay -- so there's some options on this
19 paper. If these aren't the options you want, then we have to
20 backpedal and do this again. That's why we're here. So the
21 options that are here, if you guys don't like them, we'll
22 backpedal and do it again. And we'll try to fit whatever we can
23 to fit as close to the Commission wants for the budget number we
24 have.
25 COMMISSIONER MASON: See, this discussion in your paper is
26 basically for the front nine.
27 JAY FISCHER: Correct.
28 COMMISSIONER MASON: Okay. Our discussion. And we want --
29 I just would like to open it up not to build the back nine at
30 this time because we don't have the money for it. At least in
31 this discussion. But to put in a water system, the irrigation
32 system that would support an 18 in the future with what we have.
33 And we have the money for that.
34 CHAIRMAN GARNER: I don't think you want to use the town
35 water to do all that when we already have water rights there,
36 and it's effective what we're using.
37 COMMISSIONER MASON: Well, I was just trying to take a load
38 off of -- a long-term load off --
39 CHAIRMAN GARNER: But you're going to load the water system
40 in town --

1 JAY FISCHER: Yeah.
2 COMMISSIONER STIENMETZ: Yeah.
3 CHAIRMAN GARNER: -- starting to put facilities on those.
4 And we already have wells that were effective for that golf
5 course and for the --
6 COMMISSIONER MASON: Are all the parks -- all of our parks
7 on wells or city water?
8 JAKE EDGAR: City water.
9 CHAIRMAN GARNER: City.
10 COMMISSIONER MASON: It's just the ball field. And the --
11 and we've got a 14-inch pipe going right by it. It just -- it
12 was an idea. It isn't --
13 JAKE EDGAR: I'm not -- my thing is, again, scope of work.
14 If that's your -- if that's the scope of work you want to put
15 out is to drill a new well or whatever your -- whatever your
16 thought process is. Today we gave options on a piece of paper
17 that say this. Now, if you don't want those options, today's
18 where we say, no, we don't want those, --
19 COMMISSIONER MASON: Well, I know.
20 JAKE EDGAR: -- redo.
21 COMMISSIONER MASON: That's part of our discussion. I
22 understand that.
23 JAKE EDGAR: But, Dave, I can't -- today, what we're
24 discussing is this and what's on our paper here. And if this
25 portion of it you don't like, write it down on a piece of paper
26 and give it to me, so I can -- that's where this whole thing
27 becomes hard is even in the community somebody comes up, well,
28 I've got this idea. Right.
29 COMMISSIONER STIENMETZ: Write it down.
30 JAKE EDGAR: I mean, it just keeps shuffling in and
31 shuffling in. Well, sooner or later we have to pick a scope of
32 work. I mean, I guess we don't have to, but --
33 COMMISSIONER MASON: No, Jake, --
34 JAKE EDGAR: -- that's what we're here to do.
35 COMMISSIONER MASON: -- I agree with you. I can write it
36 down. But after this discussion's over, --
37 JAKE EDGAR: Well, we can put it back on there.
38 COMMISSIONER MASON: We can point which way we're going,
39 and then I can write it down for you.
40 JAKE EDGAR: Absolutely. That's all I need. If this isn't

1 what you want --

2 COMMISSIONER MASON: But this discussion is important. And
3 I think there's two of us right here agreeing that eventually we
4 want an 18-hole golf course. And I'm thinking -- I'm looking at
5 that. I would desire that. If I don't get it in the next five
6 years, so what. But if we have a water system in place and
7 we've paid for it, and it's all done, I think that's a good
8 move.

9 JAKE EDGAR: And I don't disagree with your thought
10 process, again.

11 COMMISSIONER MASON: Okay. That's a part of the discussion
12 to see if --

13 JAKE EDGAR: Right.

14 COMMISSIONER MASON: -- we're going to -- if we're going to
15 stick with your proposal or if we're going to expand it or deny
16 it or whatever we're going to do.

17 JAKE EDGAR: And I -- Dave, I -- again, I want to
18 reiterate. I went way fast in the beginning of this deal.
19 Okay. And what we have now is -- you guys made a decision and
20 said, we -- you know, here's what we're allocating the money
21 for. And on -- I get that, you know, believe me, I want to golf
22 18 holes myself. I love to golf. But I don't believe at this
23 point in time with the finances that we have and that are
24 upcoming. Dean has just mentioned we're probably not going to
25 get any money. Is this going to be -- you know -- is it
26 feasible for us?

27 And I'm not -- I don't sit up there. So the feasibility
28 thing is a hard thing for you guys to -- I don't want -- I
29 wouldn't want to sit in your chair. I'm sorry that -- that it
30 went the way it went. If -- if this isn't the decision that we
31 want to make today, then let's reboot.

32 CHAIRMAN GARNER: Do we have a --

33 COMMISSIONER MASON: But we want to talk about the
34 alternatives.

35 COMMISSIONER GARNER: Do we have a -- a schedule or of
36 anything from the contractors --

37 JAKE EDGAR: No, no.

38 CHAIRMAN GARNER: -- that said they would donate stuff?

39 JAKE EDGAR: I don't have anything from anyone, zero on any
40 contractor. There had been mentioned of this, that, and the

1 other thing. Mr. Hunewill had mentioned that he may do -- lots
2 of the paving for us just buying the material to pave the cart
3 paths. There was talks -- there talk, opinion, helping us out
4 with the pond. Which again, until we decide what scope of work
5 we're putting out, --

6 CHAIRMAN GARNER: But regardless --

7 JAKE EDGAR: -- I don't think we can actually -- I mean,
8 maybe it does defer your decision or whatever or how much money
9 gets spent here or there. But if that's the direction we want
10 to go, that's what I need to know.

11 CHAIRMAN GARNER: So --

12 JAKE EDGAR: Here's the scope of work. This is what I want
13 to do. If all five of you guys have a different idea, I just
14 need to know in advance before we come in here. I would like to
15 try to match what you guys want to do. Here's what we've done.
16 If this isn't it, this isn't it.

17 CHAIRMAN GARNER: So right away, though, we do not have
18 enough water in the ground --

19 JAKE EDGAR: Well.

20 CHAIRMAN GARNER: -- to -- at our current rate?

21 JAKE EDGAR: You can't really say there's not enough water
22 in the ground. But currently what we have will not water 18
23 holes.

24 CHAIRMAN GARNER: Okay.

25 JAKE EDGAR: Can you drill another well or refurbish the
26 one we have? Probably, but we don't know.

27 CHAIRMAN GARNER: But if we put a third well in, is what
28 you're saying there was problems -- if we put at third well in,
29 and it draws the table down another 20 feet --

30 JAKE EDGAR: Well, I mean, here's the guy.

31 CHAIRMAN GARNER: Is that going to affect the --

32 JAKE EDGAR: The community.

33 CHAIRMAN GARNER: That's what you were saying --

34 JAY FISCHER: Yeah.

35 CHAIRMAN GARNER: -- about earlier?

36 JAKE EDGAR: They had a community meeting --

37 JAY FISCHER: Yes.

38 JAKE EDGAR: -- and they were --

39 JAY FISCHER: That's exactly what he said earlier. Yeah.

40 And we addressed that before when we looked at a location for a

1 city supply well --

2 CHAIRMAN GARNER: So now could the people --

3 JAY FISCHER: -- in the same area. So --

4 CHAIRMAN GARNER: Could the people block that? Could they

5 say, we don't want that?

6 JAY FISCHER: They could. Yes.

7 At the time it was the Commissioners' desire not to pursue

8 that after a public meeting and the concerns were expressed.

9 They -- they have -- several people have water rights there.

10 And I don't know if they are more senior than the rights that we

11 have. If they are, then they can stop us. They could stop that

12 from occurring.

13 CHAIRMAN GARNER: So we'd have to come up with --

14 JAY FISCHER: A new well.

15 CHAIRMAN GARNER: We'd have to come up with a little bit

16 more water somewhere to get the back nine or a lot of water for

17 the back nine.

18 COMMISSIONER MASON: Or is it --

19 CHAIRMAN GARNER: Regardless.

20 JAY FISCHER: We're getting all the water we need right now

21 for our existing nine from two wells, so we're going to double

22 that.

23 CHAIRMAN GARNER: Oh. Okay. Oh, yeah.

24 COMMISSIONER MASON: Right. But if we pond it, if we put

25 an irrigation pond in, then you pump in slowly.

26 JAY FISCHER: That doesn't satisfy -- that doesn't get you

27 to anymore water. You've still got to have the sources going

28 into the -- into the lake.

29 COMMISSIONER MASON: So -- so --

30 JAY FISCHER: As I mentioned, the lake is a reserve.

31 COMMISSIONER MASON: So what you're telling us is that we

32 can't have 18 holes.

33 JAY FISCHER: Well, you can if you want to hook up to

34 the -- add the public water system into the golf course

35 irrigating as you suggested.

36 COMMISSIONER MASON: No. That's -- that's -- I don't think

37 that's an alternative, but if we took the ball field off that

38 would take the load off, wouldn't it?

39 JAY FISCHER: You would --

40 COMMISSIONER STIENMETZ: Not enough to get it.

1 JAY FISCHER: You would add --

2 CHAIRMAN GARNER: That's a tiny --

3 JAY FISCHER: It would probably be some of the water that
4 you need, but likely not all of the water you need for nine new
5 holes.

6 COMMISSIONER MASON: But you're not -- you're skirting
7 my -- I'm going to be direct. Can we build an irrigation pond
8 using the two wells we have and -- and a manifold system that
9 would supply 18 holes some day in the future?

10 Can we do it and have the water?

11 JAY FISCHER: No.

12 COMMISSIONER WAITS: Okay.

13 COMMISSIONER MASON: So that takes the 18 holes out?

14 JAKE EDGAR: No.

15 JAY FISCHER: I'm just saying --

16 COMMISSIONER MASON: You're telling me I can only have nine
17 holes.

18 JAY FISCHER: That was the direct answer to your question
19 of -- and it hinged on the two wells that we have with the pond
20 and the booster, we won't have -- there's -- there would not be
21 enough water to water 18 holes with that irrigation system.

22 COMMISSIONER WAITS: Okay, Gentleman, would you clarify
23 this for me then? On option number one, which is the course
24 layout and the new sprinkler system and if we did some with
25 volunteer labor, we could probably get it within the budget. My
26 question is: Do we have to do any rehabbing or re-equipment
27 with the two wells we have to do option one? Will they carry us
28 through the way it is?

29 JAY FISCHER: They could. As I mentioned in the memo, part
30 of our irrigation system, sprinkler system problems are -- is
31 directly related to the way those pumps are controlled and
32 turned on and off. And they -- they hammer our sprinkler system
33 and they break the pipes and they fatigue it. And so it creates
34 a long term maintenance issue.

35 COMMISSIONER WAITS: So if we went with option one, we
36 would still have to build something to rehab the wells?

37 JAY FISCHER: Right.

38 COMMISSIONER WAITS: The two wells. Even if we didn't to
39 the other nine and the lake?

40 JAY FISCHER: Right.

1 COMMISSIONER WAITS: Okay. Which looks like the difference
2 would be what? a few hundred thousand?
3 COMMISSIONER MASON: A hundred and -- a hundred thousand
4 dollars.
5 COMMISSIONER WAITS: Hundred thousand dollars?
6 JAY FISCHER: A hundred thousand dollars.
7 COMMISSIONER WAITS: Extra hundred thousand dollars in
8 there, which we might be able to save if we've got some
9 volunteer labor using option one and taking care of that
10 properly.
11 JAY FISCHER: Right. The biggest issue I saw are the
12 course modifications that are in option one that were -- I'm not
13 quite sure where they came from. But we're rebuilding what was
14 proposed for the existing nine modifications was completely
15 rebuilding five of the nine holes that we have. They were very
16 extensive modifications that I didn't see as absolutely
17 necessary to -- improvements. They called it improving
18 playability and safety. So a lot of it was matching the nine
19 holes we have through these modifications at a cost of \$700,000
20 to match what we would someday have with our new nine holes.
21 COMMISSIONER BULLOCK: Okay. But I'm not a fan of redoing
22 the whole sprinkler system on the nine. I'll be right out
23 there. I know we put new sprinklers on seven. How are they
24 working?
25 JAKE EDGAR: Good.
26 COMMISSIONER BULLOCK: Okay. There's no hidden secret we
27 went to cheaper sprinklers. You know, 20 years ago those
28 sprinkler system was working fine. Everything was good.
29 Okay. Then we went to cheaper sprinklers. So we didn't
30 put in the same high-tech sprinklers that we needed. So we
31 really need to do the whole sprinkler system or just buy new,
32 better sprinklers.
33 COMMISSIONER MASON: We've got the water. We just need the
34 heads.
35 JAKE EDGAR: Oh, man.
36 COMMISSIONER MASON: And that defrays a lot of the cost.
37 JAKE EDGAR: Again.
38 COMMISSIONER BULLOCK: I know you put in new ones on seven.
39 That's why I'm asking. You put better sprinklers on seven.
40 JAKE EDGAR: Yeah. Yeah, we did. We went to Rainbird.

1 But, again, it goes back to the pressure. So if we go ahead and
2 add --
3 COMMISSIONER BULLOCK: No, but, yeah --
4 JAKE EDGAR: I --
5 COMMISSIONER BULLOCK: -- I just want to know about that
6 because --
7 JAKE EDGAR: I --
8 COMMISSIONER BULLOCK: -- I'm not a fan of redoing the
9 sprinklers.
10 JAKE EDGAR: They --
11 COMMISSIONER BULLOCK: I am a fan of redoing the pumps.
12 JAKE EDGAR: They do work great --
13 COMMISSIONER BULLOCK: Okay. I have no problem with
14 redoing the pumps. If we redo the pumps, put better sprinklers
15 on, why do we need to put in a whole new sprinkler system?
16 JAKE EDGAR: The answer to your question that you asked:
17 Do the sprinklers work good? Yeah, they do.
18 COMMISSIONER BULLOCK: Okay.
19 JAKE EDGAR: If we add two more to -- into the block, they
20 don't work very good. So we can't just go and buy all new
21 sprinklers and put --
22 COMMISSIONER BULLOCK: I understand.
23 JAKE EDGAR: -- that's --
24 COMMISSIONER BULLOCK: But I guess here's my point. We
25 don't need to add two. Twenty years ago they worked.
26 JAKE EDGAR: I --
27 COMMISSIONER BULLOCK: They were hitting all the spots.
28 JAKE EDGAR: Yeah, and 20 --
29 COMMISSIONER BULLOCK: This is my point.
30 JAKE EDGAR: And again, 20 years ago we had good pipe in
31 town too, Dean. I'm not trying to say that we-- that it won't
32 work. Because it may work for a while. But my thought process
33 is, okay, maybe me and you aren't going to be here, but
34 somebody's going to be here.
35 COMMISSIONER BULLOCK: Mm-hm.
36 JAKE EDGAR: So it's going to go from bad to worse. It's
37 not going to get better.
38 COMMISSIONER BULLOCK: I understand, but, you know, we want
39 to put in a whole new sprinkler system I don't think we don't
40 need.

1 When I make modifications to mine, I just modify it. I
2 don't put all brand-new pipe in. I may replace a five-foot
3 section. We can -- as we have problems, we can -- that's where
4 the maintenance comes in. And we put high-tech sprinklers in
5 there or ones that we need to maintain it. We redo the pumps,
6 we take away, you know, this hard pounding. I understand that.
7 We need to get those pumps.

8 So I guess what I'm saying is we don't need to go through
9 and redo that whole sprinkler system. I'm all in favor of doing
10 the pumps. For right now, that's all I'd like to see done.

11 JAY FISCHER: Well, could I suggest, we've had a very long
12 discussion here about a lot of details that need to be vetted.
13 And I don't know -- there's got to be a better way to get all
14 these ideas synthesized down into a scope that Jake was
15 mentioning earlier so we can proceed with the design work and
16 then the bidding that has to -- has to occur before anything
17 happens here.

18 COMMISSIONER MASON: Were you here when we set this \$1.7
19 million aside for the 18 --

20 COMMISSIONER BULLOCK: Mm-hm.

21 COMMISSIONER MASON: -- holes?

22 JAY FISCHER: I was not.

23 COMMISSIONER MASON: Okay. What you're telling us today,
24 though, is that no matter what we do, we don't have enough water
25 for 18 holes?

26 JAY FISCHER: Correct. Well, --

27 JAKE EDGAR: In the current state.

28 JAY FISCHER: -- in the current state with the wells you
29 have.

30 COMMISSIONER MASON: Well, the current state is almost
31 broke. I mean, you know, it's all --

32 JAY FISCHER: No, no, no. With the two wells, I mean, Dave
33 --

34 COMMISSIONER MASON: Yeah.

35 JAY FISCHER: -- that we're currently using to water the --
36 water the --

37 COMMISSIONER MASON: If we refurbish those two wells, do
38 they -- are they going to produce more water or are they just
39 going to produce what they're producing.

40 JAY FISCHER: They may produce a little bit more, but

1 certainly nowhere near what's going to be required --
2 COMMISSIONER MASON: I'm going to walk you through this one
3 more time. Wait a second, Jake. If I -- if I build a pond
4 14-feet deep, you're telling me that there's not enough water in
5 that pond to do 18 holes?
6 COMMISSIONER STIENMETZ: Uh-uh.
7 JAKE EDGAR: You've got to fill the pond back up.
8 COMMISSIONER WAITS: Yeah, how are you going to fill the
9 pond?
10 JAY FISCHER: -- pond back up.
11 COMMISSIONER MASON: Well, slowly. I mean, you know, it
12 comes in. It -- the pumps are -- can it be done?
13 JAY FISCHER: I --
14 COMMISSIONER MASON: I mean, how in the heck did we get
15 into this problem of putting a one point million -- \$1.7 million
16 aside for an 18-hole golf course when we can't do it? That
17 doesn't make sense.
18 JAKE EDGAR: That -- I --
19 UNIDENTIFIED SPEAKER: Doesn't make any --
20 JAKE EDGAR: We just went through that.
21 COMMISSIONER MASON: You what?
22 JAKE EDGAR: We just went through it.
23 COMMISSIONER MASON: I understand, but, I mean.
24 JAKE EDGAR: The idea when we first started this, Dave,
25 there was more money than \$1.7 million. Okay. To start with it
26 was 3.25 or 3.26.
27 COMMISSIONER MASON: I don't care about the money at this
28 point.
29 JAKE EDGAR: Well, that's part of this whole thing.
30 COMMISSIONER MASON: I mean, we can't have 18 holes is what
31 you're telling us.
32 JAKE EDGAR: You can have whatever you want. Yeah, you
33 can. I mean, that -- realistically, you can drill a new well.
34 You can do whatever you want to have whatever you want. It
35 doesn't fit the budget.
36 COMMISSIONER MASON: Well, I understand that.
37 JAKE EDGAR: That's what we're talking about. So --
38 COMMISSIONER MASON: What I'm talking about is the money
39 that we have allocated here. It's cash sitting in the bank.
40 JAY FISCHER: You're right. You're right, Commissioner

1 Mason. There is not enough water to -- to water the 18 holes.
2 And that was not thought through in the beginning --
3 JAKE EDGAR: Correct.
4 JAY FISCHER: -- when that money was allocated for this
5 project.
6 COMMISSIONER MASON: Mark, you got to comment on this,
7 please.
8 MARK BRETHAUER: That's correct. That's the point we hired
9 the consultant was to be able to do that evaluation for us and
10 provide us that information.
11 COMMISSIONER BULLOCK: Mm-hm.
12 JAY FISCHER: That's right.
13 COMMISSIONER MASON: Do you agree with that? There is not
14 enough water?
15 MARK BRETHAUER: If that's what consultant came up with,
16 then that's what we're stuck with. Yeah.
17 JAY FISCHER: Yep.
18 COMMISSIONER BULLOCK: There's nothing saying we need to
19 spend the money today. Okay?
20 JAKE EDGAR: No, I -- again --
21 COMMISSIONER BULLOCK: I guess my point is --
22 JAKE EDGAR: Yeah. Sorry.
23 COMMISSIONER BULLOCK: My point is we don't need to spend
24 it this year.
25 COMMISSIONER MASON: Right.
26 COMMISSIONER BULLOCK: My point is we need to upgrade the
27 pumps.
28 JAKE EDGAR: I really -- yeah.
29 COMMISSIONER BULLOCK: And get them on VFDs.
30 JAY FISCHER: This year?
31 COMMISSIONER MASON: We have the money.
32 COMMISSIONER BULLOCK: We don't need to spend it all.
33 Let's get the money to upgrade the pumps. Let's see how the
34 front nine does on a better system --
35 JAKE EDGAR: Okay, again --
36 CHAIRMAN BULLOCK: -- before we make anymore expenditures
37 for that. Let's see if our sprinklers --
38 COMMISSIONER STIENMETZ: Do you want me to make a motion
39 for you?
40 JAKE EDGAR: Hold on a second. We've got lots of wire that

1 we need to redo too. So, I mean, it's not just redo the pump.
2 COMMISSIONER STIENMETZ: Refurbish.
3 JAKE EDGAR: Hopefully -- what I'm getting at is hopefully
4 you guys -- if that's -- I can't come to -- I can't make the
5 decision for you. So if you have an idea, please, write it
6 down. If you have an idea, write it down. Same thing across
7 the board here.
8 Today, there they are. If you don't like them, say, yay,
9 nay, throw it away, whatever you've got to do. At that point in
10 time, if I can get your comments --
11 COMMISSIONER BULLOCK: But I've given you my comments. I
12 have not been a fan of redoing the sprinkler system on the front
13 nine from the beginning. You say we don't give you comments.
14 JAKE EDGAR: No, I'm not saying --
15 COMMISSIONER BULLOCK: I have from the beginning.
16 JAKE EDGAR: -- you're not giving me a comment.
17 COMMISSIONER BULLOCK: I'm telling you that.
18 JAKE EDGAR: I'm saying when the meeting's over, Dean,
19 write your comments down. We can't all meet together, right?
20 COMMISSIONER BULLOCK: No, but we're meeting right here
21 right now.
22 JAKE EDGAR: So --
23 COMMISSIONER BULLOCK: We can make the comment. My comment
24 is let's redo the pumps.
25 COMMISSIONER MASON: Right.
26 COMMISSIONER BULLOCK: Let's redo the pumps.
27 COMMISSIONER MASON: This is what the meeting's about.
28 JAKE EDGAR: I need a motion.
29 COURT REPORTER: One at a time. Thanks. Sorry. I'm not
30 that good.
31 COMMISSIONER MASON: That's good. That's good.
32 COMMISSIONER STIENMETZ: I make a motion that we go ahead
33 and refurbish the two wells with the proper pumps and motors
34 that we need to do. And you said you needed to replace some
35 wiring?
36 CHAIRMAN GARNER: You need to make --
37 COMMISSIONER STIENMETZ: Exactly what the --
38 JAKE EDGAR: Yeah, I mean. Again, that's -- oh, man.
39 COMMISSIONER MASON: Well, stop -- stop your motion.
40 Just -- just let's get part of it done.

1 DEPUTY DISTRICT ATTORNEY TING: Jake, do you want to think
2 about a possible --
3 JAKE EDGAR: No, I --
4 DEPUTY DISTRICT ATTORNEY TING: -- and bring it.
5 JAKE EDGAR: Really I think what --
6 COMMISSIONER STIENMETZ: Basically, what I'm saying is we
7 need to get our existing wells refurbished so we know what
8 they're going to do and then see where we go further to get
9 irrigation.
10 JAKE EDGAR: One more time. There's options on this paper.
11 If you guys do not like those options, right now is the time to
12 vote for it or not vote for it. If somebody wants to make a
13 motion, there's stuff written on this paper that we gave in
14 detail. If you don't want that, then we'll reevaluate and put
15 something else out after I have more discussion with you guys.
16 COMMISSIONER STIENMETZ: I'll withdraw my motion.
17 MARK BRETHAUER: And you can make any combination of those
18 options as well. You're not stuck with sticking with one of
19 those options. You can pick and choose.
20 COMMISSIONER GARNER: Do we have with a motion for anything
21 that's on this agenda?
22 COMMISSIONER MASON: Did you want to rephrase your motion
23 or keep it?
24 COMMISSIONER STIENMETZ: I said --
25 COMMISSIONER BULLOCK: He withdrew it.
26 COMMISSIONER STIENMETZ: -- I'd withdraw my motion.
27 JAKE EDGAR: And --
28 CHAIRMAN BULLOCK: The thing of it is, we don't need to go
29 with any of those options. We can set anything we want up here.
30 JAKE EDGAR: Right.
31 COMMISSIONER BULLOCK: Steve's on the right track.
32 JAKE EDGAR: Yeah, abso- --
33 COMMISSIONER BULLOCK: We don't have to go by --
34 COMMISSIONER STIENMETZ: Let's just go for it.
35 COMMISSIONER BULLOCK: -- just the options.
36 COMMISSIONER STIENMETZ: You know, we can go for it.
37 JAKE EDGAR: Listening to your comments, that's what I'm
38 saying. So defer it? I don't --
39 COMMISSIONER STIENMETZ: Yeah.
40 JAKE EDGAR: I don't want you to make a motion that doesn't

1 involve maybe --
2 COMMISSIONER STIENMETZ: Yeah, it only does half of what
3 you need.
4 JAKE EDGAR: -- everything we need. I -- but you're the
5 Commission.
6 COMMISSIONER MASON: We can't --
7 JAKE EDGAR: You guys can make whatever you want. I mean,
8 that's --
9 COMMISSIONER MASON: Jake, on this we can't --
10 COMMISSIONER BULLOCK: We're not going to get everything we
11 need.
12 COMMISSIONER MASON: -- get everything.
13 JAKE EDGAR: I know.
14 COMMISSIONER BULLOCK: Regardless.
15 COMMISSIONER MASON: We can't do anything without water --
16 COUNTY CLERK SULLIVAN: You were on the right track.
17 JAKE EDGAR: Sorry. I just --
18 COMMISSIONER BULLOCK: We're not going to be able to do
19 everything.
20 But the bottom line to this whole thing all goes back to
21 the pumps. All the issues go back to the pumps. I don't care
22 back nine, sprinkler system. We've got to redo the system. So
23 I have no problem making a motion --
24 JAKE EDGAR: Okay. Go ahead. Go for it.
25 COMMISSIONER BULLOCK: -- that we redo the pumps, get them
26 on variable frequency drives, and upgrade them to the
27 state-of-an-art system that we need. And we'll look at it after
28 that.
29 COMMISSIONER MASON: I'll second that motion.
30 CHAIRMAN GARNER: Any public comment?
31 (No comment.)
32 CHAIRMAN GARNER: All those in favor?
33 COMMISSIONER STIENMETZ: Aye.
34 COMMISSIONER BULLOCK: Aye.
35 CHAIRMAN GARNER: Aye.
36 COMMISSIONER WAITS: Aye.
37 COMMISSIONER MASON: Aye.
38 JAKE EDGAR: Perfect.
39 COMMISSIONER MASON: Thank you, guys.
40 JAY FISCHER: Thank you for your time.

1 COMMISSIONER MASON: Hey, that was more than helpful.
2

3 COMMISSIONERS
4

- 5 7) Discussion for possible action regarding Task Order No.
6 83-12-047-040 between Lander County and J-U-B Engineers,
7 Inc., in an amount not to exceed \$15,000.00, for general
8 engineering services for the Battle Mountain Airport, and
9 other matters properly related thereto.
10

11 CHAIRMAN GARNER: Number 7, discussion for possible action
12 regarding Task Order Number 83-12-047-040 between Lander County
13 and J-U-B Engineers, Incorporated, in an amount not to exceed
14 \$15,000, for general engineering services for the Battle
15 Mountain Airport, and other matters properly related thereto.

16 DEPUTY DISTRICT ATTORNEY TING: And the DA's office has
17 reviewed these contracts for the record.

18 And Mark, do you have new ones that needed the update? Is
19 that you, Mark, do you have the new contracts?

20 MARK BRETHERAUER: Yeah. Yeah, we do. And we were just
21 going to make mention to the Commissioners once we started in on
22 the presentation that if need be --

23 Basically, we want to do is as we look at each one of these
24 items here, again, they're going to involve contracts with the
25 county. The county's got a contract already with J-U-B that,
26 correct me, if I'm wrong, you're on your fourth of your
27 five-year contract term right now with the county.

28 J. D. HEITHOFF: Correct.

29 MARK BRETHERAUER: You guys have been using their contracts
30 for a number of years. They've been doing effective. They're
31 working fine. If you elect at this point to go ahead and use
32 one of the newer contracts that we just went through evaluating
33 and approving for use for the county the -- what are we calling
34 them?

35 DEPUTY DISTRICT ATTORNEY TING: The request for approval.

36 MARK BRETHERAUER: No, no, no. It's the --

37 ROGENE HILL: Standard.

38 MARK BRETHERAUER: Standard -- right -- contract for
39 professional services. Right. We can do that.

40 Just look at the proposals right now that J-U-B is bringing

1 before you guys. And you guys can decide if the -- about the
2 monetary amounts --

3 CHAIRMAN GARNER: Sadie, did you --

4 MARK BRETHAUER: -- and everything. We can do whatever you
5 guys, like, want to do -- use their contract or use our
6 contract.

7 J. D. HEITHOFF: Good morning, Commissioners. I'm J. D.
8 Heithoff with J-U-B Engineers.

9 I'll give you my cards.

10 And Chuck Larson is our Director of Aviation and Vice
11 President of J-U-B Engineers.

12 And then Kim Sylvester over there is an engineer, P.E., and
13 designer for J-U-B Engineers:

14 The first agenda item is the request for the general
15 services agreement concurrence. That's the standard general
16 services agreement we have with Battle Mountain Airport to
17 provide miscellaneous needs for the county engineer and
18 yourselves for correspondence and communication with the FAA for
19 assembly of the capital improvement plan and for miscellaneous
20 items that you might need throughout the year. And we're
21 requesting \$15,000 through the rest of the year for that item.

22 COMMISSIONER MASON: Have you -- Mark, have -- our
23 engineer -- have you reviewed this?

24 MARK BRETHAUER: It's the same contract you guys have seen
25 previously. It's --

26 COMMISSIONER MASON: Okay.

27 MARK BRETHAUER: -- standard form.

28 COMMISSIONER MASON: Do you recommend it?

29 MARK BRETHAUER: I see no reason why not.

30 What we discussed with J-U-B this morning was possibly a
31 better tracking system so that when somebody calls up J-U-B and
32 requests their services that somebody -- it's more refined in
33 their -- in their -- they give us, like, a proposal perhaps --
34 on my proposal -- letting us know that somebody has requested
35 some assistance from their firm. And then we'd be notified.
36 Finance would be notified. And then it's just a better tracking
37 system so that we know who's asking for what assistance that's
38 being requested.

39 CHAIRMAN GARNER: This is up to 15,000, but it's not being
40 used unless we request the service; correct?

1 J. D. HEITHOFF: Yes, sir.
2 MARK BRETHAUER: Exactly. Exactly.
3 J. D. HEITHOFF: And part of that -- I mean, that's to
4 cover through 2014 for Battle Mountain Airport and for the
5 capital improvement plan which we recently submitted to the FAA.
6 COMMISSIONER MASON: See now, on your -- on your request --
7 on your agenda request it says -- in the blue paper it says, and
8 the Austin Airport's on an annual basis. This -- but this is --
9 CHAIRMAN GARNER: That's next.
10 COMMISSIONER MASON: -- strictly for --
11 MARK BRETHAUER: Yeah, there'll be two.
12 COMMISSIONER MASON: Yeah. There's two of them.
13 COMMISSIONER STIENMETZ: Next time.
14 COMMISSIONER MASON: This is just Battle Mountain or
15 Austin?
16 MARK BRETHAUER: Well, the first one's Battle Mountain.
17 COMMISSIONER MASON: Battle Mountain.
18 MARK BRETHAUER: The second one's Austin.
19 COMMISSIONER MASON: Okay.
20 MARK BRETHAUER: Yeah.
21 COMMISSIONER BULLOCK: You say there's a different
22 agreement than what we have?
23 MARK BRETHAUER: No. What they -- what they put in the
24 package because of my absence is they didn't -- J-U-B didn't
25 realize that we now have a new agreement that we've been
26 standardizing. We used it for Day Engineering --
27 COMMISSIONER BULLOCK: Okay.
28 MARK BRETHAUER: -- if you remember a while back. We can
29 utilize that contract if you'd like.
30 COMMISSIONER BULLOCK: So this is not the one?
31 MARK BRETHAUER: No. You probably wouldn't be signing that
32 unless you guys decide you want to use it.
33 COMMISSIONER BULLOCK: I just want to emphasize that it's
34 got my name on here.
35 MARK BRETHAUER: We don't have to --
36 COMMISSIONER BULLOCK: And this is not going to go. So if
37 it was, I was going to --
38 MARK BRETHAUER: Oh. Oh.
39 COMMISSIONER BULLOCK: -- make a motion to change that, but
40 --

1 MARK BRETHAUER: Yeah. Exactly. We can do that.
2 COMMISSIONER BULLOCK: Okay.
3 DEPUTY DISTRICT ATTORNEY TING: Mark, I think in your
4 e-mail you already indicated that you changed to it to
5 Commissioner Garner.
6 MARK BRETHAUER: We did. Yes.
7 COMMISSIONER BULLOCK: Okay.
8 MARK BRETHAUER: It's already been changed.
9 COMMISSIONER BULLOCK: All right. That's all I'm asking.
10 MARK BRETHAUER: Oh. Okay. Okay.
11 COMMISSIONER BULLOCK: Because that's what we have a copy
12 of.
13 MARK BRETHAUER: Yes.
14 COUNTY CLERK SULLIVAN: On the tab four, --
15 MARK BRETHAUER: It's the same contract you signed before.
16 COMMISSIONER BULLOCK: Yeah. I'll make a motion the
17 Commission approve the execution of Task Order Number
18 83-12-047-040 in an amount not to exceed \$15,000, for general
19 engineering services for the Battle Mountain Airport.
20 COMMISSIONER STIENMETZ: I'll second the motion.
21 CHAIRMAN GARNER: Any public comment?
22 (No comment.)
23 CHAIRMAN GARNER: All those in favor?
24 COMMISSIONER STIENMETZ: Aye.
25 COMMISSIONER BULLOCK: Aye.
26 CHAIRMAN GARNER: Aye.
27 COMMISSIONER WAITS: Aye.
28 COMMISSIONER MASON: Aye.
29

30 8) Discussion for possible action regarding Task Order No.
31 83-12-047-050 between Lander County and J-U-B Engineers,
32 Inc., in an amount not to exceed \$15,000.00, for general
33 engineering services for the Austin Airport, and other
34 matters properly related thereto.
35

36 CHAIRMAN GARNER: Item 8, discussion for possible action
37 regarding Task Order Number 83-12-047-050 between Lander County
38 and J-U-B Engineers, Incorporated, in an amount not to exceed
39 \$15,000, for general engineering services for the Austin
40 Airport, and other matters properly related thereto.

1 COMMISSIONER WAITS: I just need a clarification on this
2 first. Rogene, help me with this. Of the money we had set
3 aside for av fuel, the engineering services come out of that
4 budget on this 15,000?
5 ROGENE HILL: No, it comes out of your --
6 COMMISSIONER WAITS: It is separate?
7 ROGENE HILL: -- fuel.
8 COMMISSIONER WAITS: Okay. Thank you.
9 ROGENE HILL: Because it's a fixed asset, all costs are
10 created in one area.
11 COMMISSIONER WAITS: Okay. Because I know we started with
12 the 230 (indiscernible) the engineering keeps eating away and
13 eating away. And I'm going I want to be sure this is --
14 ROGENE HILL: That's specific --
15 COMMISSIONER WAITS: -- separate.
16 ROGENE HILL: -- to the fuel.
17 COMMISSIONER WAITS: Got it. Got it. Okay. I'll make a
18 motion that the Commission approve the execution of Task Order
19 Number 83-12-047-050 in the amount not to exceed 15,000 for
20 general engineering services for the Austin Airport.
21 COMMISSIONER MASON: Second.
22 CHAIRMAN GARNER: Any public comment?
23 (No comment.)
24 CHAIRMAN GARNER: All those in favor?
25 COMMISSIONER STIENMETZ: Aye.
26 COMMISSIONER BULLOCK: Aye.
27 CHAIRMAN GARNER: Aye.
28 COMMISSIONER WAITS: Aye.
29 COMMISSIONER MASON: Aye.
30 CHAIRMAN GARNER: Ten, discussion for possible actions
31 regarding approval/disap --
32 MARK BRETHAUER: Missed one. Nine.
33
34 9) Discussion for possible action regarding approval/disapproval
35 of the Professional Services Agreement between Lander County
36 and J-U-B Engineers, Inc., in the amount of \$34,981.00, for a
37 master plan study related to water system improvements at the
38 Battle Mountain Airport, and other matters properly related
39 thereto.
40

1 CHAIRMAN GARNER: Nine. Okay. Discussion for possible
2 actions regarding approval/disapproval of the Professional
3 Services Agreement between Lander County and J-U-B Engineering,
4 Incorporated, in the amount of \$34,981, for a master plan study
5 related to the water system improvements at the Battle Mountain
6 Airport, and other matters properly related thereto.

7 MARK BRETHAUER: Do you want me to do this one here?

8 J. D. HEITHOFF: Um. Either way.

9 MARK BRETHAUER: I can give you the background on this. If
10 you guys recall, it was soon after I arrived J-U-B had been
11 requested by Jake to do some evaluations of the existing water
12 system out there at the Battle Mountain Airport. And we sat
13 down and discussed it briefly. And I think the concurrence was
14 there was some confusion that there might have been a study
15 already performed perhaps in regards to a master plan or some
16 kind of water analysis done for the airport.

17 So we deferred it and decided to go back and do the
18 research, determined there was no other study, and did extensive
19 research in all of our files, went through everything we could
20 find within our file system, and looking back at the consultants
21 that have been utilized for the past ten years. And we couldn't
22 find any kind of study whatsoever.

23 So after that then, of course, the FAA Master Plan Task was
24 approved. And so within that contract, as I mentioned
25 previously in some of my other presentations, was we were
26 thinking that possibly we could utilize part of our FAA's
27 funding to be able to help provide some support for the utility
28 improvements out there as well. Because the utilities would not
29 only be serving off-site activities going on out there, such as
30 racetrack and the motocross, but it also would be serving the
31 FBO and the BLM's activities as well. So we figured whether it
32 was an attempt to be able to utilize some of the funding for
33 that. And there is funding available.

34 But as we've been discovering over the last few months --
35 and you'll probably see in this draft, the next presentation
36 that J-U-B is going to be doing -- the priority list is such
37 that we would not probably see any of that money for probably
38 four, five, maybe six more years. So -- and as you recall from
39 the January meeting, direction was given to proceed with the
40 master plan work for the airport out there. And which I know we

1 have at least 1.7 or 1.5 million and another 700,000, I think,
2 set aside for the construction activities as well once we
3 determine the direction we want to go on the design work. So
4 this is set aside.

5 This is to determine the needs, the water -- address the
6 water quality issues, the demands, fire flows, the pressure
7 issues, take care of the problems that are out there. There's a
8 spider web of water lines. No pressure. A lot of issues that
9 we're going to try and resolve with this and possibly future
10 growth of the airport as well. So that's what this whole thing
11 is leading up to.

12 CHAIRMAN GARNER: I have a problem with it. Why are we
13 going to this huge action for just a simple system?

14 I mean, this isn't tied into the airport other than this
15 is -- this is for the whole. This is not just for the airport.
16 It's for the motor complex --

17 MARK BRETHAUER: Exactly.

18 CHAIRMAN GARNER: -- mainly.

19 MARK BRETHAUER: It's for everything out there. Exactly.

20 CHAIRMAN GARNER: Why do --

21 MARK BRETHAUER: For fire protection.

22 CHAIRMAN GARNER: Thirty-five grand to --

23 COMMISSIONER MASON: That's engineering.

24 CHAIRMAN GARNER: Yeah, but --

25 MARK BRETHAUER: No. That's a master plan to tell you what
26 you're -- what you're going to need to build out there.

27 COMMISSIONER MASON: Right.

28 MARK BRETHAUER: Once you've got that developed, then you
29 can go to construction drawings and figure out -- then you'd
30 have the construction -- design and construction phases.

31 J. D. HEITHOFF: Correct. We need to look at the existing
32 system and look at the system and see what problems are
33 specifically with the sanding and with the arsenic levels, see
34 what the needs are for the FBO, the BLM, for their shower
35 services. And -- and the --

36 CHAIRMAN GARNER: They're on their own system.

37 J. D. HEITHOFF: -- motocross and the raceway. And then
38 determine if -- what needs to be taken into account for the
39 design to make sure that we can properly facilitate the -- the
40 provision of water out there. Also, you know, includes if fire

1 flow can be -- is a possibility out there.

2 MARK BRETHAUER: Another problem is, too, the pressure
3 is -- I mean -- we just spent 300,000 on a new restroom out
4 there. And we don't think the toilets are going to be able to
5 flush out there with the pressures we have. So it's probably --
6 going to have to set it aside for a while until these pressures
7 can be increased by either jockey pumps or water storage.

8 The arsenic levels are too high out there. The new
9 restroom facility we just purchased had its own in-house arsenic
10 treatment plant, filtration system, but the arsenic levels
11 exceed what that treatment plant can provide. So the
12 recommendation was to actually have to build a whole other
13 building right next to your restrooms in order to treat the
14 water in order to bring the levels down. So that's one of the
15 biggest issues is the arsenic out there.

16 COMMISSIONER MASON: Clarify something. How many wells do
17 we have out there? one? or two?

18 MARK BRETHAUER: I think it's two right now.

19 CHAIRMAN GARNER: It's three.

20 COMMISSIONER MASON: We have two: one for the airport and
21 one for the racetrack?

22 MARK BRETHAUER: I think, I'm not really sure which
23 direction --

24 JAKE EDGAR: Three.

25 MARK BRETHAUER: -- everything goes right now.

26 JAKE EDGAR: Three.

27 MARK BRETHAUER: We're just --

28 CHAIRMAN GARNER: There's three.

29 MARK BRETHAUER: There's three wells?

30 JAKE EDGAR: Three.

31 COMMISSIONER MASON: Are they all operating?

32 MARK BRETHAUER: I think you're only connected to two.

33 COMMISSIONER MASON: Are they all arsenic?

34 MARK BRETHAUER: We -- we just got the results, the testing
35 results back from the one that would be supplying the new
36 restroom facility. Because we need that information for design
37 --

38 COMMISSIONER MASON: So that's the first I heard of that.
39 We have three wells out there.

40 CHAIRMAN GARNER: BLM has one. We have a big one. And the

1 --
2 COMMISSIONER STIENMETZ: The Jake tower.
3 CHAIRMAN GARNER: -- moto.
4 JAKE EDGAR: We got two. Right now there's two wells.
5 COMMISSIONER MASON: Two?
6 COMMISSIONER GARNER: Operating.
7 JAKE EDGAR: Operating.
8 COMMISSIONER MASON: Is BLM --
9 JAKE EDGAR: BLM is on their own well.
10 COMMISSIONER MASON: Okay.
11 JAKE EDGAR: And runs their little trailer. Or excuse me,
12 it runs their tanker base. But the trailer is actually hooked
13 to the little well, our well. So you have the FBO building, the
14 trailer are hooked to what you would call the domestic well or
15 whatever you want to say. It goes to the trailer, the FBO
16 building, goes to the racetrack bathrooms, the concession stand
17 over there at the raceway, and would now go to the other
18 bathroom. And we are on a variable speed drive. We put one in
19 out there. We can raise the pressure if we need to. We've done
20 that, but every time we do that the pipes blow up. So, I mean,
21 it's -- we can get the toilets to flush.
22 The other thing that I'm kind of nervous about here is --
23 is not just -- the construction part of it's one thing, but
24 until these guys make their master plan, there's no point in
25 doing anything.
26 COMMISSIONER MASON: Right.
27 JAKE EDGAR: Period. Because you don't know if -- what if
28 they say, okay, well, this -- in the future, this is what we
29 want to do. And their committee voted on whatever. I mean, you
30 guys ultimately make the decision. Say they say, well, over
31 here we want to put in a UPS hangar or whatever. And then it
32 comes, you know, then we run the waterline through the UPS
33 hangar. I mean, we just need know what their master plan is.
34 As far as the system goes, the system's pretty simple. But --
35 CHAIRMAN GARNER: That's what I'm say --
36 JAKE EDGAR: I don't know about the arsenic thing. You
37 know. However you're going to treat the 91 arsenic or whatever
38 it was.
39 MARK BRETHAUER: Yeah, --
40 COMMISSIONER WAITS: Would you --

1 COMMISSIONER MASON: The master plan will tell us. Would
2 you tell me the two wells we have, how deep are they?
3 CHUCK LARSON: I heard 200 yesterday.
4 COMMISSIONER MASON: How much?
5 CHUCK LARSON: I heard 200 feet yesterday at our meeting.
6 COMMISSIONER MASON: Both of them?
7 JAKE EDGAR: No, no.
8 MARK BRETHAUER: No, that's --
9 CHUCK LARSON: That's what I heard.
10 JAKE EDGAR: Yeah. The -- the BLM well's fairly deep.
11 It's an actually pretty good size.
12 COMMISSIONER MASON: But that's their well.
13 JAKE EDGAR: No. It belongs to the county.
14 MARK BRETHAUER: It's all on the county property.
15 COMMISSIONER MASON: Okay. So we need a master plan then,
16 because we're going ahead with the future. And --
17 JAKE EDGAR: Yep. Yep.
18 COMMISSIONER MASON: And does the -- does the FAA stamp --
19 give this a stamp of approval? Do they look at it?
20 MARK BRETHAUER: That was something we discussed yesterday
21 as far as we need to, making sure they're on board with -- with
22 what our plans are. We have cursory review by the FAA.
23 COMMISSIONER WAITS: When we're talking about the arsenic
24 here, will you clarify for me under what kind of rules we have
25 to follow as long as it's not drinking water, and it's --
26 CHAIRMAN GARNER: It's not --
27 COMMISSIONER WAITS: -- bathroom water.
28 CHAIRMAN GARNER: It's non-potable.
29 COMMISSIONER WAITS: Can't we have non-potable water?
30 CHAIRMAN GARNER: Yeah.
31 MARK BRETHAUER: Well, that's part of what the design is
32 going to entail. We'll possibly have two systems out there: one
33 for just firefighting and one for restroom facilities. And then
34 you have the other system that's -- that is filtered --
35 COMMISSIONER WAITS: But could we declare it --
36 MARK BRETHAUER: -- that is part of the drinking --
37 COMMISSIONER WAITS: -- non-potable? You're going to check
38 that on the master plan --
39 J. D. HEITHOFF: Correct.
40 COMMISSIONER WAITS: -- and let us know.

1 J. D. HEITHOFF: You make the determination on whether or
2 not it's feasible.

3 COMMISSIONER WAITS: Oh. Okay.

4 J. D. HEITHOFF: -- to have -- to create a potable water
5 system out there. You know. Part of the determination might be
6 that it's not feasible because it's not cost effective.

7 But that's the idea is you don't know what you have out
8 there until you investigate it further.

9 My understanding is the other well over for BLM supplies
10 their tankers -- their tanker-based stuff; correct?

11 JAKE EDGAR: Correct.

12 CHAIRMAN GARNER: Jake.

13 JAKE EDGAR: The rules are -- from the state, because we
14 went through this on the first bathroom that we built. You
15 cannot wash your hands in it. Okay. So they had this thing
16 called "point of contact filtration," which is just a little
17 system. There's some filters under the sink. And you can wash
18 your hands. You can do whatever. But it depends on the amount
19 of people that are going to show up to the event or we suggest
20 that are going to show up to the event.

21 What the arsenic level is is how you treat it. You know,
22 so obviously the point of contact's not going to work.

23 MARK BRETHER: Right. Exactly.

24 JAKE EDGAR: I -- I --

25 MARK BRETHER: The system will be overwhelmed.

26 JAKE EDGAR: I did not know that until the other day.

27 So when we built the other bathroom, they asked, How many
28 people are going to show up? 150 to an event. Okay. The state
29 determines whether or not at that point in time -- basically,
30 they're setting their own rules as far as how many people show
31 up. What you can do? Can you cook? Can you do this? Well,
32 all that depends on the water quality.

33 So again, my -- my whole, like, again, my only problem is
34 is I would like the start. I got -- well, I don't have to, but
35 I guess -- but July the money --

36 ROGENE HILL: Well, it can roll.

37 JAKE EDGAR: I know. I just -- I mean, I don't -- is there
38 anything -- can you tell me today? -- is there anything that's
39 going to get in the way if we just say, you know, this is the
40 kind of system we want, and we go into construction drawings as

1 quick as we can.

2 CHAIRMAN GARNER: That's where I'm at.

3 JAKE EDGAR: I mean, we've kind of been sitting on our
4 hands for eight and a half months.

5 CHAIRMAN GARNER: Here's where I'm at.

6 MARK BRETHAUER: Right. And that's what I was trying to
7 explain it.

8 CHAIRMAN GARNER: Here's where I'm at with it. I think the
9 airport and what we're trying to do are two separate things.
10 If they want to come off that trunk later for that system,
11 the airport master plan and what we're trying to do with this
12 water out there are two different things. And we're trying
13 to -- the airport is now trying to incorporate this whole thing
14 in a big master plan for the airport. It's not.

15 JAKE EDGAR: But I --

16 CHAIRMAN GARNER: This is a county project for facilities
17 that we've already got that need water for tracks, for things
18 like that. Where we can, yeah, you can utilize off that. We
19 can come off that for the -- the airport. But we're trying to
20 say, here, we're basically this is the whole airport project and
21 the whole airport water system. It's not. That's not what this
22 was -- money was set forth at all.

23 JAKE EDGAR: The money itself is one thing, but the point
24 of source -- so the water source is in one spot. And it's --

25 CHAIRMAN GARNER: Correct.

26 JAKE EDGAR: And it's -- you can't change that right now.
27 So the water source that's there -- what I'm saying is I don't
28 -- whatever your master plan is, do you foresee anything right
29 now that would affect us going into construction drawings so
30 that we can move forward with the amount, the money that was
31 allocated to us, to perform the water system?

32 Is there --

33 MARK BRETHAUER: But that's the point of having a master
34 plan is to figure it out before you go into construction.

35 JAKE EDGAR: Trust me. I get it. But --

36 MARK BRETHAUER: You're doing it in reverse. What you're
37 trying to spend money you're saying before you --

38 JAKE EDGAR: I'm not trying to spend money. Money was
39 allocated. I don't want my money to go to something else,
40 basically, is what I'm saying.

1 ROGENE HILL: It will roll over for this.
2 JAKE EDGAR: I know, but I can already foresee I'm not --
3 my money can get used for something else. I can already see
4 that.
5 ROGENE HILL: It won't.
6 J. D. HEITHOFF: But if you don't look at your needs, your
7 demands, your supply, you can't properly analyze and design your
8 system to properly meet those needs and demands. If you go out
9 there and you construct something without knowing what those
10 are, then you risk -- you risk the --
11 JAKE EDGAR: I --
12 J. D. HEITHOFF: It's not a good situation.
13 CHAIRMAN GARNER: But this isn't for the airport. Yeah, a
14 portion of it's for the airport.
15 J. D. HEITHOFF: A portion of it's for the airport;
16 correct.
17 CHAIRMAN GARNER: Ninety-five percent of it's for the motor
18 sports complex.
19 J. D. HEITHOFF: Right.
20 CHAIRMAN GARNER: We thought it would be handy to also if
21 we're going to do this to bring in two -- a new water supply
22 into the airport because the FBO building is -- is -- but this
23 is not just for the airport.
24 And the way it's written here and the way the master plan
25 studies and all these -- this is for the airport. This is
26 Lander County property. We can put that thing right in the
27 middle of the racetrack if we want.
28 J. D. HEITHOFF: Mm-hm.
29 CHAIRMAN GARNER: Or we can put it in the air- -- it
30 doesn't matter where it's at. What are really trying to do
31 here? Are we building a master plan to have UPS hangars. And I
32 don't know. That's what I'm trying to say. It's not a big
33 master plan for water for the airport. It's for the whole
34 complex.
35 J. D. HEITHOFF: Correct.
36 CHAIRMAN GARNER: So now we're going to have to go back
37 again and do -- the complex is going to have to go do its own
38 engineering for all the rest of it?
39 COMMISSIONER MASON: No.
40 J. D. HEITHOFF: No. On this proposal, you know -- and

1 maybe I didn't include all the topics, but I did put Battle
2 Mountain Airport and racetrack.

3 COMMISSIONER MASON: You did. It's up here in the second
4 paragraph, but --

5 J. D. HEITHOFF: So the idea was it analyzes that area and
6 analyzes what's the supply and demand.

7 CHAIRMAN GARNER: But it's more than that. It's three
8 racetracks. It's a water supply for water suppression --

9 J. D. HEITHOFF: Correct.

10 CHAIRMAN GARNER: -- out on the corner.

11 J. D. HEITHOFF: Correct.

12 MARK BRETHER: Exactly. That's the whole point.

13 CHAIRMAN GARNER: There's a bunch of stuff.

14 MARK BRETHER: That's exactly it.

15 J. D. HEITHOFF: And also for future development. If you
16 have somebody like UPS that wants to move in there. They're
17 going to want to know things like, what is the water
18 availability out there? What's the quality of that water
19 availability? If you don't have the information that properly
20 analyzes what it is and the design of that system then --

21 MARK BRETHER: You may lose them.

22 JAKE EDGAR: So just to reiterate what I was trying to say,
23 I'm good with whatever as long as my -- I shouldn't say my money
24 -- the county's money that was allocated to what I want to do
25 doesn't get spent somewhere else.

26 ROGENE HILL: No. It won't. It will roll over.

27 JAKE EDGAR: Just wanted to put that out there.

28 COMMISSIONER STIENMETZ: Yeah.

29 JAKE EDGAR: Thank you.

30 COMMISSIONER MASON: The way this is written, I'm going to
31 add if I make a motion here, I want to let you know that I'm
32 going to add "and/or the racetrack."

33 MARK BRETHER: Yeah, when we say airport, we figure it's
34 all encompassing --

35 ROGENE HILL: It's the complex.

36 MARK BRETHER: It's the -- it's the airport complex.

37 ROGENE HILL: It's the whole complex.

38 COMMISSIONER MASON: Okay. So the airport and complex.

39 MARK BRETHER: The (indiscernible) airport complex.

40 ROGENE HILL: Yes, it's basically the Battle Mountain

1 Airport Complex.

2 COMMISSIONER BULLOCK: So where's -- where's the money
3 coming from?

4 ROGENE HILL: The 34,000?

5 COMMISSIONER BULLOCK: Mm-hm.

6 ROGENE HILL: In professional services for the engineering
7 out of the --

8 MARK BRETHAUER: Why wouldn't that come from the --

9 ROGENE HILL: -- the airport?

10 MARK BRETHAUER: -- airport budget?

11 ROGENE HILL: That's where it will come from.

12 MARK BRETHAUER: Oh. Okay.

13 ROGENE HILL: It will come from our capital, because this
14 is getting ready to move forward to expand. Basically, it's the
15 engineering for the water system out there that we're getting
16 ready to do.

17 COMMISSIONER MASON: If we approve this, how long will it
18 take you to get this back before us?

19 J. D. HEITHOFF: I did not check with our -- our water guys
20 at this point in time, but --

21 MARK BRETHAUER: Probably no more than 60 days, I would
22 imagine. Ninety days maybe?

23 CHAIRMAN GARNER: That's what I'm curious. We, I mean --
24 this project we want to get going last year. That's where we're
25 at with this.

26 CHUCK LARSON: I've got the map. When they're talking
27 about the complex, this is the boundary of the airport complex
28 all the way around it.

29 COMMISSIONER MASON: Okay.

30 CHUCK LARSON: And that's what we're master planning for is
31 that major boundary. And of course the racetracks -- both
32 racetracks are in there. That's the intent of this master plan
33 to cover this area.

34 COMMISSIONER MASON: What I'm asking is how long is it
35 going to take you to come up with this -- the options in this
36 master plan?

37 J. D. HEITHOFF: I don't know. I did not specifically ask
38 for a -- a date from our -- our water guys on that. But off the
39 cuff, I'd say three to six months is reasonable.

40 COMMISSIONER MASON: Can you work with that, Jake?

1 JAKE EDGAR: Yeah.
2 CHAIRMAN GARNER: Three to six months?
3 MARK BRETHAUER: It's pretty small. I'm sure we can
4 probably get it under three months.
5 CHUCK LARSON: It's probably ninety days.
6 MARK BRETHAUER: Ninety days.
7 COMMISSIONER MASON: Probably what?
8 CHUCK LARSON: Ninety days.
9 MARK BRETHAUER: Ninety days.
10 COMMISSIONER MASON: Well, if you can, you can.
11 CHUCK LARSON: The only issue would be if there's any
12 testing that has to go --
13 COMMISSIONER MASON: Yeah.
14 CHUCK LARSON: -- that might take longer. But I don't know
15 that.
16 COMMISSIONER MASON: I make a motion the Commission approve
17 the Professional Services Agreement between Lander County and
18 J-U-B Engineers, Inc., in the amount not to exceed \$34,981 for a
19 master plan study related to the water systems improvement at
20 the Battle Mountain Airport Complex.
21 COMMISSIONER STIENMETZ: I'll second the motion.
22 CHAIRMAN GARNER: Any public comment?
23 (No comment.)
24 CHAIRMAN GARNER: All those in favor?
25 COMMISSIONER STIENMETZ: Aye.
26 COMMISSIONER BULLOCK: Aye.
27 CHAIRMAN GARNER: Aye.
28 COMMISSIONER WAITS: Aye.
29 COMMISSIONER MASON: Aye. Thanks, guys. Where are we
30 going now?
31 MARK BRETHAUER: Next.
32 COMMISSIONER WAITS: I think -- no, I think J.D. knows the
33 urgency on this since we have been putting it off for so long.
34 And we didn't put any time frames in, but on the other
35 hand, we didn't put any penalties in either. So if you can do
36 it anywhere close to the 90 days, we'd be most appreciative.
37 CHUCK LARSON: We'll go back and confirm that with the
38 people that are going to do the work and let you know for sure
39 right up front.
40 COMMISSIONER MASON: We can send you a copy of the minutes.

1 CHUCK LARSON: I'll hand it to them.

2 MARK BRETHAUER: Again, we were trying to our best to see
3 if we could get the funding --

4 COMMISSIONER MASON: Yeah. I understand.

5 MARK BRETHAUER: -- from the FAA to help us out with this
6 before. And it's just a matter of timing right now. As you'll
7 see in this next presentation when we get to it, you'll
8 understand what we're trying to do.

9 COMMISSIONER MASON: I just think a little levity is --

10

11 10) Discussion for possible action regarding approval/disapproval
12 of the Professional Services Agreement between Lander County
13 and J-U-B Engineers, Inc., in the amount of \$48,197.55, for
14 design and construction administration services for pavement
15 maintenance, crack sealing, seal coating, and new pavement
16 markings for runways and taxiways at the Battle Mountain
17 Airport, and other matters properly related thereto.

18

19 CHAIRMAN GARNER: Number 10, discussion for possible action
20 regarding approval/disapproval of the Professional Service
21 Agreement between Lander County and J-U-B Engineers,
22 Incorporated, in the amount of \$48,197.55, for design and
23 construction administration services for pavement maintenance,
24 crack sealing, seal coating, and new pavement markings for
25 runways and taxiways at the Battle Mountain Airport, and other
26 matters properly related thereto.

27 J. D. HEITHOFF: Commissioners, this amount is for the,
28 basically, the pavement, maintenance, rehabilitation of the
29 runways, taxiways and half of the apron out there.

30 As part of the airport grant assurances you execute with
31 the FAA, part of that agreement, is you're to maintain the
32 pavements out there. What this particular agreement is for is
33 for the design and construction administration services to
34 provide crack sealing, seal coat project, and a pavement marking
35 project out there.

36 As I've provided in my monthly updates or bimonthly
37 updates -- I'm sorry -- since earlier last year, the pavements
38 out there are in need of a seal coat and crack seal. That --
39 it's very important.

40 So this is for the design and construction administration

1 services of that. If you'd like to open it up for discussion.
2 COMMISSIONER WAITS: But not for the work? Just the
3 design?
4 J. D. HEITHOFF: Correct. Design and construction, which
5 is inspection.
6 COMMISSIONER MASON: Does the FAA pick up some of this
7 bill?
8 J. D. HEITHOFF: This is -- that's an interesting question,
9 Commissioner.
10 What Mark and I are going to try to do is go to FAA and
11 request their participation --
12 CHAIRMAN GARNER: This is crazy.
13 J. D. HEITHOFF: -- at 93.75% level for the construction on
14 that. The -- just the very rough estimate is we're looking
15 total at about \$580,000 to do everything out there. We're
16 hoping that that's a high estimate. But I think it's
17 reasonable.
18 And what Mark and I would like to do is we're going to try
19 to make a run at the FAA to get the FAA to pay for their
20 portion. We put it in the capital improvement plan that was
21 just submitted to them. They did not disclose it at this point.
22 COMMISSIONER MASON: What? Your engineering fee?
23 J. D. HEITHOFF: No, --
24 COMMISSIONER MASON: Is what you're talking about?
25 MARK BRETHER: The construction.
26 J. D. HEITHOFF: -- the whole -- the construction of the
27 project.
28 COMMISSIONER MASON: But you included the engineering fee
29 into the capital improvement plan?
30 COMMISSIONER STIENMETZ: Mm-hm.
31 J. D. HEITHOFF: Yes, sir. I believe so.
32 COMMISSIONER MASON: It's important. You think you did?
33 J. D. HEITHOFF: I think so.
34 COMMISSIONER MASON: And they haven't thrown it out?
35 J. D. HEITHOFF: They have not thrown it out at this point.
36 COMMISSIONER MASON: So basically, this engineering, if it
37 all goes to my liking, it's -- we're only going to have to put
38 up 3% or 7%.
39 J. D. HEITHOFF: Yeah. And there's a difference there.
40 And what I -- what I tried to do is provide here was the

1 contract if the FAA was not going to participate in that amount,
2 which means we can do a smaller set of specifications, a much
3 smaller set of plans, and you put it out for bid and then
4 smaller amount of construction administration services.

5 If the FAA decides that they're going to participate in
6 this project, and especially the construction portion, then
7 we're going to have to go to a larger set of specifications, a
8 larger set of plans, because we've got to follow the FAA rules
9 and guidelines.

10 However, what that means is our design level is going to
11 have to increase. And our construction inspection level is
12 going to have to increase.

13 But with that said, the FAA's going to participate. So --
14 and at a 93.75% level, your actual local amount will go down.
15 If that happens -- and I said here, I believe, in my note --
16 then what we do -- we do at that time is if we can get the FAA
17 buy-in, then my recommendation is that we would terminate this
18 contract, because we'll have to execute an FAA contract, as I
19 said, for a higher design amount. But your local portion is
20 going to be less because it's going to be at the 7% roughly of
21 that amount. So what this is for today is for -- it's the
22 highest cost amount, the worst case that the county would be
23 involved with as far as the design construction administration
24 services.

25 CHAIRMAN GARNER: What --

26 J. D. HEITHOFF: Yes, sir.

27 CHAIRMAN GARNER: What do you -- what do you design in seal
28 coat in crack sealing?

29 J. D. HEITHOFF: You've got to go through the standard
30 specifications and stuff and -- and the requirements for the
31 materials, where the markings are located, the dimensions for
32 those markings, the construction site information.

33 COMMISSIONER MASON: If we don't go through this step, the
34 FAA isn't going to pick up their portion?

35 CHAIRMAN GARNER: They're not going to --

36 J. D. HEITHOFF: Correct.

37 COMMISSIONER MASON: They want to be -- they want it all
38 engineered and to their specifications, and then they'll pick up
39 93% or whatever?

40 J. D. HEITHOFF: Correct.

1 CHAIRMAN GARNER: Hasn't the markings already been
2 engineered for this project? or for this airport? They had to
3 be engineered there --
4 J. D. HEITHOFF: The markings --
5 CHAIRMAN GARNER: -- to begin with.
6 J. D. HEITHOFF: -- the markings are out there; correct.
7 CHAIRMAN GARNER: And they had to be engineered to be put
8 there the first time. So we can't go back to those engineer
9 drawings and look and see where those were?
10 MARK BRETHAUER: No, you can't do that.
11 CHUCK LARSON: The 2002 drawings?
12 CHAIRMAN GARNER: Yeah.
13 CHUCK LARSON: They're 11 years old.
14 MARK BRETHAUER: We can refer to those.
15 CHAIRMAN GARNER: We haven't changed anything out there in
16 11 years. The runways are still the same.
17 COMMISSIONER MASON: That's why we're doing it.
18 CHUCK LARSON: No, but the federal advisory requirements
19 have changed. We'll have to -- you may be right. And we may be
20 able to pluck those out of there and put those in. But we'll
21 have to go through the advisory circular and make sure they
22 haven't changed. And they may have changed.
23 COMMISSIONER BULLOCK: Okay. So --
24 J. D. HEITHOFF: And that wasn't our design or anything.
25 COMMISSIONER BULLOCK: Let me make sure I understand this.
26 Because you're telling me that the FAA won't even look at this
27 unless there's engineering drawings?
28 MARK BRETHAUER: Right.
29 J. D. HEITHOFF: What they want --
30 COMMISSIONER BULLOCK: Is that what you just said?
31 J. D. HEITHOFF: They want bids in hand.
32 COMMISSIONER BULLOCK: Bids in hand before we ever look at
33 it.
34 J. D. HEITHOFF: Before. Yes.
35 COMMISSIONER BULLOCK: Okay. So what --
36 J. D. HEITHOFF: But we can -- we can --
37 COMMISSIONER BULLOCK: -- happens to all this FAA, these
38 meetings you go to and they say, this is what I want them to do
39 this year. This is what we're going to do next year and all
40 this.

1 J. D. HEITHOFF: And that's what we -- we have submitted
2 the CIP. And the CIP, it is in there. They have not said, no,
3 we're -- we're -- with it or we're against it.

4 COMMISSIONER BULLOCK: Okay. So I guess, so I understand,
5 if we hold off on the engineering, does that mean they won't
6 accept or they can accept it and then we can do the engineering?

7 J. D. HEITHOFF: If -- if we wait too long -- I guess, if
8 we wait, the problem is the payments are going to get -- are
9 going to continue to get worse. And we really should've done
10 this last year. But we didn't have any of the airport numbers
11 in the budgets for last year. So it got deferred, basically, to
12 this year. So we're going to try to coordinate with the FAA to
13 get them to buy in and to pay for it. But what this does is
14 this gets everything rolling, moving forward, and gets us
15 towards our goal.

16 COMMISSIONER MASON: It puts FAA on notice, too. Right?

17 COMMISSIONER BULLOCK: Right. Okay, but going back. If
18 FAA does not approve this, we spend the engineering, if we want
19 to go forward, we're going to have to budget another 500,000, a
20 million dollars? What are we saying here?

21 ROGENE HILL: Yes.

22 COMMISSIONER BULLOCK: If they don't want to buy in. So I
23 guess my point is, I'd like them to buy in before we start
24 spending money on it.

25 J. D. HEITHOFF: Absolutely. Either. And that -- and that
26 is exactly what Mark and I are going to try to do is we're going
27 to go to bat and try to get them to buy in at that level. I
28 think that that is possible. Can I guarantee that? No, sir.

29 But either way, whether or not they buy in, the work still
30 has to be done. The pavement still needs to be sealed. The
31 crack sealing needs to be done. The pavement repairs need to be
32 made. The seal coating needs to be done. And the marking needs
33 to be done. That's part of your grant assurances to maintain
34 that airport.

35 COMMISSIONER MASON: And there's a possibility that this
36 \$48,197 will get in the mix. And we'll only put up three and a
37 half percent or whatever.

38 J. D. HEITHOFF: It could go down. Correct.

39 COMMISSIONER MASON: Or 7%.

40 COMMISSIONER BULLOCK: Well, and I don't like to gamble. So

1 I mean --

2 CHAIRMAN GARNER: Yeah.

3 COMMISSIONER BULLOCK: You know, if we're looking at --

4 we're looking at \$48,000, we're not saying that, hey, maybe we

5 might get it. No. We have to allow that's what it's going to

6 cost it.

7 COMMISSIONER MASON: Right. I agree.

8 ROGENE HILL: You're absolutely right. With -- as we

9 talked this morning -- with these grants, with the FAA, you --

10 when you sign and you think you're getting all that free money.

11 There are strings attached. And one of them is you have to keep

12 up all the repair and maintenance on those runways.

13 So basically, they're trying to put it in as a

14 rehabilitation to get it through the FAA. But whether you get

15 it or not, it is your requirement that you are going to have to

16 fund that because you've agreed to all these FAA loans or

17 grants. And that's exactly the apron strings that come attached

18 to it.

19 J. D. HEITHOFF: Correct.

20 ROGENE HILL: So in this budget, we're going to have to put

21 aside \$580,000 for --

22 MARK BRETHAUER: Those repairs.

23 ROGENE HILL: -- if it goes to the FAA, wonderful. It's

24 not going to cost us that much. But either way --

25 COMMISSIONER STIENMETZ: You need to budget it for next

26 year.

27 ROGENE HILL: -- you're going to have to do it, one way or

28 the other.

29 COMMISSIONER WAITS: So tell me again about the repair,

30 because I guess, I mean, I know it's more specialized to do an

31 airport runway than it is our roads, or we would have Donnie be

32 doing all of that for us.

33 MARK BRETHAUER: He doesn't want to get involved.

34 COMMISSIONER WAITS: Right. But why can't we hire someone

35 to repair? Why -- why do we have to design something? You know

36 where the runway is. We're not moving them.

37 J. D. HEITHOFF: Correct.

38 COMMISSIONER WAITS: And like Brian said, we know where the

39 markings are.

40 COMMISSIONER MASON: It's the way --

1 MARK BRETHAUER: A lot of it too is scheduling --
2 COMMISSIONER MASON: -- the FAA wants --
3 MARK BRETHAUER: -- because you do have normal traffic
4 going through. There's scheduling issues and, you know, shut
5 downs. And --
6 COMMISSIONER WAITS: And I understand that. And I
7 understand the engineering and lots of other degrees. But I
8 don't understand this kind of cost. We're talking \$50,000 to
9 come out and look where our runway is and say, you need to
10 repair that?
11 J. D. HEITHOFF: Well, approximately half of it is for the
12 design of the plans and the specifications. And the other half
13 of it --
14 COMMISSIONER WAITS: Bids?
15 J. D. HEITHOFF: -- is for the inspection to make sure that
16 it's done properly.
17 MARK BRETHAUER: And there will be things, if there's
18 things we can do here, again, in town with our inspectors, we'll
19 be assisting them, and it won't go into the contract.
20 Typically, on a -- for a construction management and design
21 portion of a project, you're looking at probably 10% for your
22 designs, another 10% for your construction management
23 assistance. So you've got a ballpark of about 20%. These guys
24 are at 8% right now for this project figuring their assistance.
25 COMMISSIONER WAITS: So you inspect or you hire another
26 company to come in and inspect?
27 J. D. HEITHOFF: No, one of our personnel would.
28 COMMISSIONER WAITS: You already handle that in-house?
29 J. D. HEITHOFF: Yes.
30 MARK BRETHAUER: And if not, if there's something we can do
31 in-house and get our staff trained up, then there will be
32 something we can do out there as well, backing off at the time.
33 CHAIRMAN GARNER: Why don't we know that now, so it comes
34 into the cost?
35 MARK BRETHAUER: Well, I don't know if our -- the
36 certification or whatever that is required for --
37 J. D. HEITHOFF: Airport rules and regulations savvy, being
38 aware of what those FAA rules are is important. The
39 construction phasing --
40 CHUCK LARSON: We need to train somebody to do that. We

1 could do that though.

2 COMMISSIONER MASON: Basically, we're paying you guys to
3 engineer this and save us a lot of money?

4 J. D. HEITHOFF: That's -- that's the goal.

5 COMMISSIONER MASON: When was the last time this was done?

6 CHAIRMAN GARNER: They just paved last year.

7 CHUCK LARSON: The runway -- the runway was reconstructed
8 in 2002. There's not been anything done to that main runway
9 since then.

10 J. D. HEITHOFF: Yeah.

11 COMMISSIONER MASON: So that's 12 years.

12 CHUCK LARSON: Typically, you want to be at least every
13 five years doing this. You're at 12 years out right now.

14 J. D. HEITHOFF: Yeah. It's --

15 COMMISSIONER MASON: Right. That's why the engineering.

16 CHUCK LARSON: The other one I'm not sure about at all,
17 Dave, when that last one was.

18 COMMISSIONER MASON: If we don't have -- I'm just speaking
19 out loud. But if we don't have the engineering that we're
20 talking about right here, the FAA could just say, we don't want
21 to mess with it.

22 J. D. HEITHOFF: Absolutely.

23 COMMISSIONER MASON: Is that what you're saying?

24 CHUCK LARSON: The FAA won't pay for it if we don't do our
25 due diligence process.

26 COMMISSIONER MASON: Right. I got it.

27 CHUCK LARSON: Yes.

28 COMMISSIONER MASON: I make a motion the Commission approve
29 the execution of the Professional Services Agreement with J-U-B
30 Engineers for an amount not to exceed Lander County costs of
31 \$48,197.55.

32 COMMISSIONER BULLOCK: I'll second it.

33 CHAIRMAN GARNER: Any public comment?

34 (No comment.)

35 CHAIRMAN GARNER: All those in favor?

36 COMMISSIONER STIENMETZ: Aye.

37 COMMISSIONER BULLOCK: Aye.

38 CHAIRMAN GARNER: Aye.

39 COMMISSIONER WAITS: Aye.

40 COMMISSIONER MASON: Aye.

1 11) Discussion for possible action regarding update by J.D.
2 Heithoff, P.E., J-U-B Engineers, Inc., on the status of the
3 Battle Mountain Airport Master Plan Update, and other matters
4 properly related thereto.
5

6 CHAIRMAN GARNER: Discussion for possible action regarding
7 update by J.D. Heithoff, P.E., J-U-B Engineers, on the status of
8 Battle Mountain Airport Master Plan Update, and other matters
9 properly related thereto.

10 J. D. HEITHOFF: Commissioners, what we wanted to do today
11 was Commissioner Mason requested that we come in and provide an
12 update on where the Battle Mountain master plan is --

13 COMMISSIONER MASON: This is last night's meeting.

14 J. D. HEITHOFF: -- for the airport. So what we wanted to
15 do was give you a very, very brief summary of last night's
16 meeting and where we're at today, so you're all aware. And with
17 that I'd like to turn it over to -- to Chuck Larson.

18 CHUCK LARSON: And you've got -- I'll have Kim hand out the
19 full package that was done last night for you --

20 CHAIRMAN GARNER: We can't --

21 CHUCK LARSON: -- but we're only going to touch a few
22 slides.

23 CHAIRMAN GARNER: We can't accept handouts --

24 CHUCK LARSON: Oh. Okay.

25 CHAIRMAN GARNER: -- if it's not in the package.

26 J. D. HEITHOFF: Okay.

27 CHUCK LARSON: We'll have it for you for later.

28 MARK BRETHAUER: It's just a hand out of the -- it's
29 just --

30 J. D. HEITHOFF: The slides.

31 MARK BRETHAUER: -- a copy of the slide show is all it is.

32 CHUCK LARSON: We held our second TAC committee meeting.
33 The first one was really a scoping meeting with the initial TAC
34 committee meeting on the master plan. This is one of your grant
35 assurance requirements. In order for you to have an approved
36 capital improvement plan that the feds will fund, you have to
37 have an approved master plan.

38 Your last master plan was done in 2000. So we're quite a
39 ways out. Usually master plans are done every ten years.

40 The feds said before they would authorize anymore real work

1 on the capital improvement plans, they wanted this master plan
2 done and updated.

3 So we've had our second meeting with the TAC committee, and
4 we're about a third of the way through the process. This is
5 what we've done so far. We've identified the history of the
6 airport. We have inventoried the existing facilities and the
7 condition of them. We've done an evaluation of your existing
8 land use and planning for the airport. We've done a baseline
9 environmental overview. We've done aircraft forecasting for the
10 next 20 years for the master plan and evaluated what the airport
11 classifications you need for your airport. And at the same
12 time, we've done a little bit of public involvement. We had a
13 survey that went out. And from there, we'll move to the next
14 stages.

15 Briefly, of this particular slide, I think it's important
16 to recognize in the 30 years that you've been receiving federal
17 funds for the FAA, you've gotten a total of about \$17 million
18 from them. So it's been -- I suspect, it's been a beneficial
19 process for you to keep that airport operating, especially with
20 the BLM out there as an important tenant.

21 And one of the things that we evaluated and looked at and
22 we're a little concerned about, one of your grant assurances --
23 a couple of your grant assurances are that you have to protect
24 the air space over the airport so that there aren't construction
25 of towers and buildings and things like that that would
26 penetrate that air space. That's number one.

27 The second one is that in order to protect the viability
28 and the sustainability of your airport to stay there and
29 operate, we have to have compatible land use zoning as well.

30 And from what we've discovered in doing some investigation
31 with Jan here, it appears that there may not be any of those
32 ordinances in place. There are some references to them. And
33 we're still looking. And Donnie's going to give us a hand with
34 the clerk's office to see if we can find those. But there
35 should have been some airport overlay zoning ordinances in
36 place. And we can't find them at this point.

37 If that's true, then we will be working with you to -- and
38 the Planning Department -- to create those zoning ordinances for
39 the airport air space and for the land use compatibility.

40 The biggest thing about land use compatibility around your

1 area -- and the neat thing right now is that you don't have a
2 lot out there, so it shouldn't be a problem to putting this in
3 out there. But the biggest thing from a compatibility
4 standpoint is residential. What happens is if you get too dense
5 of residential out there, they can turn around and say, you
6 know, I don't want your airport here. Move it. And that's what
7 we want to try to avoid. But five- or ten-acre lots for the
8 residential is not a problem. It is compatible. The industrial
9 that's out there now, that's zoned right now, and the Ag 2
10 that's out there right now are very compatible land uses. We
11 just want to beef that up.

12 COMMISSIONER MASON: I just want to say on this particular
13 note, if you look at the map, well, you don't have it.

14 CHUCK LARSON: I do have it. Let me pull that up.

15 COMMISSIONER MASON: Jan Morrison was at the meeting last
16 night. And she's aware of the zoning possibilities and whatever
17 was discussed. But if you look at the end of the four runways,
18 those are the areas that are dotted there that need attention as
19 far as zoning.

20 CHUCK LARSON: These are the approach protection areas, --

21 COMMISSIONER MASON: Yes. Right.

22 CHUCK LARSON: -- if you will.

23 COMMISSIONER MASON: And I don't think -- if we have
24 haven't already done it, I don't think it's an issue that we --
25 we can't ignore it, but we have to deal with it.

26 CHUCK LARSON: And as we mentioned last night, there's
27 three ways to protect those zones. One is through the land use
28 ordinances. The second one is to acquire some navigation
29 easements. And the third is to actually own the property.

30 Now, from my perspective, I think you've done a pretty good
31 job in owning as much of the property as you could, but clearly
32 you don't own all of it. We found out from the Nevada State
33 Airport Planner last night though that navigation easements are
34 determined not to be a viable solution. Las Vegas just lost
35 over that particular issue. So we've got to either have really
36 strong land use ordinances and/or look at purchasing down the
37 road. Those are things that we'll evaluate further in this
38 master plan and advise you and recommend to you.

39 COMMISSIONER MASON: Our staff is Jan Morrison for that.

40 CHUCK LARSON: Yes.

1 J. D. HEITHOFF: Mm-hm.

2 COMMISSIONER MASON: Right. Okay.

3 CHUCK LARSON: Yes, we're in contact. I'll see if I can
4 get back to where we were. All right.

5 Then moving forward, I mentioned that we also did a
6 baseline environmental evaluation. One of the things we want to
7 make sure doesn't happen, if we do any improvements to your
8 facility that we don't have any fatal flaws that might preclude
9 our ability to do that. If you're spending federal funds, you
10 have to clear -- you have to get a clearance for any of those
11 projects to be done.

12 The good news is from our biological, cultural, and
13 wetlands analysis, we did not see any fatal flaws that were of
14 concern. And we use that baseline information as we move
15 forward with improvement recommendations.

16 This is the forecast information. And I won't go into a
17 lot of detail with this. But this is -- this forecasting of the
18 aircraft is critical to the FAA approving how we evaluate your
19 facility requirements and what we want to build for the next 20
20 years to meet those facilities.

21 And so this is your existing based operations right here.
22 You have nine based aircraft there right now. It's projected to
23 grow to ten or so. We're using the county and the region's
24 population growth to project these.

25 This is the operations that occur out there. Approximately
26 12,000 per year occur. And we expect that -- oops -- we expect
27 that to grow a little bit.

28 COMMISSIONER WAITS: We're not that fast.

29 CHUCK LARSON: Yeah. Every time I touch it -- sorry about
30 that. I need to keep my fingers off of this.

31 Every time we grow that, it will go to 12,950. That's
32 important information that the FAA will have to approve.

33 The second piece is your critical aircraft. What that
34 critical aircraft has to be a minimum of 500 operations. And
35 based on that critical aircraft then, we size your facility to
36 accommodate that critical aircraft. Right now your aircraft is
37 designed for a C4. That's because back in about early 2000s,
38 BLM was bringing in the Lockheed C-130s, which were very large,
39 for their bombing operations. And they had up to a thousand
40 operations going on in a year. And so that was the critical

1 aircraft.

2 They're moving down to the smaller aircraft in the R -- in
3 the C3 designation, which is the British air -- airline --
4 retrofitted airliners that they're going to use. And those will
5 be operating out there. And so we're recommending for the
6 airport in the future that it be met at a C3 category.

7 The good news is you can still meet a C4, and the BLM's
8 probably the only ones that will be concerned about this. But
9 we can meet a C4, it's really only -- the difference between a
10 C3 and a C4 is separations for the larger wings. And you have
11 those separations out there now.

12 What we just want to make sure is we don't put any
13 facilities, like buildings or structures, inside of that larger
14 C4 separation so that we can't preclude the ability to allow C4s
15 in the future.

16 COMMISSIONER MASON: I have a question.

17 CHUCK LARSON: Yes.

18 COMMISSIONER MASON: Excuse me. Can a 747 land here?

19 CHUCK LARSON: They could. You have the -- you have the
20 width of the runway. You have the structure of the runway to
21 handle a 747 and an individual 747. What you might see that
22 could be a problem is they have the engines way out on the end.

23 COMMISSIONER MASON: Uh-huh.

24 CHUCK LARSON: They might tend to rip up the shoulders a
25 little bit because -- but other than that, absolutely, they
26 could, more than likely.

27 COMMISSIONER WAITS: And they could take off again?

28 CHUCK LARSON: Yes.

29 COMMISSIONER WAITS: Okay.

30 J. D. HEITHOFF: Your 7,000-foot runway is nice.

31 COMMISSIONER WAITS: Well, I've seen them land in places
32 they can't take off, so I mean --

33 CHUCK LARSON: That depends on how much fuel they have.

34 COMMISSIONER MASON: So they're still there?

35 CHUCK LARSON: They might have to dump some fuel.

36 COMMISSIONER MASON: Huh?

37 CHUCK LARSON: I think they probably could land here. So
38 we're -- we're -- the next step in the master plan is -- and
39 I'll just -- well, let me talk about the public involvement
40 first.

1 We did send some surveys out. We didn't get very many
2 surveys back from the tenants. And we had a package here at the
3 courthouse and everything. Oh man, I'm struggling.

4 KIM: I think your power died.

5 CHUCK LARSON: Oh, I lost my power. I didn't charge up.
6 We were pretty much done. There were some key issues that the
7 public involvement mentioned. And I think the most important to
8 them was having -- and a lot of them you have out there.
9 Obviously, the fueling facility is one of the biggest issues.
10 And that's from your FBO, getting that fixed. But having a
11 weather station -- you do have a weather station -- having an
12 FBO facility and a trailer out there to accommodate. So we
13 didn't hear any big issues from the surveys about facilities out
14 there.

15 So our next steps in the process are we need to get the FAA
16 to approve those aircraft forecasts and that C3 recommendation.
17 Then we will go back and look at the conditions of your airport
18 and compare the minimum standards for a C3 with what you have at
19 your facility. Then we'll look at whether you have any
20 deficiencies and how we improve those deficiencies.

21 From there we'll have a -- we'll be back talking to you
22 about what those deficiencies are and what the recommendations
23 are. We'll probably have a workshop with you to do that. And
24 then we'll have a public meeting at the same time. And I would
25 expect that to happen sometime in May or June.

26 Any questions or concerns you may have out at the airport
27 that we ought to be looking at?

28 COMMISSIONER BULLOCK: Sounds good.

29 CHAIRMAN GARNER: Nothing's agendized.

30 COMMISSIONER STIENMETZ: Sounds good to me. Thank you.

31 CHAIRMAN GARNER: Thanks.

32 We'll take a five-minute break.

33
34 (Break taken between 10:58 a.m. and 11:04 a.m.)

35
36 COMMISSIONER GARNER: Call the meeting back to order.
37
38
39
40

1 12) Discussion for possible action regarding: a) the status of
2 the pending advisory opinion before the Nevada State Bar's
3 Standing Committee on Professional Responsibility and Ethics
4 regarding the potential violation of Nevada Rules of
5 Professional Conduct 1.2, and the ethical implications of
6 public attorneys assisting their respective government
7 clients in the implementation of Senate Bill 374 concerning
8 medical marijuana establishments; and b) options for drafting
9 an ordinance that would change the Lander County Code
10 concerning opening a medical marijuana establishment in
11 Lander County; and other matters properly related thereto.
12

13 CHAIRMAN GARNER: Item twelve, discussion for possible
14 action regarding: a) the status of the pending advisory opinion
15 before --
16

17 (Waiting for room to come to order.)
18

19 Discussion for possible action regarding: a) the status of
20 a pending advisory opinion before the state -- before the Nevada
21 State Bar's Standing Committee on Professional Responsibility
22 and Ethics regarding the potential violations of Nevada Rules of
23 Professional Conduct 1.2, and the ethical implications of public
24 attorneys assisting their respective government clients in the
25 implementation of Senate Bill 374 concerning medical marijuana
26 establishments; and b) options for drafting an ordinance that
27 would change the Lander County Code concerning opening a medical
28 marijuana establishment in Lander County; and other matters
29 properly related thereto.

30 DEPUTY DISTRICT ATTORNEY TING: So I guess I'll give a
31 little bit of input here for anyone that doesn't know Senate
32 Bill 374 decriminalized marijuana for certain purposes and that
33 would be medical marijuana. And then they implemented into the
34 statutes the -- how many medical marijuana establishments a
35 county can have. And it's pretty much based upon population.
36 Lander County, we can have an allotted one.

37 But the problem right now is that every -- every local
38 government group in Nevada is asking their legal counsel, well,
39 what do we do?

40 And Nevada professional rules of responsibility prohibits an

1 attorney from telling a client advice that might break the law.
2 Pot's against the law federally.

3 So we're working with -- every District Attorney in the
4 state, except for Elko's, with the Nevada District Attorney's
5 Association to -- where they're coming up with advice they're
6 going to give the legal counsel. And then we can address you
7 guys.

8 So it's pretty much at a standstill right now.

9 CHAIRMAN GARNER: Okay. But you will advise us when you
10 get to that point.

11 DEPUTY DISTRICT ATTORNEY TING: Unless -- unless it's a --
12 unless -- unless for some reason they found that we -- it's --

13 CHAIRMAN GARNER: They deem it.

14 DEPUTY DISTRICT ATTORNEY TING: -- unethical for us to
15 advise you.

16 CHAIRMAN GARNER: Exactly.

17 COMMISSIONER WAITS: So for the discussion on this then
18 clarify the law for me, we're allowed one dispensary if we so
19 choose to do that.

20 DEPUTY DISTRICT ATTORNEY TING: Well, -- well, if they
21 apply and meet certain cri- --

22 COMMISSIONER WAITS: Right. Right. But how about the
23 local cultivation? Do we need to address that too?

24 DEPUTY DISTRICT ATTORNEY TING: Well, that -- that -- that
25 would be something I can't give you legal advice now, but --

26 COMMISSIONER WAITS: No. No. I'm not asking whether we
27 allow it or not. I'm asking whether that's something we can
28 take action on.

29 DEPUTY DISTRICT ATTORNEY TING: That -- that's -- that's a
30 question that everybody's kind of trying to figure out, if -- if
31 you can or not. Some -- it'll -- it'll kind of just depend on
32 what the -- on what the opinion ends up being.

33 COMMISSIONER WAITS: Okay. So we don't know that yet.

34 Just as general information, NACO has sent out the
35 information on some of the counties and what they have been
36 doing. And I think you might have some of that information. To
37 date, the only one I'm aware of that's totally denied it was
38 Yerington.

39 DEPUTY DISTRICT ATTORNEY TING: Elko.

40 COMMISSIONER WAITS: Elko denied it, too. Did they? I

1 hadn't heard.

2 DEPUTY DISTRICT ATTORNEY TING: I think -- I thought it was
3 Elko. I can double check on that.

4 COMMISSIONER WAITS: Okay. Anyway, when they did, they
5 said absolutely no how, no way, not our county.

6 Some of the other counties have taken the opinion that our
7 ordinances in our county have to follow federal and state rules.
8 And the federal law says it's illegal even though the state has
9 said medical marijuana is okay.

10 So there's a disparity there. So they've taken the option
11 of we're not going -- they've passed the ordinance to -- to kind
12 of ignore it at this point until the federal law changes or they
13 do something.

14 COMMISSIONER MASON: Supreme Court's looked at it, right?
15 Are they going to look at it again?

16 COMMISSIONER WAITS: No.

17 DEPUTY DISTRICT ATTORNEY TING: They might in the future.

18 COMMISSIONER WAITS: Yeah.

19 COMMISSIONER MASON: The Nevada Supreme Court.

20 DEPUTY DISTRICT ATTORNEY TING: It's not something that's
21 currently up for a decision at the Supreme Court.

22 COMMISSIONER MASON: Well, if you look at this chart, the
23 second page in, we have moratoriums from most of the counties.
24 And the longest one is one year. And I think we ought to go a
25 two-year moratorium and let's see what happens.

26 DEPUTY DISTRICT ATTORNEY TING: Okay, so just to kind of --

27 CHAIRMAN GARNER: She's already said she can't give --

28 DEPUTY DISTRICT ATTORNEY TING: Yeah. Just to -- I guess
29 sort of refresh what I just said, --

30 COMMISSIONER WAITS: This is just a discussion.

31 DEPUTY DISTRICT ATTORNEY TING: -- I can't legal advise you
32 to do that. So if you're doing that, it's not against legal
33 advice. You're just doing it without legal advice.

34 And you do have the option too to see if the POOL/PACT
35 attorneys will legally advise you on this. And if -- if -- but
36 they still might be subject to the N.R.C.P. 1.2 also.

37 COMMISSIONER WAITS: But our --

38 CHAIRMAN GARNER: Well, I think we should probably defer it
39 until --

40 COMMISSIONER WAITS: But our deadline is coming up. We

1 have to address it in the ordinances by when? April 1st?
2 DEPUTY DISTRICT ATTORNEY TING: Yeah. And the -- the --
3 the advisory opinion is almost out. And they're kind of leaning
4 towards that we -- that we can't advise you.
5 COMMISSIONER MASON: Can we defer it?
6 DEPUTY DISTRICT ATTORNEY TING: Yeah. Absolutely. And if
7 we -- we can differ it. We can defer it. And we'll get it in
8 time for when we need to also.
9 COMMISSIONER WAITS: For April 1st?
10 DEPUTY DISTRICT ATTORNEY TING: Correct. Yeah.
11 COMMISSIONER MASON: What would you suggest is a good time
12 for deferment? A year?
13 COMMISSIONER STIENMETZ: No.
14 COMMISSIONER WAITS: No. We have to --
15 COMMISSIONER BULLOCK: Two weeks.
16 COMMISSIONER WAITS: -- have something in place by April
17 1st.
18 COMMISSIONER MASON: Oh. I didn't understand that.
19 COMMISSIONER WAITS: Uh-huh.
20 Now, in the interim then, if someone does apply, a business
21 application to put this in, we just simply say, we have no
22 ordinance, you wait?
23 DEPUTY DISTRICT ATTORNEY TING: Um.
24 CHAIRMAN GARNER: You can -- you can. It's a federal law.
25 You can revert back to federal law; couldn't you?
26 DEPUTY DISTRICT ATTORNEY TING: I can't advise you.
27 CHAIRMAN GARNER: Yeah. You can't.
28 COMMISSIONER WAITS: Yeah. You can't. We're in a
29 quandary. There's no question. But we need to have something
30 on the agenda in the next couple of meetings to do whatever you
31 want to do.
32 COMMISSIONER MASON: Well, how did these other counties put
33 a moratorium on it? They voted on it.
34 CHAIRMAN GARNER: They did it themselves with outside legal
35 or with something.
36 COMMISSIONER MASON: Well, I mean, this thing isn't even --
37 CHAIRMAN GARNER: Research that for us, Dave.
38 COMMISSIONER MASON: The ink's still wet on it. We -- you
39 know, there's no really legal precedent here.
40 CHAIRMAN GARNER: Research that for us and get back to us.

1 DEPUTY DISTRICT ATTORNEY TING: That's one way to say it.
2 COMMISSIONER MASON: Is that what you're suggesting?
3 CHAIRMAN GARNER: I would make a motion we defer it for the
4 attorneys -- the State Attorney Association to -- if they're
5 going to give us legal advice. Because that was where we should
6 take our first legal advice is from our District Attorney's
7 office?
8 COMMISSIONER BULLOCK: But we can hire an attorney --
9 CHAIRMAN GARNER: Yes.
10 DEPUTY DISTRICT ATTORNEY TING: Correct.
11 COMMISSIONER BULLOCK: -- as a Commission.
12 CHAIRMAN GARNER: Yes.
13 DEPUTY DISTRICT ATTORNEY TING: Correct. Yes, you
14 definitely have the -- have the option of asking the POOL/PACT
15 attorney to give you an opinion. But they could -- they could
16 say that they're subject to N.R.C.P 1.2 also.
17 COMMISSIONER BULLOCK: I know, but we could just go and
18 just hire our own attorney however we saw fit.
19 DEPUTY DISTRICT ATTORNEY TING: Absolutely. Yeah.
20 COMMISSIONER BULLOCK: I mean, that's the way I'd be
21 leaning. We've got a pretty good attorney right here in town
22 that could give us the advice and go forward that we need.
23 COMMISSIONER MASON: Can we officially reject this?
24 DEPUTY DISTRICT ATTORNEY TING: Unfortunately, I can't
25 advise you on that.
26 COMMISSIONER STIENMETZ: I make a motion that we hire an
27 attorney to review this for us, this item.
28 CHAIRMAN GARNER: Local?
29 COMMISSIONER STIENMETZ: Local attorney to review this item
30 for us.
31 CHAIRMAN GARNER: Who are we putting on top of this?
32 COMMISSIONER BULLOCK: Why are you guys looking at me?
33 CHAIRMAN GARNER: I'm looking at Steve.
34 Me? Chair?
35 COMMISSIONER STIENMETZ: Yeah. I appoint Brian --
36 CHAIRMAN GARNER: Great.
37 COMMISSIONER STIENMETZ: -- and make a motion to include
38 Brian as the one to talk into it.
39 COMMISSIONER BULLOCK: I'll second.
40 COMMISSIONER WAITS: Okay, with that, we need to make sure

1 that we're on the time frame -- that's all --
2 COMMISSIONER STIENMETZ: Right.
3 COMMISSIONER WAITS: -- so we have it back before us so we
4 can do something. Even if it's a moratorium on an ordinance, we
5 have to do something.
6 COMMISSIONER STIENMETZ: Right.
7 CHAIRMAN BULLOCK: We ought to be able to get advice in two
8 weeks to put it back on --
9 COMMISSIONER STIENMETZ: Yeah.
10 COMMISSIONER BULLOCK: You know, so --
11 COMMISSIONER MASON: So we need to put it back on the
12 agenda.
13 COMMISSIONER STIENMETZ: For the next meeting and see if we
14 can -- and make sure we try to get that --
15 COMMISSIONER WAITS: Along with that then be -- with the
16 discussion, I guess we need to feel which way we're going
17 legally.
18 I agree with the point that if it's still federally against
19 the law, it's going to be very difficult.
20 COMMISSIONER STIENMETZ: Well, we get our attorney's
21 opinion --
22 COMMISSIONER BULLOCK: We'll get the opinion.
23 COMMISSIONER STIENMETZ: -- and then we can go on how we
24 want to go.
25 COMMISSIONER MASON: There you go.
26 COMMISSIONER BULLOCK: We've got two meetings to work with.
27 COMMISSIONER STIENMETZ: So --
28 ROGENE HILL: That's exactly --
29 CHAIRMAN BULLOCK: So we can get his opinion next one and
30 then --
31 COMMISSIONER STIENMETZ: We --
32 COMMISSIONER BULLOCK: I think we're all right.
33 COMMISSIONER STIENMETZ: Yeah. For ourselves.
34 COMMISSIONER MASON: Patsy, you're at a loss for words?
35 COMMISSIONER WAITS: No, my concern is whether we still
36 know how the commissioners feel towards it.
37 Yes, we need legal advice. I understand that.
38 But if you're all okay with having something put in and let
39 them have the dispensary or let them cultivate or whatever they
40 need to do, then we need to pass that on to our attorney to find

1 out --
2 COMMISSIONER STIENMETZ: No.
3 COMMISSIONER WAITS: -- legally.
4 COMMISSIONER STIENMETZ: Let him give us his opinion on
5 this. And then we can go the way we want to.
6 COMMISSIONER MASON: Then we -- (indiscernible).
7 COMMISSIONER WAITS: But if we wait for just the opinion
8 say you can do this and you cannot do this that still puts us up
9 to, do we still have time to get it on that last agenda?
10 CHAIRMAN GARNER: Are you just trying to say is -- you need
11 to spit out what --
12 COMMISSIONER STIENMETZ: If you want to make --
13 CHAIRMAN GARNER: Are you're trying to say, are we in
14 support of it or against it?
15 COMMISSIONER WAITS: That sounds good.
16 CHAIRMAN GARNER: I'm against it.
17 COMMISSIONER STIENMETZ: I'm against it.
18 CHAIRMAN GARNER: Is that what you want?
19 COMMISSIONER STIENMETZ: But can we close or do we need to
20 make a motion?
21 COMMISSIONER MASON: I'm against it.
22 COMMISSIONER BULLOCK: This sounds like a poll to me.
23 COMMISSIONER STIENMETZ: I'd say make a motion.
24 COMMISSIONER WAITS: The motion's on the floor.
25 CHAIRMAN GARNER: But it's public. It's -- you're trying
26 to say this is what direction you want to give to the attorney.
27 COMMISSIONER WAITS: So we have a letter in place or a
28 resolution in place in our time frame. That's all I'm concerned
29 --
30 COMMISSIONER BULLOCK: Without advice from a legal counsel,
31 I don't want to make a commitment one way or the other. I would
32 like to hear legal come in here and tell us --
33 COMMISSIONER STIENMETZ: Right.
34 COMMISSIONER BULLOCK: -- some legal opinion.
35 CHAIRMAN GARNER: I'm --
36 COMMISSIONER WAITS: The legal opinion is to tell us what
37 we can and cannot do. It's not to tell you how you feel about
38 it.
39 COMMISSIONER BULLOCK: I know how I feel.
40 COMMISSIONER STIENMETZ: I know how I feel, --

1 COMMISSIONER BULLOCK: I want to wait for legal.
2 COMMISSIONER STIENMETZ: -- but I want to wait for the
3 legal.
4 COMMISSIONER WAITS: I understand that and so do I. But my
5 only concern is that when we have this opinion that we still
6 have another -- another meeting with an agenda so that we can do
7 the resolution and approve it in the timely fashion. That's
8 all -- that's all I'm asking.
9 COUNTY CLERK SULLIVAN: Possibly Brian could ask legal when
10 he's goes to him to do a type up of one way and a type up of the
11 other way so you have it. Is that what you're looking for
12 maybe?
13 COMMISSIONER WAITS: Not necessarily, I mean.
14 COUNTY CLERK SULLIVAN: Because it would be there so you'd
15 say, okay, this resolution is in favor and this resolution is
16 not, along with his opinion. Is that what you're looking for?
17 COMMISSIONER WAITS: Well, it's an ordinance that we have
18 to put in and whether we're restricting or not.
19 COUNTY CLERK SULLIVAN: Right.
20 COMMISSIONER WAITS: But that has to be ready.
21 COMMISSIONER MASON: How do you feel about it?
22 COUNTY CLERK SULLIVAN: That's what I'm saying.
23 COMMISSIONER WAITS: That's all. Okay. Your motion's on
24 the floor. It's all right.
25 CHAIRMAN GARNER: We're in public comment.
26 (No comment.)
27 All those in favor?
28 COMMISSIONER STIENMETZ: Aye.
29 COMMISSIONER BULLOCK: Aye.
30 CHAIRMAN GARNER: Aye.
31 COMMISSIONER WAITS: Aye.
32 COMMISSIONER MASON: Aye.
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1 13) Discussion for possible action regarding the application ORNI
2 39, LLC filed with the Nevada Public Utilities Commission
3 ("PUC"), under the provisions of the Utility Environmental
4 Protection Act, for a permit to construct a 230-kV overhead
5 transmission line and associated facilities, including a 48
6 megawatt ("MW") geothermal energy generating facility,
7 located in Lander County, and whether the Lander County Board
8 of Commissioners want to do any of the following options with
9 regard to the application before the PUC: a) file a notice to
10 intervene as a party; b) file a written statement of the
11 county's position on the project; or c) do nothing; and other
12 matters properly related thereto.
13

14 CHAIRMAN GARNER: Discussion for possible action regarding
15 an application ORNI 39, LLC, filed with the Nevada Public
16 Utilities Commission ("PUC"), under the provisions of the
17 Utility Environmental Protection Act, for a permit to construct
18 a 230-kilovolt overhead transmission line and associated
19 facilities, including a 48-megawatt geothermal energy generating
20 facility, located in Lander County, and whether the Lander
21 County Board of Commissioners want to do any of the following
22 options with regard to the application before the PUC: a) file a
23 notice to intervene as a party; b) file a written statement of
24 the county's position on the project; or c) do nothing; and
25 other matters properly related thereto.

26 DEPUTY DISTRICT ATTORNEY TING: So anyway, you guys have
27 three options here. Just a couple of comments if you guys did
28 want to intervene as party, it probably would get pretty
29 expensive. It's definitely something beyond the scope of Angie
30 and I, our little DA's office.

31 An environmental expert would probably have to be hired.
32 Expert fees are -- can go exponential high, but obviously it's
33 your decision.

34 COMMISSIONER WAITS: Well, it's just an open comment
35 period. So we wouldn't have time to do that, actually, through
36 the session anyway. They're due by March 5th. But if somebody
37 bring it to the attention of the public and the commissioners.
38 So if someone individually wanted to, they could.

39 DEPUTY DISTRICT ATTORNEY TING: Or write the letter too.

40 COMMISSIONER WAITS: Right.

1 DEPUTY DISTRICT ATTORNEY TING: Yeah.
2 COMMISSIONER WAITS: Right. But I don't -- have an
3 interest of the board addressing it.
4 CHAIRMAN GARNER: I'm good with it.
5 Have a motion?
6 No motion recommended. Leave it be.
7 COMMISSIONER BULLOCK: I'll make a motion that no action be
8 taken.
9 COMMISSIONER STIENMETZ: I'll second the motion.
10 CHAIRMAN GARNER: Public comment?
11 (No comment.)
12 CHAIRMAN GARNER: All those in favor?
13 COMMISSIONER STIENMETZ: Aye.
14 COMMISSIONER BULLOCK: Aye.
15 CHAIRMAN GARNER: Aye.
16 COMMISSIONER WAITS: Aye.
17 COMMISSIONER MASON: Aye.
18

19 **14) Discussion for possible action regarding the horse slaughter**
20 **program, and other matters properly related thereto.**
21

22 CHAIRMAN GARNER: Discussion for possible action regarding
23 the horse slaughter program, and other matters properly related
24 thereto.

25 COMMISSIONER STIENMETZ: I asked to have this on because
26 after we went ahead and did our thing and said -- after he told
27 us, I've gotten a lot of comments, and I've had a lot of time to
28 think about it. And I think there's too many questions out
29 there yet.

30 If they start taking wild horses and slaughtering them,
31 they didn't give us -- I mean, maybe they have -- we don't know
32 how many they're going to slaughter a year. What are they going
33 to do with these after they slaughter them? I mean, the meat
34 and all the bi-products. What's going to happen to that?

35 We have no -- nothing brought up to us about that. And I
36 just had a concern. And I just wanted to know what everybody else
37 thought about it, the other commissioners. So that's why I had it
38 put on the agenda.

39 Because I think that they're starting into -- I don't -- I
40 don't want to go in there.

1 COMMISSIONER MASON: Go ahead.

2 COMMISSIONER STIENMETZ: Well, I just think it's a way that
3 they may look at being able to set more land aside in the future
4 because with -- if with the horse populations dwindling, is the
5 BLM going to come in and say, since we have these and their
6 pastures are dwindling, do we need to set -- are they down? Do
7 we need to set aside more land for them to graze?

8 You know, I don't know. This -- I'm just -- that's one of
9 the questions I have. What's going to happen in the future?
10 Because we're giving them a way to get rid of horses faster. They
11 don't have to adopt them out.

12 COMMISSIONER WAITS: Actually, I think we have given them a
13 way in a couple of different place. First of all, under the
14 Wild Horse and Burro Act in 1971, the jurisdiction and
15 management was given to the Department of Interior. And in
16 there it says, the secretary shall order old, sick, or lame
17 animals to be destroyed in the most humane manner possible.
18 That's one. And I've even been told that right now since there
19 are no slaughterhouses that they are trucking them down to
20 Mexico. And I thought, this is the most inhumane thing I can
21 imagine to go that far.

22 But in the Lander County Policy Plan for Federally
23 Administered Lands, in our policy there, we also address it.
24 And that would be on 17 number 8. And I'll quote that part for
25 you here.

26 It says Lander County supports a strict policy of wild
27 horse population control to ensure the species does not
28 interfere with the productivity of the ranching community.
29 That's seems to be our whole problem is that they've had all of
30 these regulations to protect them and manage them. And they've
31 done a very poor job. Even NACO has filed the formal lawsuit
32 against them because they have not taken care of that.

33 And when you talk to a lot of our big ranchers, and the
34 horses are so overpopulated, the excess is so horrible that
35 we're looking at horses that are deformed, horses that have died
36 by the hundreds in areas where there's not enough water.
37 There's not enough food.

38 And I am certainly not in favor of slaughter as any of the
39 first choices. I'm probably up at the top 10% of animal lovers
40 in the whole country. But what I don't believe is that no -- no

1 animal should suffer at the hand of man. No animal should
2 suffer. So what they have to do to control the population is
3 the big issue. And they're not doing that. So I don't know --
4 I mean, as -- it's just a discussion open. And I know that we
5 have people that agree and disagree. But I think as a
6 Commission, we have to look -- look to the laws and have them
7 implement those laws. I think that's the biggest thing. Some
8 of the associations that we belong to are for that, yes. But if
9 you look at some of -- some of our animals that are so
10 beautiful, and we never want to lose that free spirit of the
11 western states where they can run free. That's the first thing
12 that we consider. But what do we do with all the excess animal
13 problems?

14 And we're talking thousands and thousands that are over the
15 animal allowances on the acres.

16 COMMISSIONER STIENMETZ: But they still haven't said what
17 they're going to do with them once they slaughter them. I mean,
18 I just don't think it's the right thing to go -- way to go.

19 COMMISSIONER WAITS: Well, there's different cultures that
20 do eat horse meat. So the problem is they didn't have
21 inspectors. I think they said federally they would have to do
22 that. So I mean, I don't know, that's another whole area.

23 CHAIRMAN GARNER: Are we done?

24 COMMISSIONER STIENMETZ: Yep.

25 CHAIRMAN GARNER: Fifteen, discussion for possible --

26 COMMISSIONER WAITS: Public comment.

27 CHAIRMAN GARNER: Oh, public comment on that.

28 ANN MILES: My name is Ann Miles. I probably -- I wrote
29 each one of you about this issue, about the Western Alliance.
30 And then it came out that -- I don't know the person's name --
31 was strongly in favor of the slaughter of the horses. And so I
32 wrote each one of you and mentioned that I was against the
33 slaughter. And I do understand the advantages of being a member
34 of the Western Alliance.

35 But I so disagree, like Patsy eloquently said, that just
36 wanton killing of animals out on the range is just the wrong
37 thing to do.

38 But on the other hand, also, they do need to be controlled.
39 And BLM is not. Rounding them up and putting them in a pen and
40 feeding them is not the way to do it. And I have suggested

1 multiple times to the BLM, and the powers, and BLM, and State of
2 Nevada to geld the horses, to geld the stallions. Because
3 eventually you're going to get on top of it. Eventually, you
4 know, there's going to be some stallions that get away and
5 procreate. But for the most part, I think that it would be a
6 good controlling measure. And it's affordable. We aren't going
7 to be corralling up horses. And that itself, I think is
8 inhumane.

9 WAYNE ALEXANDER: That still doesn't affect on the
10 environment though.

11 DEPUTY DISTRICT ATTORNEY TING: Can you state your name for
12 the record.

13 WAYNE ALEXANDER: Wayne Alexander.

14 ANN MILES: Eventually, you're going to have a reduction in
15 the horses.

16 WAYNE ALEXANDER: Eventually.

17 ANN MILES: Eventually.

18 WAYNE ALEXANDER: Well, how long is that?

19 ANN MILES: Well, probably shorter since -- than 1971. So
20 anyway --

21 WAYNE ALEXANDER: They still need to be removed, some of
22 them do in certain areas.

23 ANN MILES: I don't disagree with you. Like downtown or on
24 the outskirts of Reno that are walking down the streets. But
25 they don't round those horses up. They round them up here where
26 they're grazing cattle. And I get that. But that's my only
27 comment.

28 I just wanted to say my two cents and --

29 COMMISSIONER STIENMETZ: That was the reason I put it on
30 here so people could come here and express it. Because I've
31 gotten calls about it and concerns. And I just wanted anybody
32 who wanted to come out and express their view on it.

33 ANN MILES: I appreciate that.

34 COMMISSIONER STIENMETZ: My concern about them going out
35 and slaughtering them and taking them to a slaughterhouse. Are
36 they going to round up the cripples and take them to the
37 slaughterhouse? No, they're going to round up everything and
38 take --

39 ANN MILES: Right.

40 COMMISSIONER STIENMETZ: -- it to the slaughterhouse. And

1 then what do you do with that meat? I'm not going to eat horse
2 meat. I know they do over in France. But what do they do with
3 all the bi-products?

4 Are we going to have inspectors? Are they going to get
5 corrupt and eventually that horse meat will wind up in our
6 hamburger?

7 ANN MILES: Well, who's to say.

8 COMMISSIONER STIENMETZ: Who knows?

9 ANN MILES: You know.

10 COMMISSIONER STIENMETZ: Money can be made.

11 ANN MILES: I don't have an answer. I just had a comment.

12 COMMISSIONER STIENMETZ: I appreciate it.

13 ANN MILES: Thank you.

14 COMMISSIONER MASON: My comment would be that 130 years
15 ago, everybody had a horse that needed to travel. And it was
16 part of our culture.

17 But now it's funneled down to destruction of land and
18 property. And how many reasons can you think of to get rid of
19 the horses because they're uncontrollable or it costs too much
20 money to control them? And it's just going that way. The
21 funnel is getting smaller and smaller.

22 And I don't have an answer to it either. I like the
23 culture of the wild horse. And I like the culture of the old
24 west. And it's going away. And the Department of Interior is
25 pretty much helping it along.

26 ANN MILES: We get a number of tourists in our area. And
27 they're all excited to see the wild horses. And there's
28 usually, you know, three over here and five over here and some
29 donkeys over here that I can send them to. And they'll probably
30 see them. But they don't realize that they're wild horses.
31 They just think that they're horses or cows or something out in
32 the range there. But it's --

33 COMMISSIONER MASON: See, what they did with the buffalo.
34 Remember, -- this is in relation to the horses -- they set aside
35 a large area in Montana, I think --

36 COMMISSIONER STIENMETZ: Yellowstone.

37 COMMISSIONER MASON: Yellowstone -- right? -- to preserve
38 the buffalo. And that -- that's worked. It's worked very well.
39 There's also been some private ranches to use the buffalo as a
40 meat product.

1 But as far as horses go, unless we set some large area
2 aside that's going to be ensured for water and veterinarian
3 supplies, I don't see how we, you know, this funnel I was
4 talking about is getting smaller and smaller. And if the BLM is
5 eventually going to round them up and get them off their
6 property because they don't want them. And unless we set aside
7 a hunk of Nevada somewhere to maintain a wild herd, I don't see
8 where else we can go with it. That's just an opinion.

9 WAYNE ALEXANDER: That's already been done.

10 COMMISSIONER MASON: Do you have something to add to it?

11 WAYNE ALEXANDER: No.

12 COMMISSIONER MASON: Who are you?

13 WAYNE ALEXANDER: Wayne Alexander. And I'm pretty sure --
14 I mean, there's a private property that's bought up a lot of
15 land south of Wells that's putting nothing but mustangs on.

16 COMMISSIONER MASON: I mean, how much property are we
17 talking about?

18 WAYNE ALEXANDER: Millions of acres.

19 COMMISSIONER MASON: Oh. That's great. And they bought it
20 for this purpose?

21 WAYNE ALEXANDER: For that purpose.

22 COMMISSIONER MASON: Is it dedicated forever this way?

23 WAYNE ALEXANDER: Yes, they're trying to get it that way.
24 But the problem is they're taking up public hunting rights.

25 COMMISSIONER WAITS: I just have a couple of quick comments
26 in closing. One is on the article that's spurred the interest
27 for you to put this on. And yes, I got a couple of calls on
28 that too.

29 In defense of Ken Brown, he wasn't really discussing to
30 slaughter or not to slaughter. He simply came to us to give us
31 an update on what was going on with the slaughterhouses. And it
32 was reported properly. But since we weren't discussing, I think
33 it came across a little bit stronger without any of the sides of
34 the people that really care about it and wanted to be sure that
35 we always continue to have this as the 1971 Free-Roaming Wild
36 Horses and Burro Act was put in place for.

37 Number two, Clark County advised us at the last NACO
38 meeting that they had a group come before them, something like a
39 no-kill shelter, a private group, who came to them and actually
40 asked to adopt in full all this group of horses. And that they

1 were going to see if they could do that with BLM on kind of a
2 trial, because if they do, how they're going to do that we're
3 not sure. But it is private enterprise, just like the no-kill
4 shelters. Those are private. The counties can't always afford
5 to support that type of thing. So it's another interesting way.

6 But there is no question we have excess horses and that we
7 need to address that. Because we even had one farmer testify to
8 -- in one of our committees -- that his cost for just watering
9 the wild horses was \$75,000. And that his allowance of number
10 of horses on the property was 500. And they came over and tried
11 to count them. When they got to 3500, they quit counting. And
12 they weren't even halfway through the property.

13 ANN MILES: What was the name of that organization? Can
14 you recall?

15 COMMISSIONER WAITS: No, but --

16 CHAIRMAN GARNER: It's comment.

17 COMMISSIONER WAITS: I can certainly -- Tom Collins is the
18 commissioner from Clark County. And he's the one who reported.
19 He would know. Something to do with Spring Mountain something.
20 It seems to be.

21 ANN MILES: Okay.

22 COMMISSIONER WAITS: But he'd be able to tell you, Ann.
23 Thank you.

24 ANN MILES: Thank you.
25

26 **15) Discussion for possible action regarding the Mosquito**
27 **Abatement Agreement between Lander County and Robin Gray; the**
28 **possibility of putting this service out for a Request for**
29 **Proposal (RFP); and other matters properly related thereto.**
30

31 CHAIRMAN GARNER: Fifteen, discussion for possible action
32 regarding the Mosquito Abatement Agreement between Lander County
33 and Robin Gray; the possibility of putting this service out for
34 a Request for Proposal, and other matters properly related
35 thereto.

36 Do we want to put it back out? His contract is up shortly.

37 COMMISSIONER MASON: Oh. Okay.

38 CHAIRMAN GARNER: It doesn't say when.

39 COMMISSIONER BULLOCK: September 30th.

40 CHAIRMAN GARNER: September 30th, 2014.

1 COMMISSIONER MASON: I have these reports. Oh, I'm sorry,
2 did I interrupt you? I didn't mean to.

3 CHAIRMAN GARNER: No, the only thing on the agenda is -- if
4 we're going to do -- go out --

5 COMMISSIONER STIENMETZ: Renew his contract --

6 CHAIRMAN GARNER: -- go out for an RFP.

7 COMMISSIONER STIENMETZ: -- or go out for a request.

8 COMMISSIONER WAITS: What have we done before on some of
9 these contracts? They've been going on for years. I know we
10 review them. Do we make it a practice every few years to at
11 least go out for bid to see if anybody else is truly interested
12 in doing something like that for us?

13 CHAIRMAN GARNER: We should.

14 COMMISSIONER WAITS: I mean, it seems like a fair way to do
15 it.

16 CHAIRMAN GARNER: Yeah.

17 COMMISSIONER WAITS: It doesn't mean that the person
18 bidding it continuously won't continue to get it by all means.

19 CHAIRMAN GARNER: It's a public sector. It should go out
20 to bid.

21 COMMISSIONER MASON: If --

22 ROGENE HILL: I believe we did that about two years ago.
23 We went out. And if I remember correctly, was he the only --
24 No. No. There was somebody from Idaho, I believe.

25 COMMISSIONER MASON: Right.

26 ROGENE HILL: That --

27 COMMISSIONER MASON: I want to add that I watch these
28 reports that come in. This is what I've collected in the last
29 two years or so with Robin Gray. He does his reports. He likes
30 his work.

31 CHAIRMAN GARNER: It's off the -- it's off the --

32 COMMISSIONER MASON: He enjoys.

33 COMMISSIONER STIENMETZ: Off the (indiscernible).

34 CHAIRMAN GARNER: Dave, --

35 COMMISSIONER MASON: Huh?

36 CHAIRMAN GARNER: -- it's off the scope.

37 COMMISSIONER STIENMETZ: Can't comment --

38 COMMISSIONER MASON: Can't comment?

39 CHAIRMAN GARNER: We're talking about an RFP.

40 COMMISSIONER MASON: Anyway. Let's try it another way. A

1 man likes his work. And he works in mosquitoes. What can you
2 say to that? That's -- we're lucky to have him.

3 COMMISSIONER WAITS: The question is: Should we give an
4 opportunity because we are a county to other folks to actually
5 bid it.

6 COMMISSIONER STIENMETZ: I personally think that we should
7 rebid it just so that we know that we aren't being -- we're
8 paying what -- we're getting what we're paying for. I mean --

9 COMMISSIONER MASON: Well, I think --

10 COMMISSIONER STIENMETZ: It's not going to hurt. He still
11 put his bid in. We don't have to take it if we get a bid that
12 we don't think the people are good. We --

13 COMMISSIONER MASON: Do you know anybody else that wants
14 the job?

15 COMMISSIONER STIENMETZ: Don't know unless you go out and
16 ask for it.

17 COMMISSIONER BULLOCK: We went through the process two
18 years ago. I'm okay with the job. I think he's doing an
19 excellent job. So --

20 COMMISSIONER MASON: It's nuts to go out and destroy
21 something that's working well.

22 CHAIRMAN GARNER: We're not destroying it.

23 COMMISSIONER MASON: Where is it?

24 COMMISSIONER WAITS: Well, we aren't really discussing the
25 contract at all.

26 CHAIRMAN GARNER: Uh-uh.

27 COMMISSIONER WAITS: We're just saying if we're going out
28 to bid or not. Okay.

29 I'll make a motion that Lander County do an RFP on the
30 Mosquito Abatement Program.

31 COMMISSIONER STIENMETZ: I'll second the motion.

32 CHAIRMAN GARNER: Any public comment?

33 COMMISSIONER WAITS: Do we have any timeframe that we need
34 to do this in? When is his contract up?

35 CHAIRMAN GARNER: Until October, it looks like.
36 September 30th. So we have -- but that's why they brought it
37 forth is --

38 COMMISSIONER WAITS: We're okay with the timeframe?

39 COMMISSIONER GARNER: Yeah, we need to start doing it now.

40 COMMISSIONER WAITS: We would need to --

1 CHAIRMAN GARNER: We need to start doing it now.
2 COMMISSIONER WAITS: Give him advanced notice. Okay.
3 CHAIRMAN GARNER: That's why it's on here.
4 COMMISSIONER WAITS: Okay.
5 CHAIRMAN GARNER: Any other public comment?
6 (No comment.)
7 CHAIRMAN GARNER: All those in favor?
8 COMMISSIONER STIENMETZ: Aye.
9 COMMISSIONER BULLOCK: No.
10 CHAIRMAN GARNER: Aye.
11 COMMISSIONER WAITS: Aye.
12 COMMISSIONER MASON: No.

13
14 16) Discussion for possible action regarding approval and
15 ratification of the recommendation of the Executive Director
16 Hiring Committee to hire Jim Olson as Lander County Executive
17 Director; ratification of the Letter of Offer signed by
18 Chairman Brian Garner on February 18, 2014; and other matters
19 properly related thereto.
20

21 CHAIRMAN GARNER: Discussion for possible action regarding
22 approval and ratification of the recommendation of the Executive
23 Director Hiring Committee to hire Jim Olson as Lander County
24 Executive Director; ratification of the Letter of Offer signed
25 by Chairman Brian Garner on February 18th, 2014; and other
26 matters properly related thereto.

27 COMMISSIONER WAITS: I'll make a motion that the Commission
28 ratify the selection of Mr. Jim Olson as the Executive Director
29 for Lander County and ratify the Employment Agreement between
30 Lander County and Mr. Olson for employment in the position of
31 Executive Director effective --

32 DEPUTY DISTRICT ATTORNEY TING: In the contract, it says
33 his start date.

34 COMMISSIONER WAITS: I can make it effective today and then
35 the contract goes accordingly, right?

36 CHAIRMAN GARNER: It should correspond with the contract.

37 DEPUTY DISTRICT ATTORNEY TING: Effective.

38 COMMISSIONER WAITS: Okay. Effective March 31st or
39 sooner --

40 DEPUTY DISTRICT ATTORNEY TING: Yes. Okay. Yes.

1 COMMISSIONER WAITS: If he comes to work sooner, that's
2 covered, right?

3 DEPUTY DISTRICT ATTORNEY TING: Yes.

4 ROGENE HILL: Yes. And I believe he had called Joy and
5 wants to start March 3rd -- is available to start.

6 COMMISSIONER STIENMETZ: Do you want to amend it to say
7 March 3rd?

8 COMMISSIONER WAITS: What?

9 CHAIRMAN GARNER: It says --

10 COMMISSIONER WAITS: Well, it said, "or sooner." So I'm
11 okay. She wanted the same date to correspond, so --

12 COMMISSIONER STIENMETZ: All right. I'll second the
13 motion.

14 CHAIRMAN GARNER: Any public comment?

15 COMMISSIONER BULLOCK: I'd like to comment. I think we're
16 being pacified on somebody that isn't what we need. I think it
17 was the best of all those that was looked at. I think we're
18 being on content on going with the best of what we looked at,
19 but we're not getting what we really need, whether we needed to
20 raise the ante a little bit on the salary or whatever. I think
21 we could have got somebody more qualified.

22 ROGENE HILL: With that -- excuse me -- with that being
23 said, the committee, I believe, that in the Letter of Offer, it
24 states that within six months you, as a Commission, will review
25 to make sure that he's meeting all your requirements. And then
26 he is not a permanent employee. He's temporary until a year.
27 So that gives you plenty of room to figure out if it's not what
28 you're looking for, if he's not meeting your goals that you have
29 in place.

30 So I think that, basically, it's in your hands to make sure
31 that he's doing what he's hired to do.

32 COMMISSIONER MASON: Did you -- were you on the committee,
33 Dean?

34 COMMISSIONER BULLOCK: Yes.

35 COMMISSIONER MASON: Okay, see, I didn't have the luxury of
36 knowing anything on it. So -- if he's not. If -- if he's not
37 qualified, we need to be more selective. But if the
38 committee -- is the committee unanimous?

39 ROGENE HILL: Yes.

40 CHAIRMAN GARNER: Hm?

1 ROGENE HILL: Majority.
2 COMMISSIONER BULLOCK: Majority.
3 ROGENE HILL: Majority.
4 COMMISSIONER BULLOCK: Not unanimous.
5 ROGENE HILL: Yes. Majority.
6 COMMISSIONER MASON: How many on the committee, can I ask?
7 ROGENE HILL: There was --
8 CHAIRMAN GARNER: Seven.
9 COMMISSIONER MASON: Seven?
10 ROGENE HILL: Jan Morrison.
11 COMMISSIONER BULLOCK: It's on here.
12 COUNTY CLERK SULLIVAN: It shows nine on the thing.
13 COMMISSIONER STIENMETZ: Nine.
14 ROGENE HILL: Yeah, it's in the -- yeah, I think in your
15 packet you have a list of the ones that were on it.
16 COMMISSIONER MASON: And how did the vote go?
17 ROGENE HILL: Huh?
18 COMMISSIONER MASON: How did the vote go? Three to two or
19 --
20 ROGENE HILL: It was majority. Majority.
21 COMMISSIONER STIENMETZ: It was a majority.
22 ROGENE HILL: And it was a good committee, a lot of
23 discussion.
24 COMMISSIONER WAITS: Well, there is no doubt that personal
25 interviews certainly are a way of looking at the person after
26 the application. But as far as the qualifications on the
27 application, he was one of our running. So therefore, you know
28 the qualifications came in okay. So then the other concern is
29 with the personal interview, do you feel the other attributes
30 are going to be there for you? And the committee said yes by
31 majority.
32 ROGENE HILL: Right.
33 COMMISSIONER MASON: Well, I like what Rogene said. We
34 have six months and then a year --
35 ROGENE HILL: Yes.
36 COMMISSIONER MASON: -- to reexamine this. So --
37 ROGENE HILL: So if it doesn't work, you have --
38 DEPUTY DISTRICT ATTORNEY TING: And Commissioners, even
39 after -- even after that six-month probation period, his
40 Employment Agreement does provide for him to be an at-will

1 employee -- at-will employee also.
2 ROGENE HILL: Right. Yeah.
3 CHAIRMAN GARNER: Any other public comment?
4 We had two on the floor?
5 COMMISSIONER WAITS: Two on the floor?
6 CHAIRMAN GARNER: I forgot who.
7 COMMISSIONER STIENMETZ: I made it.
8 CHAIRMAN GARNER: You made it, and she --
9 COMMISSIONER WAITS: I made it.
10 COUNTY CLERK SULLIVAN: Patsy made it.
11 COMMISSIONER WAITS: I made a motion.
12 CHAIRMAN GARNER: All those in favor?
13 COMMISSIONER STIENMETZ: Aye.
14 COMMISSIONER BULLOCK: No.
15 CHAIRMAN GARNER: No.
16 COMMISSIONER WAITS: Aye.
17 COMMISSIONER MASON: No.
18 COUNTY CLERK SULLIVAN: Just so you know, the recorder does
19 pick up anything in the back so you might want to be careful for
20 legal reasons.
21 ROGENE HILL: I would like to suggest that when you go out
22 again that you as a commissioners [sic] totally do the
23 interviewing and go from there and do not have a committee,
24 because I think that -- you're not going to have a committee. I
25 think that you need to, you as a Commission, you're the one that
26 needs to be working with them. I would suggest that you do it
27 within your commission. Just a suggestion.
28 COMMISSIONER WAITS: Now, actually, we have sent the letter
29 out, --
30 ROGENE HILL: Yes. Yes.
31 COMMISSIONER WAITS: -- right?
32 ROGENE HILL: Yes.
33 COMMISSIONER WAITS: So our -- do we have any legal
34 ramifications over something like that?
35 COMMISSIONER STIENMETZ: Since it didn't get ratified?
36 DEPUTY DISTRICT ATTORNEY TING: We'll have to -- yeah.
37 We'll take that under legal review. I'm not going to say
38 anything on the record. But yeah, we'll take that under legal
39 review.
40 If his contract says "subject to ratification" then

1 obviously it's not --

2 COMMISSIONER WAITS: I do have some real concerns here
3 since we have already have offered him the position.

4 And I think -- I certainly agree with Rogene. We -- we
5 have set it up to have committees come into the commissioners
6 and give us their recommendations. And it's true, if we aren't
7 going to follow committee recommendations, we're setting a
8 precedent. Are we going to stop committees from now on and just
9 the commissioners? This is very difficult situation I think
10 we've just created.

11 COMMISSIONER MASON: I'm going to withdraw --

12 RAY WILLIAMS: You're off the agenda item. You already
13 made a decision.

14 COMMISSIONER BULLOCK: Yes.

15 COMMISSIONER STIENMETZ: Yep.

16 COMMISSIONER MASON: I want to withdraw my nay vote.

17 COMMISSIONER STIENMETZ: Can he do that?

18 COMMISSIONER MASON: Can I do that?

19 CHAIRMAN GARNER: We can reopen it.

20 DEPUTY DISTRICT ATTORNEY TING: Yeah, you can reopen it.

21 CHAIRMAN GARNER: We'll have to reopen 16.

22

23 16) Discussion for possible action regarding approval and
24 ratification of the recommendation of the Executive Director
25 Hiring Committee to hire Jim Olson as Lander County Executive
26 Director; ratification of the Letter of Offer signed by
27 Chairman Brian Garner on February 18, 2014; and other matters
28 properly related thereto.

29

30 CHAIRMAN GARNER: Discussion for possible action,
31 reopening, regarding approval and ratification of the
32 recommendation of the Executive Director Hiring Committee to
33 hire Jim Olson as Lander County Executive Director; ratification
34 of Letter of Offer signed by Chairman Brian Garner on February
35 18th, 2014; and other matters properly related thereto.

36 Dave?

37 COMMISSIONER MASON: I want to withdraw my nay vote, um,
38 and make it a yes vote, um, period.

39 CHAIRMAN GARNER: We have a revote. Any public comment?
40 (No comment.)

1 CHAIRMAN GARNER: All those in favor?
2 COMMISSIONER STIENMETZ: Aye.
3 COMMISSIONER BULLOCK: No.
4 CHAIRMAN GARNER: No.
5 COMMISSIONER WAITS: Aye.
6 COMMISSIONER MASON: Aye.
7 CHAIRMAN GARNER: Closing.
8

9 **17) Discussion for possible action regarding approval/disapproval**
10 **of the membership assessment fee for the towns of Lander**
11 **County to become members of the Nevada League of Cities; and**
12 **other matters properly related thereto.**
13

14 CHAIRMAN GARNER: Seventeen, discussion for possible action
15 regarding the approval/disapproval of the membership assessment
16 fees for the town [sic] of Lander County to become members of
17 the Nevada League of Cities; and other matters properly related
18 thereto.

19 COMMISSIONER STIENMETZ: I, personally, don't think this is
20 something we should join. We got everybody in the country
21 coming up to us with their hands out saying, hey, you got money,
22 you want to join our thing? We've got NACO. We've got the
23 other ones that telling us everything that's going on. I don't
24 see the benefit of these guys for \$1200 a year.

25 CHAIRMAN GARNER: I did a little -- I did a little
26 research, and we got rid of this. Rogene, if you can refresh
27 us. We got rid of the League of Cities because of the high
28 interest or the high insurance rates back in the late 80s or
29 early 90s be- for various reasons --

30 ROGENE HILL: It was in the 2000s.

31 CHAIRMAN GARNER: Oh, was --

32 ROGENE HILL: Yes, it was.

33 COMMISSIONER STIENMETZ: It was --

34 ROGENE HILL: -- in the 2000s, we were part of the League
35 of Cities. And the League of Cities, it used to be a
36 conglomerate of all the counties. And the purpose of it was
37 that our rates came in cheaper because we were a big group.

38 Then at the end, when we pulled out, what they did was they
39 took three of the counties, they gave us better rates than what
40 they gave the rest of the little counties that were involved.

1 And that was not the purpose of it. And so there were several
2 that pulled out --

3 CHAIRMAN GARNER: Make a motion?

4 ROGENE HILL: -- for that reason.

5 COMMISSIONER WAITS: I have a couple of concerns.

6 ROGENE HILL: That's just the background.

7 COMMISSIONER WAITS: I have a couple concerns on it. And
8 I'm sure that it's always nice to give them that type of
9 support.

10 But number one, I understand NACO will be having a couple
11 of joint meetings with them, which means we'll still have that.
12 And if we do have a representative to this, I mean, we have to.
13 If we joined, we have to have a representative. So besides the
14 initial cost of belonging, we've got the initial cost of
15 additional monthly meetings, et cetera, too. So I don't think
16 I'd like to see it at this time.

17 CHAIRMAN GARNER: Do you want to make a motion?

18 COMMISSIONER WAITS: No, we don't have to do it, do we?

19 COMMISSIONER BULLOCK: Mm-hm.

20 CHAIRMAN GARNER: Yeah.

21 COMMISSIONER MASON: I make a motion that we disapprove the
22 membership assessment for Lander County to become a member of
23 the Nevada League of Cities.

24 COMMISSIONER BULLOCK: I'll second.

25 CHAIRMAN GARNER: Any public comment?

26 (No comment.)

27 CHAIRMAN GARNER: All those in favor?

28 COMMISSIONER STIENMETZ: Aye.

29 COMMISSIONER BULLOCK: Aye.

30 CHAIRMAN GARNER: Aye.

31 COMMISSIONER WAITS: Aye.

32 COMMISSIONER MASON: Aye.

33

34 18) Discussion for possible action regarding the request of
35 Angela Alexander, Battle Mountain Archery Club, for financial
36 assistance to conduct a survey of the land Lander County
37 granted to the Archery Club; and other matters properly
38 related thereto.

39

40 CHAIRMAN GARNER: Eighteen, discussion for possible action

1 regarding the request of Angela Alexander, Battle Mountain
2 Archery Club for financial assistance to conduct a survey on the
3 land Lander County granted to the Archery Club; and other
4 matters properly related thereto.

5 DEPUTY DISTRICT ATTORNEY TING: Just to --

6 WAYNE ALEXANDER: Wayne Alexander, Battle Mountain Archery
7 Club President.

8 DEPUTY DISTRICT ATTORNEY TING: Oh, okay. I was just going
9 to say, I have a couple of comments.

10 You guys were gracious enough to give our local archery
11 club a piece of land in the form of a lease agreement.

12 I started drawing up the lease agreement. It requires a
13 legal metes and bounds description of the land that you guys
14 want to lease to them. Which my Assessor just left. But as my
15 Assessor tells me, it needs to be professionally surveyed.

16 So the Archery Club is coming before you asking if you guys
17 want to pay for that or not, to put it bluntly.

18 CHAIRMAN GARNER: Who? Don't we --

19 DEPUTY DISTRICT ATTORNEY TING: Pardon me?

20 CHAIRMAN GARNER: Who does that for us?

21 DEPUTY DISTRICT ATTORNEY TING: I think Lura knows. I
22 think she --

23 ROGENE HILL: Yeah, there's some gentleman that does our --
24 it costs us to have it done. But I believe it's somebody out
25 of --

26 COMMISSIONER MASON: Oh, out of Elko.

27 CHAIRMAN GARNER: I didn't see any cost.

28 COMMISSIONER STIENMETZ: Didn't see any costs. I know we
29 have a --

30 WAYNE ALEXANDER: I don't know --

31 COMMISSIONER STIENMETZ: The county surveyor of record, or
32 whoever it is, is who we use.

33 COMMISSIONER MASON: Yeah, he's out of Elko.

34 COMMISSIONER STIENMETZ: Yeah.

35 COMMISSIONER MASON: I talk to him.

36 COMMISSIONER WAITS: What is our precedent for this? Have
37 we done it before and split the cost with them or absorb the
38 cost? Or what has the county done previously?

39 WAYNE ALEXANDER: What's typically the cost? That's what I
40 want to know.

1 CHAIRMAN GARNER: I don't know. I think this whole thing
2 was surveyed to begin with. It's all airport property.
3 WAYNE ALEXANDER: That's what I -- what I thought.
4 CHAIRMAN GARNER: We just did a master plan for 50 thou --
5 DEPUTY DISTRICT ATTORNEY TING: Right. So what this would
6 be would be kind of like a survey in a survey. Just kind of
7 chunking out --
8 WAYNE ALEXANDER: Everything out there's been surveyed
9 three or four times.
10 CHAIRMAN GARNER: Yeah. I don't understand.
11 WAYNE ALEXANDER: I don't understand.
12 DEPUTY DISTRICT ATTORNEY TING: Yeah, but we have a-- we
13 have to have a --
14 CHAIRMAN GARNER: A specific.
15 DEPUTY DISTRICT ATTORNEY TING: Because we're not giving
16 entire parcels, if you like parcel out a parcel, you have to --
17 what's the metes and bounds of that mini parcel. You know what
18 I mean?
19 CHAIRMAN GARNER: Okay. Um.
20 COMMISSIONER MASON: You can do a portion of.
21 COMMISSIONER WAITS: Now, what he's saying is that the
22 parcel is the legal description, basically. So if you cut that,
23 we have to do metes and bounds.
24 COMMISSIONER STIENMETZ: You're taking a part out of it.
25 DEPUTY DISTRICT ATTORNEY TING: Right.
26 COMMISSIONER STIENMETZ: So they want a legal description.
27 COMMISSIONER WAITS: That's what you're saying. Yes.
28 COMMISSIONER STIENMETZ: A description of the actual land
29 that they were being -- are being leased to them.
30 COMMISSIONER MASON: Where did --
31 CHAIRMAN GARNER: Does the racetrack contract have all that
32 in it, the specific boundaries? I think it just says racetrack
33 number --
34 DEPUTY DISTRICT ATTORNEY TING: Yeah, it has a legal
35 description.
36 CHAIRMAN GARNER: Does it?
37 DEPUTY DISTRICT ATTORNEY TING: Yeah.
38 COMMISSIONER MASON: Can't we get a legal description just
39 with our --
40 COMMISSIONER STIENMETZ: You have to have a surv --

1 COMMISSIONER MASON: -- Assessor?
2 COMMISSIONER STIENMETZ: No, she doesn't have that. You
3 have to have somebody come in and survey it.
4 DEPUTY DISTRICT ATTORNEY TING: Yeah, Lura has a
5 professional surveyor come out.
6 COMMISSIONER GARNER: I just want a cost. That's -- do we?
7 anybody?
8 DEPUTY DISTRICT ATTORNEY TING: I don't know a cost. I had
9 hoped Lura would walk back in.
10 CHAIRMAN GARNER: Professional services?
11 ROGENE HILL: Hold on, and we'll go get Lura.
12 CHAIRMAN GARNER: Would this cost come out of professional
13 services, Rogene?
14 ROGENE HILL: Yeah. And you're --
15 COMMISSIONER BULLOCK: Have we depleted it yet?
16 ROGENE HILL: You're getting close.
17 COMMISSIONER WAITS: Several times over.
18 COMMISSIONER BULLOCK: And we've got four months to go?
19 ROGENE HILL: Yes.
20 COMMISSIONER STIENMETZ: No more professional services.
21 CHAIRMAN GARNER: How much is in the unprofessional?
22 COMMISSIONER WAITS: Not enough.
23
24 (Waiting for Lura Duvall to arrive.)
25
26 CHAIRMAN GARNER: You left too soon.
27 LURA DUVALL: I almost got away.
28 CHAIRMAN GARNER: Yeah.
29 DEPUTY DISTRICT ATTORNEY TING: I'm sorry to put you on the
30 spot, Lura. It's my fault.
31 LURA DUVALL: No, you're fine.
32 CHAIRMAN GARNER: Lura --
33 LURA DUVALL: I anticipated this.
34 DEPUTY DISTRICT ATTORNEY TING: He was just kind of
35 wondering, do you have any sort of idea of a cost? Obviously
36 you don't know the size of the land, but maybe the billing
37 structure of how these land surveys work.
38 LURA DUVALL: On this particular issue, you're wanting to
39 have -- well -- the area surveyed that they are going to do a
40 lease agreement or some kind of agreement with the Archery Club.

1 And I really thought this should have been done way before,
2 that the county should've had this surveyed, because you can't
3 draw up a lease agreement without a metes and bounds legal
4 description. And that's a very large parcel that encumbers a
5 lot of other properties that are out there. So I really believe
6 that I should have the county surveyor just do this --

7 CHAIRMAN GARNER: That's what we're --

8 LURA DUVALL: -- because it's county property.

9 CHAIRMAN GARNER: That's what we're asking. How much?

10 COMMISSIONER STIENMETZ: Yeah, that's what we want to know.

11 LURA DUVALL: Oh, how much?

12 COMMISSIONER STIENMETZ: Yeah. I mean, what are we looking
13 at?

14 LURA DUVALL: Oh, I could. I -- I don't know. It's
15 something that I could just do.

16 CHAIRMAN GARNER: Oh, it's something you can do within your
17 own --

18 LURA DUVALL: Yeah.

19 COMMISSIONER STIENMETZ: It would come out of your --

20 LURA DUVALL: The mapping thing, yes.

21 COMMISSIONER STIENMETZ: Oh.

22 CHAIRMAN GARNER: Oh. Okay.

23 COMMISSIONER STIENMETZ: All right.

24 LURA DUVALL: That. And I think it should be done.

25 CHAIRMAN GARNER: Yeah.

26 COMMISSIONER STIENMETZ: Yeah, I agree with you.

27 LURA DUVALL: I had real concerns. How do I break this out
28 --

29 CHAIRMAN GARNER: No, we don't have.

30 COMMISSIONER STIENMETZ: No.

31 COMMISSIONER BULLOCK: No, we just were just wondering on
32 the costs.

33 LURA DUVALL: -- from an assessment standpoint.

34 COMMISSIONER STIENMETZ: We were wondering on the costs,
35 whether we'd pay for it or how it was going to be done.

36 LURA DUVALL: No, this is something I would like to do.

37 CHAIRMAN GARNER: They're just asking for reimbursement or
38 for payment and we were wondering costs.

39 LURA DUVALL: No, this is county property.

40 CHAIRMAN GARNER: If this is something we can do in-house

1 --
2 WAYNE ALEXANDER: Yeah, I --
3 LURA DUVALL: This is something I think we need do. And
4 I'd like -- I'd kind of like to have it done to kind of be more
5 definitive of the -- the other projects there at the same time.
6 CHAIRMAN GARNER: Because they're probably not done.
7 LURA DUVALL: They're not.
8 CHAIRMAN GARNER: Exactly. That's the way --
9 LURA DUVALL: So if that's okay with you guys --
10 CHAIRMAN GARNER: -- I read the contracts that they're not
11 either.
12 LURA DUVALL: I'd like to go forward and basically take
13 care of all three and have them surveyed.
14 COMMISSIONER BULLOCK: That would be great. Do you need a
15 motion for that or that's within your right; isn't it?
16 LURA DUVALL: I'd like a motion --
17 CHAIRMAN GARNER: Okay.
18 COMMISSIONER BULLOCK: Okay.
19 LURA DUVALL: -- for that, if you don't mind. But it's
20 something I would like to get done and take care for assessment
21 reasons.
22 COMMISSIONER STIENMETZ: I'll make a motion that the County
23 Assessor have the properties out at the airport that are being
24 leased surveyed for a metes and bounds description.
25 COMMISSIONER BULLOCK: Second.
26 CHAIRMAN GARNER: Any public comment?
27 (No comment.)
28 CHAIRMAN GARNER: All those in favor?
29 COMMISSIONER STIENMETZ: Aye.
30 COMMISSIONER BULLOCK: Aye.
31 CHAIRMAN GARNER: Aye.
32 COMMISSIONER WAITS: Aye.
33 COMMISSIONER MASON: Aye.
34 CHAIRMAN GARNER: Thank you, Lura.
35 LURA DUVALL: You're welcome.
36 COMMISSIONER STIENMETZ: Thank you.
37 CHAIRMAN GARNER: Eighteen.
38 COMMISSIONER MASON: What's the County Assessor's -- what's
39 the guy's name?
40 LURA DUVALL: Bob Morley.

1 COMMISSIONER MASON: Where is it?
2 LURA DUVALL: Bob Morley with High Desert --
3 COMMISSIONER MASON: Yeah.
4 LURA DUVALL: -- Engineering --
5 COMMISSIONER STIENMETZ: Yeah.
6 LURA DUVALL: -- in Elko.
7 COMMISSIONER MASON: Yeah. I met him.
8
9

10 **COURTHOUSE/ADMINISTRATION BUILDING PROJECT**

11
12 19) **Discussion for possible action regarding the status of the**
13 **Lander County Courthouse/Administration Building Project, and**
14 **other matters properly related thereto.**
15

16 CHAIRMAN GARNER: Nineteen, discussion for possible action
17 regarding the status of the Lander County Courthouse/
18 Administration Building Project, and other matters properly related
19 thereto.

20 Um, me and Steve are on that. Nothing's changed.

21 COMMISSIONER STIENMETZ: No.

22 CHAIRMAN GARNER: They're going into 75% or 85% design --

23 COMMISSIONER STIENMETZ: Drawings.

24 CHAIRMAN GARNER: -- design drawings, but I think they're
25 still picking things, this and that.

26 COMMISSIONER BULLOCK: I hear we're pushed back to June.

27 CHAIRMAN GARNER: There's some -- not yet. There was some
28 issues. We're still doing the water was issues. There's been
29 no definitive --

30 COMMISSIONER STIENMETZ: Start date.

31 CHAIRMAN GARNER: -- start date yet still. That's all I
32 have on it.

33 COMMISSIONER STIENMETZ: That's all I have on it, too.

34 CHAIRMAN GARNER: Unless Steve's heard something else.
35
36
37
38
39
40

1 COMMISSIONERS

2
3 20) Discussion for possible action regarding the possibility of
4 participating in the public hearing before the Nevada Office
5 of Energy on ORNI 39, LLC's application for a partial tax
6 abatement for the McGinness Hills geothermal power plant
7 located in Lander County, and other matters properly related
8 thereto.
9

10 CHAIRMAN GARNER: Twenty, discussion for possible action
11 regarding the possibility of participating in the public hearing
12 before the Nevada Office of Energy on ORNI 39, LLC application
13 for a partial tax abatement for the McGinness Hills geothermal
14 power plant located in Lander County, and other matters properly
15 related thereto.

16 Does anybody want to go to this?

17 COMMISSIONER WAITS: This is the hearing on our abatement,
18 of course, for the geothermal. And I think we certainly should
19 send a few people.

20 DEPUTY DISTRICT ATTORNEY TING: I've talked to District
21 Attorney Elquist. I have trial in Austin. Yes, a trial. And
22 Angie said she would be available, if you guys want her to go.

23 COMMISSIONER WAITS: Great. We would need the DA. I'm
24 also recommending perhaps an assessor or our treasurer, somebody
25 who can do that, and perhaps even one of our commissioners.

26 In the notice, though, we do have to actually provide our
27 testimony to them five days prior. They give us date that has
28 to be done. So it has to be in their office to expedite the
29 facilitation of this hearing. And it has to be in no later than
30 5:00 p.m. five working days prior to the hearing. So we're
31 really on a very short time frame.

32 COMMISSIONER BULLOCK: Got to be in Monday.

33 DEPUTY DISTRICT ATTORNEY TING: Obviously, it's the
34 Commission's pleasure. I had an opportunity to talk to Cash
35 Minor over at Elko County. They're not sending a
36 representative. But they kind of think the issue is so -- it's
37 pretty -- it's going to be decided they're going to get the
38 abatement.

39 COMMISSIONER WAITS: Their hearing is at the same time.

40 DEPUTY DISTRICT ATTORNEY TING: Yeah. Yeah.

1 COMMISSIONER WAITS: Oh.
2 DEPUTY DISTRICT ATTORNEY TING: They're not -- they're not
3 sending anybody. They pretty much are, like, it's going to be
4 worthless to send somebody. The issue's already kind of
5 decided. He said he's already talked to Pete Goicoechea, and
6 it's going to be attempted to be worked out, like,
7 legislatively. But, obviously, whoever -- you guys can send
8 whoever. Like I'd send Cash.
9 ROGENE HILL: I would follow what Cash is doing. He's --
10 COMMISSIONER STIENMETZ: Yeah.
11 ROGENE HILL: -- pretty up on that.
12 DEPUTY DISTRICT ATTORNEY TING: We do have our letter in to
13 the PUC, or rather the Nevada Office of Energy, outlining our
14 illegal arguments already.
15 COMMISSIONER WAITS: I think this is a lot of dollars and
16 too important. I think we should be there.
17 DEPUTY DISTRICT ATTORNEY TING: Okay.
18 CHAIRMAN GARNER: Are you willing to go?
19 COMMISSIONER WAITS: I'll go. It's the tenth. We have
20 another meeting on the tenth if someone else can attend that.
21 ROGENE HILL: That's on --
22 COMMISSIONER WAITS: That's on our taxes.
23 ROGENE HILL: -- the tax abatement.
24 Rex Massey will be there, but we just thought that on that
25 one it would be nice to have a Commission [sic] also attend with
26 him.
27 COMMISSIONER WAITS: Where is that held?
28 ROGENE HILL: In Carson City. I'm not for sure.
29 COMMISSIONER WAITS: This is in Carson City at 1:00
30 o'clock. Maybe we could work out both of them at --
31 ROGENE HILL: 9:00 a.m.
32 COMMISSIONER WAITS: -- the same time.
33 ROGENE HILL: This is at 9:00 o'clock in the morning at the
34 Nevada Legislative Building, --
35 COMMISSIONER WAITS: Okay.
36 ROGENE HILL: -- 401 South Carson.
37 CHAIRMAN GARNER: You want to try and attend those?
38 COMMISSIONER MASON: What date?
39 COMMISSIONER WAITS: I will do that.
40 ROGENE HILL: March 10th.

1 COMMISSIONER WAITS: I do think we should have the Assessor
2 with us. I really do. Assessor or Treasurer.

3 CHAIRMAN GARNER: Speak with her after the meeting?

4 COMMISSIONER STIENMETZ: Yeah, speak and see if she'll go
5 with you.

6 COMMISSIONER WAITS: Surely.

7 CHAIRMAN GARNER: Thanks, Patsy.

8 COMMISSIONER WAITS: You bet.

9

10 **21) Correspondence/reports/potential upcoming agenda items.**

11

12 CHAIRMAN GARNER: Twenty-one, correspondence/reports/
13 potential upcoming agenda items.

14 (The following correspondence was received:

15 1. Kenneth R. Brown, Western Counties Alliance, to Lander
16 County Commissioners, e-mail regarding PILT funding for FY 2014.

17 2. Doug Furtado, BLM, to Interested Public, letter
18 regarding Environmental Assessment (EA) to analyze the impacts
19 of a proposed Competitive Oil and Gas Lease Sale.

20 3. Bruce Holmgren, P.E., Division of Environmental
21 Protection, to Permittee, letter regarding Water Pollution
22 Control Permit for Klondex Gold & Silver Mining Company, Fire
23 Creek Infiltration Project, Permit #NEV2013102.

24 4. Douglas W. Furtado, Bureau of Land Management, to
25 Interested Public, letter regarding provisions for public
26 participation in BLM's decision-making process for grazing
27 management action.)

28

29 COMMISSIONER STIENMETZ: I have nothing.

30 CHAIRMAN GARNER: I have nothing.

31 COMMISSIONER WAITS: Actually, I do have one that I'm going
32 to put together. And the Washoe Legal Counsel, Legal Services,
33 has come forward with a partial grant to assist the senior
34 population, the needy senior population and abused and neglected
35 children.

36 And they do have a grant, but it's a very small portion.
37 So they're trying to get more money from the counties. And we
38 would be in the tri-state area, like our District Court.

39 And that will be on the agenda for next -- the next
40 meeting.

1 And I do believe they're going to come up and handle that
2 personally.

3 CHAIRMAN GARNER: Any comment on the correspondence?
4 Any public comment?

5 RAY WILLIAMS: We have a gentleman here that would like to
6 make a public comment on the more recent environmental action
7 that came out from the Bureau of Land Management. And I'll let
8 him go ahead and speak for himself.

9 JOHN NORTON: Thank you for hearing me, Commissioners. My
10 name is John Norton. I live in Austin.

11 You should have got a hard copy in your mailbox today of
12 the 120-page report from BLM wanting to lease parcels of land in
13 both Lander County and in Tonopah.

14 I don't believe that they have followed their own
15 regulations relating to their Policy and Procedure Manual and
16 the Code of Federal Regulations in giving counsel, giving
17 commissioners due process or time to analyze this document.

18 The sale date for this document is July 14th of 2014. It
19 is an irrevocable lease agreement. Once it is inked, it can
20 never be gone back on.

21 In their own documents under Paragraph 2.2, there is a
22 no-action alternative to their proposal. I don't know that we
23 could pull that one off. But I would certainly recommend that
24 this item go on the agenda for the next commissioner's meeting
25 for an up or down vote on whether or not they agree with this
26 proposal. And if not, to push the sale date, which is the
27 critical issue here, the sale date of the irrevocable lease back
28 by one year.

29 This would allow our state legislature to come in and weigh
30 in on the subject, like it's happening in Wyoming and in
31 Montana. Thank you.

32 COMMISSIONER BULLOCK: Thank you.

33 COMMISSIONER STIENMETZ: Thank you.

34 CHAIRMAN GARNER: Any other public comment?

35
36
37 **ADJOURNMENT**

38
39 COMMISSIONER BULLOCK: Motion to adjourn.

40 COMMISSIONER STIENMETZ: Second.

1 RAY WILLIAMS: One. Not a public comment, but a question.
2 What is the date of that hearing in Carson on the McGinniss
3 Hills?

4 CHAIRMAN GARNER: ORNI?

5 RAY WILLIAMS: 9:00 o'clock in the morning.

6 COMMISSIONER WAITS: March 10th.

7 CHAIRMAN GARNER: March 10th.

8 COMMISSIONER WAITS: Oh. The taxes is at 9:00 o'clock in
9 the morning. The geothermal abatement is at 1:00 o'clock on the
10 10th in the afternoon.

11 RAY WILLIAMS: That's next Friday? I still didn't get the
12 date.

13 COMMISSIONER WAITS: March 10th.

14 RAY WILLIAMS: Thank you.

15 CHAIRMAN GARNER: All those in favor?

16 COMMISSIONER STIENMETZ: Aye.

17 COMMISSIONER BULLOCK: Aye.

18 CHAIRMAN GARNER: Aye.

19 COMMISSIONER WAITS: Aye.

20 COMMISSIONER MASON: Aye.

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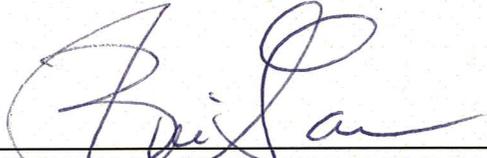
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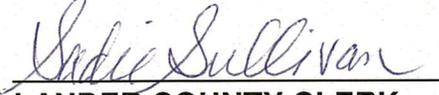
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**CHAIRMAN OF THE BOARD OF LANDER
COUNTY COMMISSIONERS AND THE
LANDER COUNTY LIQUOR BOARD**

ATTEST: 
LANDER COUNTY CLERK

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

1 STATE OF NEVADA)
2) SS.
3 COUNTY OF LANDER)
4
5
6
7

8 I, TIFFANY ELKINGTON, A CERTIFIED COURT REPORTER, DO HEREBY
9
10 CERTIFY THAT I WAS PRESENT IN THE COMMISSION CHAMBERS OF THE
11
12 LANDER COUNTY COURTHOUSE IN THE STATE OF NEVADA, ON THE 27TH
13
14 DAY OF FEBRUARY 2014, AND REPORTED THE FOREGOING PROCEEDINGS;
15
16 THAT THE SAME IS FULL, TRUE, AND CORRECT AS REFLECTED BY MY
17
18 ORIGINAL MACHINE SHORTHAND NOTES TAKEN AT SAID PLACE AND TIME
19
20 BEFORE THE HONORABLE BOARD OF LANDER COUNTY COMMISSIONERS.
21

22
23 DATED AT BATTLE MOUNTAIN, NEVADA,
24 THIS 13th DAY OF MARCH 2014.
25

26
27 
28 _____
29 TIFFANY ELKINGTON, CCR #930
30
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