

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 May 8, 2014, at 9:02
4 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 **ANGIE ELQUIST, DISTRICT ATTORNEY**
12 **NAN ANCHO, FINANCE DIRECTOR**
13 **JOY SWEENEY, HUMAN RESOURCES DIRECTOR**
14 **MOLLY GONZALEZ, DEPUTY COUNTY CLERK**

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

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

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23 [Meeting commenced on May 8, 2014, at 9:02 a.m.]

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25 **CHAIRMAN GARNER:** Call to order the Lander County
26 Commissioner Meeting, Town Board of Battle Mountain, and Austin
27 Board of Highway Commissioners.

28
29 (Pledge of Allegiance.)

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32 **APPROVAL OF AGENDA NOTICE**

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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 those in favor?
2 COMMISSIONER STIENMETZ: Aye.
3 COMMISSIONER MASON: Aye.
4 COMMISSIONER BULLOCK: Aye.
5 COMMISSIONER WAITS: Aye.
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8 **APPROVAL & ACCEPTANCE OF MINUTES**
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10 CHAIRMAN GARNER: Discussion for possible action regarding
11 approval and acceptance of minutes of April 2 -- 10th, 2014,
12 regular session; April 24th, 2014, regular session.

13 COMMISSIONER WAITS: I'll make a motion we accept the
14 minutes on April 10th.

15 COMMISSIONER STIENMETZ: I'll second that motion.

16 COMMISSIONER GARNER: Any public comment?

17 (No comment.)

18 CHAIRMAN GARNER: All those in favor?

19 COMMISSIONER MASON: Aye.

20 CHAIRMAN GARNER: Aye.

21 COMMISSIONER WAITS: Aye.

22 COMMISSIONER STIENMETZ: Aye.

23 COMMISSIONER BULLOCK: Aye.

24 COMMISSIONER STIENMETZ: We don't have the 24th.

25 CHAIRMAN GARNER: Twenty-fourth isn't.
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28 **COMMISSIONER AND STAFF REPORTS**
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30 CHAIRMAN GARNER: Commissioners -- commissioners reports on
31 meetings, conferences and seminars attended.

32 Staff reports on meetings, conferences, and seminars
33 attended.

34 Anybody?

35 COMMISSIONER MASON: I'll start.

36 Yesterday, I attended the meeting with Nevada Energy in Elko.
37 And they had their staff on the merger with the Arizona company,
38 and the new president was there.

39 It's the NV Energy Economic Development Community Service.

40 They went through some of the basic notes that NV Energy, for

1 new business, has a 17 percent discount for new companies coming
2 in to Nevada.

3 There's a -- some conversation on green power and rural
4 partners. Local education was a big thing with NV Energy. They
5 spent about \$2 million on local education.

6 Residential rates are 15 percent lower because of the
7 efficiency of the company. And commercial rate is seven and a
8 half percent lower.

9 Then it came to open meeting questions. And I asked the new
10 president, which is Paul Caudill -- nice guy, well experienced, I
11 think -- about policy on atomic power. And he says they don't
12 have any -- any agenda for atomic power whatsoever for Nevada.
13 And then I asked him about Yucca Mountain and what's the policy on
14 Yucca Mountain. And he said, we don't want to get involved with
15 that. Obviously, that's very political, I guess.

16 Then I brought up -- since they had all lined up, there was
17 about 12 department heads all lined up in the front of the room.
18 And I asked about wind turbines. And he gave me some idea that
19 they are interested now in gas-generated wind turbines using
20 natural gas.

21 And I said, What about some kind of security on people
22 buying wind turbines without wind reports in the area? We have
23 seen too many wind turbines not turning. And I didn't elaborate
24 too much on that. I just -- but he said they are working on
25 that. They realize it was a lot of money made and a lot of the
26 turbines are not rotating. Was the sales thing.

27 And then solar system, the company is really pushing solar
28 power. And we got into some discussions about transmission lines,
29 which cost us a 40-acre farm out here last year or year before.
30 And the idea came up about putting, like, you put in a sewer line.
31 It's infrastructure for the county or the city that's putting it
32 in. But I asked, could -- could the county or city or entity put
33 in its own transmission line for hookups by commercial units?

34 And we have -- let's see -- we got a 90, 110-mile valley here
35 that could handle a lot of farms, but there's no transmission
36 lines. And they're working on that. I don't have anything
37 further to say on that.

38 Anyway, it was a good meeting. That's all I have.

39 CHAIRMAN GARNER: Patsy.

40 COMMISSIONER WAITS: Thank you. On April 25th, we had our

1 NACO meeting in Carson City. And that was followed right behind
2 with the Nevada Land Management Task Force.

3 Couple things I would like to share on that. On the NACO
4 meeting, they were talking about the relationship, slash,
5 partnership that we have with cooperative extension.

6 And they asked us to come back to the counties and just get
7 some input from us with a wish list if there's anything that we
8 would like to see a little bit more, encourage some kind of
9 networking.

10 They said they do have some specialists like in water
11 rights and such in case we needed some of that. Most of it
12 seems kind of analytical, I think.

13 But we were thinking of maybe an interim or something that
14 could come in and help us. But if you have any ideas, please,
15 please, share those with me, and we'll take them back to NACO
16 and the cooperative extension in the university.

17 They did a report on Pershing County, actually, which is
18 rounding up the horses for the BLM. And I'm not sure if they're
19 delivering them on their doorstep or what they're doing. But
20 they were going to begin doing that. They felt that if they got
21 on the private land that they could round them up, that legally
22 that was okay to do. They can't entice them on the land. Of
23 course there's a lot of things on that. But if they're on your
24 land that the Pershing County was going to start that. It's
25 similar to the Iron County, Utah, that was doing the same type
26 of thing that passed some resolutions for their folks to do that
27 and encouraged it.

28 We do have -- let's see -- there's one more on the open
29 meeting law that's coming up. And there's going to be some
30 discussion on that.

31 A couple of things that had come up in the NACO meeting and
32 one was the actually -- the agenda. And once we publish the
33 agenda and send it out, what kind of proof do we have that it's
34 ever been published. And are they looking at clamping down on
35 getting some kind of certification back that has been published or
36 has been put up or something.

37 And there was one more on the open meeting law. And I'm
38 trying to think what that was. It was a lot of discussion on
39 what they did in public comment. And some of the counties had
40 three minutes. Some of the com- -- counties had five minutes.

1 And how they responded. And if any of the commissioners could
2 actually speak during public comment. And they said, yes, but
3 we would have to leave the position and go down as a regular
4 citizen to make any public comments, statement.

5 And they're clarifying some things on -- on that for us --
6 and several things under the open meeting law that they're going
7 to clarifying.

8 Under the Nevada Land Management Task Force, our
9 preliminary draft was approved by the -- by the task force to
10 send to the counties.

11 We went through it and made a lot of corrections. It's
12 probably about yay thick. And that will be on our agenda for the
13 22nd. We don't need to approve it. It will just something that
14 we'll go through, make any corrections, any suggestion, and
15 recommendations. And then that goes back to the task force. They
16 will finalize everything. And then it will come back before us
17 and all the counties in July. And at the point, it will be need
18 to be approved by every county to bring forward to the
19 legislature.

20 If we approve it in July and then the task force approves it
21 in August, it will be ready to go in September. And we're right
22 on schedule with that.

23 The end of April, I attended the Rural Roundup in Ely.
24 This is actually my 18th year that I have attended. It's put on
25 by the commission on tourism. And it's basically for economic
26 development. And of course, we do get -- we receive a lot of
27 grants, our whole county does, on that. We had a
28 record-breaking attendance of over 270 people that were there.
29 We've never had one that high before. It was their 24th year.
30 But they were all county professionals. And then we had another
31 30 that showed up in different staff with the state and the
32 commission and such. And that was excellent.

33 Since I was in town, I chose that day to do my survey for the
34 Division for Aging. And that's my final survey for the input from
35 the rural areas for where they would like the independent living
36 grants, the tobacco funds that we receive, where they would like
37 that money to go based on a survey of ranking one through nine.
38 And that completes the whole state with the survey.

39 There's only four of us on the committee. And one of them is
40 staff. So the other one did Las Vegas and Pahrump. And the then

1 the other ones did Sparks and Reno and Churchill. So the whole
2 county has been represented pretty well. And that will be
3 finishing up a report and going to the governor in July also.

4 On May 5th, we had the Lander County Public Lands Use
5 Planning Commission.

6 A couple of things that were passed on from Ken Brown, who
7 is our contact with the Western Counties Alliance. He said the
8 PILT funding that we had from last year was \$961,440. And they
9 were estimating an increase to pretty close to a million for us
10 this year.

11 And the -- the SRS, Save Rural Schools. And I love his
12 terminology. I did write it down. I said, it appears it's
13 extended. It appears. That's a strange comment. But the
14 preliminary numbers on that would be about a nine percent increase
15 for us. And so the county should be looking at a little bit more
16 than we did last year. Last year, we did 147,417, they gave away
17 in grants and such.

18 The -- the planning commission also voted to go with a
19 candidate questionnaire. It's one that was put together on the
20 transfer of public lands. And there's only five questions. And
21 it is -- will be circulated. It actually -- it's from the
22 American Lands Council that put it on their website. We decided
23 we would send that out to our locals and some of our state
24 legislatures to get their input. They will respond back to the
25 American Lands Council and it will all be on their website to see
26 the different peoples' opinions on the transfer of public lands.

27 And that's for me. Thank you.

28 COMMISSIONER STIENMETZ: Everything I have is on the
29 agenda.

30 COMMISSIONER BULLOCK: Okay, yesterday I attended the LEDA
31 meeting. We continue to get new leads in, but nothing
32 sustainable yet from -- from those leads coming in.

33 Also, UNR Extension Office presented a rough draft of a
34 survey that they're going to go around to all the businesses
35 within the county and -- and see how they stand, what their needs
36 are, and then hopefully they can go back on -- hasn't decided
37 whether a six-month or a yearly basis and see how things are going
38 for the businesses as far as economically and the things that are
39 taking place.

40 That's all I have.

1 CHAIRMAN GARNER: I met with BLM yesterday. It will be in
2 the meeting.

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5 PAYMENT OF THE BILLS

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7 CHAIRMAN GARNER: Discussion for possible action regarding
8 payment of bills.

9 JANE BIANCHI: Good morning. I have two to ratify: check
10 #47984 in the amount of \$16,665 to Dan Trampi, doing business as
11 Carson Pumps; Check #47993 in the amount of \$457.96 to Joe
12 Lindsey.

13 COMMISSIONER WAITS: I do need to abstain from Check #48077
14 for travel expenses.

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16 (Commissioners reviewing payment of the bills.)

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18 **Dan Trampi**

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20 COMMISSIONER BULLOCK: I'll make a motion to ratify Check
21 #047984 to Dan Trampi in the amount of \$16,665.

22 COMMISSIONER WAITS: I'll second that motion.

23 CHAIRMAN GARNER: Any public comment?

24 (No comment.)

25 CHAIRMAN GARNER: All those in favor?

26 Aye.

27 COMMISSIONER WAITS: Aye.

28 COMMISSIONER MASON: Aye.

29 COMMISSIONER STIENMETZ: Aye.

30 COMMISSIONER BULLOCK: Aye.

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32 **Joe Lindsey**

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34 COMMISSIONER BULLOCK: I'll make a motion to ratify Check
35 #047993 to Joe Lindsey in the amount of \$457.96.

36 COMMISSIONER WAITS: I'll second that motion.

37 CHAIRMAN GARNER: Any public comment?

38 (No comment.)

39 CHAIRMAN GARNER: All those in favor?

40 COMMISSIONER MASON: Aye.

1 COMMISSIONER STIENMETZ: Aye.
2 COMMISSIONER WAITS: Aye.
3 CHAIRMAN GARNER: Aye.
4 COMMISSIONER BULLOCK: Aye.
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6 CHAIRMAN GARNER: Discussion for possible action regarding
7 --
8 COMMISSIONER BULLOCK: Hold on.
9 CHAIRMAN GARNER: Oh, you have one more?

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11 **Submitted Expenditures**

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13 COMMISSIONER BULLOCK: If there's no other comments on the
14 submitted expenditures, I'll go ahead and make a motion to
15 approve submitted expenditures in the amount of \$827,279.40 from
16 Check #48009 through Check #48083.
17 COMMISSIONER STIENMETZ: I'll second the motion.
18 CHAIRMAN GARNER: Any public comment?
19 (No comment.)
20 CHAIRMAN GARNER: All those in favor?
21 COMMISSIONER MASON: Aye.
22 COMMISSIONER WAITS: Aye.
23 CHAIRMAN GARNER: Aye.
24 COMMISSIONER STIENMETZ: Aye.
25 COMMISSIONER BULLOCK: Aye.

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28 **PAYROLL CHANGE REQUESTS**

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30 CHAIRMAN GARNER: Moving on to discussion for possible
31 action regarding payroll change requests.
32 I have one.
33 COMMISSIONER WAITS: I'll make a motion that we approve the
34 employee change request for Employee #1113, new hire.
35 COMMISSIONER BULLOCK: I'll second.
36 CHAIRMAN GARNER: Any public comment?
37 (No comment.)
38 CHAIRMAN GARNER: All those in favor?
39 COMMISSIONER MASON: Aye.
40 COMMISSIONER WAITS: Aye.

1 CHAIRMAN GARNER: Aye.
2 COMMISSIONER STIENMETZ: Aye.
3 COMMISSIONER BULLOCK: Aye.
4 COMMISSIONER WAITS: Thank you, Jane.
5 JANE BIANCHI: Excuse me.
6
7

8 **PUBLIC COMMENT**
9

10 CHAIRMAN GARNER: Now is the time for public comment for
11 non-agendized items only.
12 Do we have any public comment?
13 (No comment.)
14 CHAIRMAN GARNER: If not, moving on to one.
15
16

17 **FINANCE**
18

19 1) Discussion for possible action regarding budget review,
20 contracts, financial update, and other matters properly
21 relating thereto.
22

23 CHAIRMAN GARNER: Discussion for possible action regarding
24 budget review, contracts, financial update, and other matters
25 properly relating thereto.

26 NAN ANCHO: Good morning.

27 CHAIRMAN GARNER: Hi, Nan.

28 NAN ANCHO: Nan, Finance. Nan for Finance Department.

29 I just want to remind you that the public hearing is
30 scheduled on May 19th at 9:00 a.m. for the tentative budget. This
31 will be the time to make any changes.

32 COMMISSIONER STIENMETZ: 8:55.

33 NAN ANCHO: 8:55. Okay.

34 The accounts receivable -- receivable for the month of
35 April are as follows: water, 12,240; sewer, 16,220;
36 miscellaneous water and sewer, 14,631; and it says -- this is a
37 high balance due to new connections -- landfill, 11,952; current
38 ambulance is 430; inactive accounts ambulance collections is
39 720.

40 The total accounts receivable for 56,193.

1 Our auditors, Drake Rose and Associates, have scheduled a
2 planning meeting on May 14th at 9:00 a.m. to get us started on the
3 audit process for fiscal year '13/'14. Any commissioners that
4 would like to attend are encouraged to do so.

5 And that's all I have for my reports.

6 CHAIRMAN GARNER: Thanks, Nan.

7 COMMISSIONER STIENMETZ: Thanks.
8

9 **2) Discussion for possible action regarding approval/disapproval**
10 **of Resolution No. 2014-06, a resolution directing**
11 **apportionment of net proceeds received on April 4, 2014, and**
12 **other matters properly related thereto.**
13

14 CHAIRMAN GARNER: Discussion for possible -- number two,
15 discussion for possible action regarding approval/disapproval of
16 Resolution Number 2014-06, a resolution redirect -- a resolution
17 directing apportionment of net proceeds received on April 4th,
18 2014, and other matters properly related thereto.

19 NAN ANCHO: As it states, we had net proceeds in the
20 mandated proceeds were directed as follows: commission fees
21 were \$9.30; assessor's tech fees, \$6.20; China springs, nine
22 cents; state medical indigent, \$6.38; state med- -- state
23 indigent NACO a dollar forty-six; capital acquisition, \$2.92;
24 landfill, \$4.87; hospital, \$47.26; school district, \$69.36; and
25 the remaining went into discretionary CCP fund, \$162.24. Wow.

26 CHAIRMAN GARNER: It's a big chunk.

27 NAN ANCHO: Big chunk. Don't go spend it all in one place.

28 COMMISSIONER WAITS: I have a question, Nan. Do we ever
29 take the net proceeds and put them the General Fund?

30 NAN ANCHO: In the General Fund, there was three percent
31 that went into commissions fees.

32 COMMISSIONER WAITS: Because that -- that would affect our
33 NACO dues, because we're based on the General Fund, right?

34 NAN ANCHO: I do believe so.

35 COMMISSIONER WAITS: So we need to keep track of that if
36 we're moving it over. We need to -- when we do our annual --
37 you know, payment to the NACO, it's based on the General Fund,
38 so we'll need to take that out or at least advise them of it so
39 they can reduce that.

40 NAN ANCHO: Okay.

1 COMMISSIONER WAITS: Because that will make a difference.
2 NAN ANCHO: Okay.
3 COMMISSIONER WAITS: Thank you.
4 NAN ANCHO: Thank you.
5 CHAIRMAN GARNER: Anybody?
6 COMMISSIONER STIENMETZ: I'll make a motion to approve
7 Resolution Number 2014-06, a resolution directing appropriament
8 [sic] of net proceeds received on April 4th, 2014, and authorize
9 the chair to sign.
10 COMMISSIONER MASON: I'll second that.
11 CHAIRMAN GARNER: Any public comment?
12 (No comment.)
13 CHAIRMAN GARNER: All those in favor?
14 COMMISSIONER MASON: Aye.
15 CHAIRMAN GARNER: Aye.
16 COMMISSIONER WAITS: Aye.
17 COMMISSIONER STIENMETZ: Aye.
18 COMMISSIONER BULLOCK: Aye.
19 NAN ANCHO: Thank you.
20 COMMISSIONER WAITS: Thank you, Nan.

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23 **BUILDING**

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25 3) **Discussion for possible action regarding operations and**
26 **projects for the Building Department, and other matters**
27 **properly related thereto.**

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29 CHAIRMAN GARNER: Moving on to three, discussion for
30 possible action regarding operations and projects for the
31 building department, and other matters properly related thereto.
32 ANNA PENOLA: Good morning.
33 CHAIRMAN GARNER: Good morning.
34 COMMISSIONER WAITS: Good morning.
35 ANNA PENOLA: For the month of April we had twenty-two --
36 COMMISSIONER BULLOCK: Name, please.
37 ANNA PENOLA: -- permits.
38 COMMISSIONER BULLOCK: Name, please.
39 ANNA PENOLA: Oh, Anna Penola, building department.
40 We had two non-permitted inspections. We still have

1 ongoing projects with AT&T mobility at Stony Point, Antelope
2 Valley and Cortez, and AT&T at Stony Point in Austin. And
3 they're adding antennas and upgrading the towers. In the south
4 county Verizon tower is still going on, 11 open permits.
5 And Ormat has started Phase 2.
6 And LA Perks is making repairs at the airport system.
7 Previous contractor was unable to make time to complete the
8 repairs per the contract.
9 The Austin visitor's center was finalled on April 1st. A
10 minor punch list has been forwarded to the contractor.
11 COMMISSIONER WAITS: April 1st or May 1st?
12 ANNA PENOLA: May.
13 COMMISSIONER WAITS: May.
14 ANNA PENOLA: May 1st.
15 CHAIRMAN GARNER: Was the sewer rectified?
16 ANNA PENOLA: As far as I know.
17 COMMISSIONER WAITS: Yes.
18 CHAIRMAN GARNER: Yes.
19 COMMISSIONER MASON: On the AT&T towers? Are they -- are
20 -- is the signal going to be strong enough to fill in some of
21 the gaps? Do you know?
22 ANNA PENOLA: Nope.
23 COMMISSIONER MASON: Thank you.
24 ANNA PENOLA: You're welcome.
25 COMMISSIONER MASON: Could you ask that question next time
26 you see somebody down there.
27 ANNA PENOLA: Yes, sir. I will.
28 COMMISSIONER MASON: Thanks.
29 ANNA PENOLA: You got it.
30 CHAIRMAN GARNER: That's all we've got.
31 COMMISSIONER WAITS: Thank you.
32 ANNA PENOLA: Thanks, guys.
33 COMMISSIONER STIENMETZ: Thanks, Anna.
34 CHAIRMAN GARNER: Thanks, Anna.
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1 SAFETY

- 2
- 3 4) Discussion for possible action regarding addition of the
4 Sheriff's Department to the safety-sensitive list, approved
5 by the Lander County Board of Commissioners on April 24,
6 2014, to be included in the Lander County Drug and Alcohol
7 Policy random test pool; and other matters properly related
8 thereto.
- 9

10 CHAIRMAN GARNER: Four. Safety. Discussion for possible
11 action regarding addition of the sheriff's department to the
12 sensitive -- safety-sensitive list, approved by the Lander
13 County Board of Commissioners on April 24th, 2014, to be
14 included in the Lander County Drug and Alcohol Policy random
15 test pool; and other matters properly related thereto.

16 KEITH WESTENGARD: Good morning. Keith Westengard, safety
17 manager. I'm going to ask for a deferral on that at this time.
18 We're working -- I'm working with the sheriff and the
19 undersheriff to incorporate them into our county-wide plan. A
20 couple of things did come up that we're trying to iron out. And
21 it had to do with the -- the overtime issues that may come up.
22 If a deputy happens to be on the night patrol and gets called in
23 for a random test and gets off at 6:00 o'clock but our testing
24 facility doesn't open until 8:00.

25 So we're looking at some federally -- some federal training
26 to make some key people in the county able to take samples and
27 give alcohol Breathalyzer tests to an individual if they're
28 called.

29 The sheriff's department wants do more than 50 percent of the
30 population, which is fine, but we need to incorporate that into
31 the program as well. So a couple of things have come up. And
32 we're going to -- the goal here would be to bring the sheriff's
33 department into our county-wide program and have one policy that
34 meets every department within the county.

35 And we should have that put together. We have a meeting with
36 a company that will provide the training to give key people --

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38 (Telephone: If you'd like to make a call, please hang up and
39 try again. If you need help, hang up --; deputy clerk
40 reestablishing communication with Austin.)

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KEITH WESTENGARD: So the key people that we're looking at would be the -- myself, HR, the executive director, that would be trained to give these -- these -- or take these samples for testing.

So once we get that ironed out, we'll bring it back to you guys. And the sheriff's department has no problem with being part of the program. We just want to make sure it works throughout the county as one policy.

CHAIRMAN GARNER: Good.

COMMISSIONER WAITS: I -- have a question.

KEITH WESTENGARD: Yes.

COMMISSIONER WAITS: I know the sheriff's office has their own policy because they implemented theirs prior to ours. So do you believe that theirs is stricter than ours right now? Or --

KEITH WESTENGARD: In some sense.

COMMISSIONER WAITS: Or more testing it sounds like you alluded to.

KEITH WESTENGARD: Yes, in some parts. Most parts it actually is a little -- little more strict in the sense that they want to test more of their -- of their deputies than what -- what we put together as a 50 percent of our test population.

COMMISSIONER WAITS: Okay. So then my question would be: If we have something in our policy that says that they will comply with our minimum standards and if they're higher than ours, why would they have to be exactly? Why would we have to incorporate them if they have a separate policy?

KEITH WESTENGARD: That way we just have one policy rather than two separate policies. We want to just make -- the goal would be to make one policy for entire county rather than have a county policy and then a separate policy for the sheriff's department.

CHAIRMAN GARNER: Because if you --

COMMISSIONER WAITS: I understand that. I know with the union it's a little bit more difficult.

CHAIRMAN GARNER: But if you have two, then you have them -- additional people that can administer the -- the draw on one of them compared to other one. If you just put them all --

COMMISSIONER WAITS: But we can all do the same --

1 CHAIRMAN GARNER: If you put it all together, it's just
2 three key people can do anything.
3 KEITH WESTENGARD: Right.
4 CHAIRMAN GARNER: You don't have to lateral over and have
5 another three key people to do the other side of it.
6 It's my -- what I can see.
7 KEITH WESTENGARD: That's it. We just want to make one
8 policy for Lander County and not have separate policy for the
9 sheriff's department versus the county employees.
10 So we want to make one policy.
11 COMMISSIONER WAITS: Thank you.
12 COMMISSIONER MASON: When do you anticipate to bring this
13 up again? June?
14 KEITH WESTENGARD: Yep, we have our meeting the first of
15 June, first part of June. So I should have it to you guys no
16 later than the second meeting in June. And we should have a
17 finalized policy in place that includes the entire county, all
18 departments.
19 COMMISSIONER MASON: Thank you.
20 KEITH WESTENGARD: Okay.
21 Thank you.
22 CHAIRMAN GARNER: Thanks, Keith.
23 KEITH WESTENGARD: Uh-huh.
24 COMMISSIONER BULLOCK: Thanks, Keith.
25 COMMISSIONER STIENMETZ: Thanks, Keith.

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28 **ENGINEER**

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30 5) **Discussion for possible action regarding operations and**
31 **projects of the Lander County Engineer, and other matters**
32 **properly related thereto.**
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34 CHAIRMAN GARNER: Number five, discussion for possible
35 action regarding operations and projects of the Lander County
36 engineer, and other properly -- matters properly related
37 thereto.
38 MARK BRETHAUER: Good morning, everybody.
39 COMMISSIONER WAITS: Good morning.
40 MARK BRETHAUER: Mark Brethauer, engineer.

1 Hoping everybody got their little rainbow of colors here
2 today.

3 Just do the usual thing, just go through each one of the
4 projects as we got them here, starting at the top again.

5 Fifth Street Alley. Again, we're still holding retention on
6 that project. I'll be coordinating with Frank here pretty quick
7 to get the fog sealing done on that now that our temperatures are
8 back up to where they need to be to -- to apply that -- to apply
9 that material.

10 And he's -- he's busy out there working. He's paved Argenta
11 Rim right now. And I think he still has to go out and do the fog
12 sealing on that project as well.

13 On the Well #9 project, construction continues with all the
14 normal inspections taking place as required. The new pipeline
15 has been installed and is ready for chlorination and pressure
16 testing and the new footings on the building itself have been
17 completed. And work is progressing on the pad for the new
18 generator. We're out taking photographs and we've got our
19 special inspection team out there watching things for us. We do
20 have the reports on file if anybody's interested in stopping by
21 and taking a look at them. We've got them in our -- in our
22 system now also. They're being kept by both us, the design
23 engineers, and our -- our building department. So we're in good
24 shape there so far. Everything seems to be going on schedule.

25 On 2013-14 water sewer replacement project, work on this
26 project continues as well. As I'm sure everybody has seen the
27 contractor working in the alleys behind Front Street there and the
28 areas of North First and Second streets. We are creating daily
29 inspection reports in that case as well and doing our inspections
30 as promised.

31 And again, if anybody wants to go out and actually take a
32 look at the project site, give me a call. I can take you out
33 there and get you a green vest and a helmet or whatever we need.
34 And we can -- we can show you what's going on out there. Not a
35 problem.

36 I'm going to go ahead and let Jake address any issues on the
37 Mountain View Golf Course.

38 Cemetery fencing improvement project, we're currently
39 making changes to the original plans in order to complete this
40 project within the budget we currently have. Changes will

1 include only providing new fencing to the front and sides of the
2 cemetery as well as a major reduction in the size and number of
3 pilasters that were originally designed for Grace by the
4 architects.

5 Austin visitor's center project. Our building department
6 just performed a final inspection last week relating to building
7 code issues. And the contractor is currently items that were
8 included in the punch list that was a generated by the
9 construction management team a few weeks ago. A final
10 walk-through will be scheduled with the the architect once all the
11 major items are completed by the contractor which includes
12 completion of the painting of the screen panels and the
13 installation of the obelisk, which we're still waiting on.

14 COMMISSIONER WAITS: Is that --

15 COMMISSIONER MASON: On that one, are they replacing -- is
16 the contractor putting in a heavier-duty trim in the bathrooms?
17 Bottom floor trim?

18 MARK BRETHAUER: I'm not sure. I'll have to -- I'll have
19 to inquire about that. I'll have to talk to the architects and
20 see. Was there --

21 COMMISSIONER MASON: Because what they put in there
22 originally would not hold up.

23 MARK BRETHAUER: Oh, is that the wood, the wood trim they
24 put down on the baseboard, you mean?

25 COMMISSIONER MASON: Yeah.

26 MARK BRETHAUER: We brought that to their attention some
27 time ago. I haven't -- I haven't seen a determination by the
28 architects yet.

29 COMMISSIONER MASON: Well, before we sign off, I think we
30 ought to bring that up again.

31 MARK BRETHAUER: Yeah, we will. And I'll bring it to their
32 attention one more time.

33 COMMISSIONER MASON: It's a minor thing, but it isn't minor
34 if you have to replace it all the time.

35 MARK BRETHAUER: I think it's on their -- their punch list
36 right now.

37 COMMISSIONER MASON: Okay.

38 MARK BRETHAUER: And it will be brought up probably when
39 they do the final walk through with the architects.

40 COMMISSIONER WAITS: I had a question on the signs

1 actually, which I think is NDOT that would actually advertise
2 that we had the restrooms. And I know that's -- that's there.
3 So again, before we sign off, would you check with them and see
4 if we have signs coming and where they might be placed?
5 MARK BRETHAUER: The signs for?
6 COMMISSIONER WAITS: NDOT.
7 COMMISSIONER MASON: Restroom signs.
8 COMMISSIONER WAITS: To identify the restrooms.
9 MARK BRETHAUER: On the doors themselves. Oh, yeah. Yeah.
10 That would definitely be on the punch list when we go through
11 with the architect.
12 COMMISSIONER WAITS: Okay. Thank you.
13 MARK BRETHAUER: Yep. Not a problem. And I know
14 there's -- there's still some internal components that are
15 necessary, like some trash cans and that kind of stuff that are
16 owner provided. I'm not sure if there's somebody down there
17 that can -- I know that was one of the issues they had during
18 your car show was whether they had trash cans in the restrooms.
19 And I'm not sure if those have been provided.
20 COMMISSIONER MASON: That falls --
21 COMMISSIONER WAITS: The restrooms --
22 COMMISSIONER MASON: All that falls under the --
23 COMMISSIONER STIENMETZ: Restrooms are --
24 COMMISSIONER WAITS: -- were not open at the car show.
25 MARK BRETHAUER: Oh, they weren't? Oh, okay.
26 COMMISSIONER WAITS: No.
27 MARK BRETHAUER: I heard different stories. Some -- some
28 said they were open.
29 COMMISSIONER WAITS: No. They were not open.
30 MARK BRETHAUER: They were used without the sewer being --
31 okay good. Somebody said there was a big mess on the floors or
32 something like that. Accidentally opened for a couple of days.
33 COMMISSIONER MASON: I don't think the sewer was hooked up
34 then, was it?
35 MARK BRETHAUER: No. No. It wasn't. It just got done.
36 Yeah. That was a something else I heard too.
37 Austin Airport Apron Expansion Project. We've got that on
38 the list now as well. That's kind of a new addition. The bids
39 were open this morning with the apparent low bidder being A&K
40 Construction with a quote of \$696,000. There were approximately

1 five other bidding companies. And the engineer's estimate was
2 \$750,000. So --

3 They have a 30-day construction window on that project. So
4 as soon as the -- as soon as we get this to the engineers and they
5 review the -- all the documents and make sure that we're all in
6 compliance with the FAA requirements, we'll be able to --

7 COMMISSIONER WAITS: How many did we have bid that?

8 MARK BRETHAUER: I think it was five. I just got the
9 bottom. I just opened it this morning. I just got the bottom
10 line --

11 COMMISSIONER WAITS: Thank you.

12 MARK BRETHAUER: -- number there. I think it was five
13 contractors.

14 In fact, I don't even have their list. Sadie might remember.
15 I'm not sure if she remembers.

16 COUNTY CLERK SULLIVAN: I agree.

17 MARK BRETHAUER: Was it five?

18 COUNTY CLERK SULLIVAN: It was a five.

19 MARK BRETHAUER: I think it was the five. Yeah.

20 On the Battle Mountain airport fuel station upgrade
21 project, which we have on the list now too. Again, the money
22 was approved for this project this spring for use after the
23 July 1. I have actually had a chance to meet with RDC, the tank
24 company I used to work with, prior to. He does refurbication of
25 fuel tanks and water tanks. And he's been doing it for many
26 years. They finally had a chance to stop by. They've been
27 doing some work locally. So they collected a bunch of
28 information on those tanks to take a look at them and give us
29 some ideas of what it would cost to -- to refurbish those tanks,
30 just kind of like what we're doing now for the Austin Airport,
31 potentially.

32 Two thousand fourteen, fifteen water sewer replacement
33 project. That's kind of the next one on -- on Jake's list that
34 we're working on together. He and I met with Lumos & Associates
35 this week to discuss the scope of this next replacement project.
36 So we'll have a proposal here pretty quick to -- for the design
37 and design assistance for that project. So hopefully we'll have
38 something pretty quick.

39 So that's kind of all I have on the list right there on
40 the -- on the schedule.

1 Some of the miscellaneous projects I'm working on right
2 now, just to update everybody. I know everybody knows the CXT
3 pre-fabricated restroom/concession stand at the racetrack was --
4 was installed about a month ago. There were certain aspects of
5 the project that weren't completed. They didn't want to wait --
6 they wanted to wait 30 days until the building actually had a
7 chance to settle before they came back in and did some grouting
8 on the -- on the floor penetrations for the sewer and water
9 stub-ins that come in. So they finished that last week and did
10 some touch up work and -- and Anna met with them out there and
11 made sure they were all in compliance with the building codes
12 and so on and so forth.

13 As J-U-B indicated at the last meeting, the plans for the
14 new fuel station at the Austin Airport have been completed, but
15 the project is still on hold pending availability of additional
16 fund -- the \$40,000 we need to make up what was left in the
17 budget and the engineer's estimate.

18 We just -- I had this on there. We should be receiving
19 some information from Bert. But Bert just provided us with some
20 really good photos of the tanks that are down there in his yard
21 right now. So we're -- there's names and model numbers and
22 contact information on the tanks. We'll -- we're going to do
23 some evaluating of those tanks and find out if we can use those
24 for the airport fuel system. So we do have that information.
25 Just came in yesterday. So we're looking at it now to see if we
26 can save some -- shave some money off that project by supplying
27 the tanks.

28 The Orange Book details we've been working on for the last
29 six, eight months that were adopted are currently being printed
30 now and should be available -- or should be delivered to the
31 Washoe County by the middle of next week. They're the ones that
32 will actually put those in the official binders and are
33 responsible for the distribution of our Orange Book details.
34 And it's been slow in coming. They've just been -- been really
35 busy, I guess, down there. But we're following up with them.
36 It will be there. We're providing them for the consultants when
37 we -- when they need them for projects, so it's not a problem.

38 Regarding the airport complex master plan, we just recently
39 pulled out the pump and motor of the two existing wells to
40 verify the makes and models of the units themselves. And we

1 also had a video done of each one of the wells. I haven't
2 received that information yet, but it should be forthcoming.

3 We should also be performing the required water sampling in
4 the next week or so. There's a -- quite a list of contaminants
5 and that kind of stuff that we want to check out from the wells,
6 just similar to what we do for our -- our municipal wells here.
7 So we should be sampling that in the next -- in the next few
8 days, we're hoping.

9 We've been spending a lot of time researching and
10 documenting any and all information we could find related to the
11 entire complex: the well information, all existing water line
12 sizes and services, and usage information.

13 And I want to thank Jake for his -- his help in that whole
14 process. And his staff have been really helpful in providing us
15 with these -- the documents we needed. And this will all be
16 compiled into the master plan when it eventually comes out and
17 used as a recommendation for the final -- final design we'll be
18 looking at.

19 We're still working with the assessor on various IT issues,
20 such as upgrades to the existing permitting software and
21 placement of various engineering-related documents, such as our
22 Orange Book details, previous capital improvement projects,
23 plans, archived building department plans under our website for
24 public reference. I know Lura's been -- with the reorganization
25 over there, we've met with the -- their new company that they're
26 using to -- their new consultant, I guess. But we're still
27 waiting for some costs to come back from those folks to be able
28 to do this, to implement these details and information on our
29 website.

30 We also just recently completed the requests for
31 qualification -- request for qualification process. So we now
32 have a pool of consultants that we can utilize for public works
33 project.

34 As I indicated previously to the board, when a city or
35 county department has a construction project that requires the
36 services of a professional architect or engineer, these agencies
37 with political subdivisions are required to select those
38 professionals as per the statute indicated in NRS 625.530.

39 We just recently utilized the list in order to obtain a
40 consulting firm for the materials testing and inspection process

1 that will be required for the new courthouse project, as well as
2 for the consultant that will be assisting us with the design and
3 construction systems for the next water and sewer project.

4 We had over 40 firms submit their SOQs. So it was a
5 difficult decision. I would have loved to use all of them, but,
6 you know, we have to really narrow that down for about the 23
7 different engineering categories that we -- we applied for. So
8 --

9 We're also working with the architects and engineers --

10 CHAIRMAN GARNER: Who narrowed? Who picked that?

11 MARK BRETHAUER: We had a team of three individuals within
12 our office that went through and evaluated.

13 COMMISSIONER MASON: Incidentally, I got a call yesterday
14 afternoon from Tom Gallagher, Summit Engineering. And he said
15 he had a conversation with you. And he's --

16 MARK BRETHAUER: Yeah, we spoke.

17 COMMISSIONER MASON: And he was feeling slighted. I don't
18 know why, but I --

19 MARK BRETHAUER: Yeah. Unfortunately, you're going to
20 have, you know, winners and you're going to have losers. You
21 just -- like I said, (indiscernible). He was still on the list.
22 There was the 23 categories and Summit was --

23 COMMISSIONER MASON: He isn't really being slighted though?
24 It's just --

25 MARK BRETHAUER: No.

26 COMMISSIONER MASON: He's still up there for selection --

27 MARK BRETHAUER: Yeah.

28 COMMISSIONER MASON: -- for a job?

29 MARK BRETHAUER: Yeah. No. Exactly. Yeah. Within the
30 criteria that's he's -- he was eligible for.

31 COMMISSIONER MASON: Okay.

32 MARK BRETHAUER: Yeah.

33 COMMISSIONER WAITS: How long -- did we notify these people
34 of this then once the --

35 MARK BRETHAUER: Yes.

36 COMMISSIONER WAITS: -- decision was made?

37 MARK BRETHAUER: Well, no. It's in the -- it's in the
38 advertisement that the --

39 COMMISSIONER WAITS: Right. Then we would have them --

40 MARK BRETHAUER: -- finalists will be --

1 COMMISSIONER WAITS: -- on the list?
2 MARK BRETHAUER: -- published on the -- yeah, they'll be on
3 the list that would be on our website. That's how it normally
4 works.
5 COMMISSIONER MASON: They've all had to fill out the same
6 forms, right?
7 MARK BRETHAUER: It's just -- yeah. They're just basically
8 providing a -- what their statement of qualifications is. It's
9 like -- it's like a brochure --
10 COMMISSIONER MASON: Right.
11 MARK BRETHAUER: -- basically of their firm and their
12 company, their -- their -- their people, their résumés, what
13 projects they've worked on that before, their localities.
14 COMMISSIONER WAITS: So I guess my question then is: --
15 MARK BRETHAUER: Mm-hm.
16 COMMISSIONER WAITS: I know you said it was rather lengthy.
17 But if all of them took the time and they're all qualified and
18 we have ten under one, -- design engineers, for example -- why
19 would we limit that to five? Why wouldn't we leave all ten?
20 MARK BRETHAUER: That's just typically how it works. And I
21 basically modeled it after what I did -- had done before -- what
22 our contracts department has done with Carson City before. So I
23 was using them as far as consistency.
24 COMMISSIONER WAITS: But I don't care about Carson City. I
25 care --
26 MARK BRETHAUER: Well, I -- Yeah.
27 COMMISSIONER WAITS: -- about us.
28 MARK BRETHAUER: Right.
29 COMMISSIONER WAITS: And I still don't know if we've got
30 that many people that came in qualified, I think the whole point
31 of this was to have these people do it early and we have them on
32 a list so now when we have something we just --
33 MARK BRETHAUER: Right.
34 COMMISSIONER WAITS: -- go to that list.
35 COMMISSIONER STIENMETZ: Correct.
36 COMMISSIONER WAITS: But we can choose from -- one from
37 that ten or one from the five.
38 MARK BRETHAUER: Yeah, of course.
39 COMMISSIONER WAITS: So why would we want to limit it,
40 Mark?

1 MARK BRETHAUER: Limit it? I'm not sure what you mean by
2 limiting it.

3 COMMISSIONER WAITS: Isn't that what you said we did?

4 MARK BRETHAUER: Well, yeah. Instead of using all four --
5 I think that the -- what I've heard from the county is we've
6 been using one or two consultants primarily for project after
7 project after project.

8 And so the complaints you're going to have now are from
9 other consultants saying, why can't we come in and have -- do
10 some work for Lander County as well.

11 And that was the complaint that we've had with, you know,
12 when I was with Carson City as well. And so what you try to do
13 is you make it fair. You make it a fair playing field so you
14 have other firms who are just as qualified be able to come in
15 and do work for the county as well.

16 COMMISSIONER WAITS: Right.

17 MARK BRETHAUER: That's kind of what the whole process --

18 COMMISSIONER WAITS: I understand that.

19 MARK BRETHAUER: is -- allows you to do.

20 COMMISSIONER WAITS: But now you're saying we have limited
21 those people on our -- our list of the ones that -- am I
22 understanding this right, --

23 MARK BRETHAUER: Well --

24 COMMISSIONER WAITS: -- Brian? Dean?

25 MARK BRETHAUER: Well, we couldn't pick everybody. We --
26 there was 40 consultants out there, so we had to kind of narrow
27 them down to four or five per -- per --

28 COMMISSIONER MASON: They're still on the list though.

29 MARK BRETHAUER: Yeah, there still on the list. Yeah.

30 And this is only for public works projects that exceed
31 \$35,000 in cost. If you still want to use them for a study,
32 that's fine. There's no problems with a study. It's when
33 whatever they're doing in design work results in a construction
34 work project, or construction -- public works construction
35 project exceeds \$35,000, you have to pull from that list.
36 That's how we did it.

37 COMMISSIONER WAITS: I understand that we have the pull.
38 That wasn't my concern.

39 MARK BRETHAUER: Right.

40 COMMISSIONER WAITS: My concern was the people who took the

1 time to put it on. And if they're qualified and we -- because,
2 as I said before, --
3 MARK BRETHAUER: They're all qualified.
4 COMMISSIONER WAITS: -- one of the main reasons was to have
5 this all done. We already looked at them. We know they're
6 qualified.
7 MARK BRETHAUER: Right.
8 COMMISSIONER WAITS: So when we have particular project
9 that we're doing, why can't we look at --
10 COMMISSIONER STIENMETZ: Look at them all.
11 COMMISSIONER WAITS: -- ten instead of five?
12 Why -- why did we limit it?
13 MARK BRETHAUER: You don't --
14 COMMISSIONER WAITS: You said, well, we can't have that
15 many. Why can't we?
16 MARK BRETHAUER: Just typically just what has -- I'm just
17 going based on what experience I've got and what assistance I
18 got for doing this process. And that's how it worked. And
19 that's what we've doing in the past. So if --
20 COMMISSIONER WAITS: That's how it works in Carson City?
21 MARK BRETHAUER: Yeah. Right.
22 COMMISSIONER WAITS: Okay.
23 MARK BRETHAUER: That's --
24 COMMISSIONER BULLOCK: But that isn't how --
25 MARK BRETHAUER: -- that's how we've done it.
26 COMMISSIONER BULLOCK: -- we've been doing it --
27 COMMISSIONER WAITS: Point well taken.
28 COMMISSIONER BULLOCK: -- in the past.
29 MARK BRETHAUER: You have never done it before. So --
30 COMMISSIONER BULLOCK: Okay. That's -- well, when you say
31 we've --
32 MARK BRETHAUER: You've never done it.
33 COMMISSIONER BULLOCK: -- done it in the past, we haven't.
34 MARK BRETHAUER: I'm bringing some history to this county
35 that, yeah --
36 COMMISSIONER BULLOCK: Yeah. Yeah, but I'm not --
37 MARK BRETHAUER: Yeah, yeah.
38 COMMISSIONER BULLOCK: -- concerned about history
39 elsewhere. I'm concerned about history here.
40 MARK BRETHAUER: Well, you have no history here with that

1 process. So you were doing --
2 COMMISSIONER BULLOCK: Exactly.
3 MARK BRETHAUER: -- it illegally, basically.
4 COMMISSIONER BULLOCK: So if we have no --
5 MARK BRETHAUER: So now you're doing it legally.
6 COMMISSIONER BULLOCK: -- history, then let's keep them all
7 on the list and not limit them. I -- I agree with Commissioner
8 Waits here.
9 COMMISSIONER STIENMETZ: So do I.
10 COMMISSIONER BULLOCK: We're not going to kick somebody
11 that's doing a fine job for us to the side because all of the
12 sudden somebody may have just --
13 MARK BRETHAUER: If you --
14 COMMISSIONER BULLOCK: -- a variance in qualifications --
15 MARK BRETHAUER: If you want to override it, that's
16 perfectly fine. We'll make a recommendation. You guys can
17 override it. And if you guys want to pick another consultant,
18 that's entirely up to you. I'm just following this process.
19 COMMISSIONER BULLOCK: I don't know if it's a matter of
20 overriding. I don't know why weren't involved in the decision,
21 I guess is what I'm saying, because --
22 MARK BRETHAUER: It doesn't -- yeah, it doesn't really --
23 COMMISSIONER BULLOCK: -- it should have come back --
24 MARK BRETHAUER: It's internal --
25 COMMISSIONER BULLOCK: -- to us.
26 MARK BRETHAUER: It's an internal decision that we just --
27 COMMISSIONER BULLOCK: Yeah, but it should have come
28 back --
29 MARK BRETHAUER: -- take it all out.
30 COMMISSIONER BULLOCK: -- to us before we made that
31 decision.
32 MARK BRETHAUER: You had opportunity to ask. If you guys
33 wanted to be involved, you should have said, yeah, we want to be
34 invol-. We would have gladly given you the -- the packets and
35 let you do the work. It took a long time. We would have gone
36 by your recommendation too. We just got it done internally.
37 That's how it usually works.
38 COMMISSIONER MASON: I don't think that's the issue. I
39 think the issue is that if -- if you have 40 people on the list,
40 then --

1 MARK BRETHAUER: No, it's 40 people who submitted for --
2 COMMISSIONER MASON: And 40 how --
3 MARK BRETHAUER: The 23 categories.
4 COMMISSIONER MASON: -- how many of those were qualified?
5 MARK BRETHAUER: It was tough. They were all qualified. I
6 have to say, they're pretty much -- not all of them. There was
7 certain firms and there was criteria based on, say, the size and
8 number of employees they may have, where we said, well, okay,
9 they're -- they're a small firm. Their credentials probably
10 aren't up to speed. It's like, we probably shouldn't use them.
11 You know, so we want to go to a bigger firm.
12 We're talking big projects. And you need a lot of people,
13 a lot of -- a lot of internal staff who has experience with that
14 kind of work. So it's the -- usually the smaller firms, the
15 ones that, you know, don't quite make the grade.
16 But there are firms that we'll use that are small that say,
17 hey, they've got some good background here. And let's keep them
18 on the list. So --
19 COMMISSIONER MASON: Was Summit Engineering one of those?
20 MARK BRETHAUER: Yes. Yes. They're on there.
21 Yeah. It was actually when the list gets to the -- yeah,
22 in fact, Summit was under transportation planning. That was one
23 of the -- one of the ones that they had actually applied for.
24 Storm water services. Waste water treatment. Water reclamation
25 services and another category they applied for. They're in
26 there. So they're -- they're in there quite a bit.
27 Like I said, you're not going to be able to make everybody
28 happy. It's just one of those things where I just followed a
29 process that I was familiar with and one I brought with me and
30 one that's been used before in another county and seems to have
31 worked. And so that's what I used -- to keep us in compliance.
32 COMMISSIONER MASON: I -- I kind of feel like if we've had
33 40 people or pick a number, but -- that submitted and they're
34 qualified, we ought to publish a list with them all on there.
35 MARK BRETHAUER: They're qualified, but you still have to
36 rank them.
37 COMMISSIONER MASON: Huh?
38 MARK BRETHAUER: The process is ranking them.
39 COMMISSIONER MASON: Yeah, but they --
40 MARK BRETHAUER: From the most qualified to the least

1 qualified. So I would say they're probably qualified to a
2 certain extent --

3 COMMISSIONER MASON: But we can --

4 MARK BRETHAUER: -- but there are criteria.

5 COMMISSIONER MASON: -- do that in-house. We don't have
6 to --

7 MARK BRETHAUER: That was the point of doing the process.

8 COMMISSIONER MASON: But we ought to publish a list of
9 qualified people --

10 MARK BRETHAUER: We did.

11 COMMISSIONER MASON: -- who we could choose from.

12 MARK BRETHAUER: We did.

13 COMMISSIONER MASON: I mean, --

14 MARK BRETHAUER: It's close to being on that --

15 COMMISSIONER MASON: -- the whole thing.
16 It just -- just for the sake of it's a small community, you
17 know, to get --

18 MARK BRETHAUER: Right.

19 COMMISSIONER MASON: -- to get engineers.

20 MARK BRETHAUER: And odds are you're probably not going to
21 use all these firms --

22 COMMISSIONER MASON: Right.

23 MARK BRETHAUER: -- ever again. You know, it's -- I mean,
24 it's just -- they're a list. It's there.

25 COMMISSIONER MASON: But they did submit the paperwork. I
26 don't know. I think they ought to get credit for being
27 qualified.

28 MARK BRETHAUER: Yeah. It's like anybody else. I mean,
29 they call you up and want your business and, you know, want to
30 come do stuff for you.

31 But it's the -- it's -- again, you've got certain firms
32 that have been being used over and over and over again. And
33 there are ones that are wondering why they can't get a piece of
34 the pie. And I remember at one point, you know, we were even
35 told by our contracts department that we could -- we had to stop
36 utilizing the same firms over and over again just for that
37 reason. We had to make it fair for everybody. So --

38 COMMISSIONER BULLOCK: Okay, so when you did these
39 qualifications, --

40 MARK BRETHAUER: Mm-hm.

1 COMMISSIONER BULLOCK: -- you're just going by
2 qualifications, did you check references?
3 MARK BRETHAUER: There were references listed. And I
4 knew -- I knew -- I've actually worked with most of these firms
5 before in my past. So I knew their --
6 COMMISSIONER BULLOCK: You know where I'm headed here. One
7 engineering --
8 MARK BRETHAUER: Yeah.
9 COMMISSIONER BULLOCK: -- firm I don't even want --
10 MARK BRETHAUER: No, we just --
11 COMMISSIONER BULLOCK: -- on there.
12 MARK BRETHAUER: We're required to check references.
13 COMMISSIONER BULLOCK: So I'm just saying --
14 MARK BRETHAUER: We're -- you're basing it on the statement
15 of qualifications alone.
16 COMMISSIONER BULLOCK: But that's -- yeah, but that's just
17 statement of qualifications.
18 MARK BRETHAUER: Right.
19 COMMISSIONER BULLOCK: But if we don't go --
20 MARK BRETHAUER: It's not like you're doing an interview.
21 COMMISSIONER BULLOCK: -- back to references, hey, they've
22 just burn us here; they just burn us there.
23 MARK BRETHAUER: That's why you have me on board, to make
24 sure you don't get burned. That's why you hired an engineer.
25 COMMISSIONER BULLOCK: And I don't even want to --
26 MARK BRETHAUER: An engineer to --
27 COMMISSIONER BULLOCK: -- touch that right now.
28 MARK BRETHAUER: -- watch engineers.
29 That's the point of my position is to watch and manage that
30 procedure and policy, our internal policy.
31 CHAIRMAN BULLOCK: Yeah, but if we're limiting somebody out
32 of there because of, okay, they're more qualified, but you know.
33 MARK BRETHAUER: The process will repeat itself. They'll
34 have another opportunity. And we'll circulate around again.
35 It's like I said, it's --
36 COMMISSIONER MASON: How often do you do these
37 requalifications?
38 MARK BRETHAUER: We -- we agree to go ahead and do it,
39 like, every -- for 18 months I think is what Patsy made a
40 recommendation to do for the contracts.

1 At one of the board meetings here a while back, we were
2 talking about doing the RFQ process --

3 COMMISSIONER MASON: I'm trying to protect these people
4 that --

5 MARK BRETHAUER: -- only for 18 -- you could do it for 18
6 months -- or a year and a half to two years. Some you can go up
7 to five years if you want to and just keep an open contract with
8 them.

9 CHAIRMAN GARNER: Okay.

10 MARK BRETHAUER: Anyway.

11 COMMISSIONER MASON: Maybe we ought to have a -- a -- a
12 private meeting outside of the commission so we can understand
13 it a little better.

14 MARK BRETHAUER: But again, you know, everybody could have
15 asked plenty of questions. So -- and you had the opportunity to
16 do that. We've been doing this for like six, eight months here.
17 So I've been updating everybody along the way. So --

18 Anyway, we've also been helping the architects and the
19 engineers on the design on the new hospital expansion on the
20 Humboldt Street project.

21 JIM OLSON: I think one of the things also, too, is in the
22 process of bidding, if you had every, say, you had 40 bidders,
23 you'd have 40 bids to go through and analyze what they're
24 bidding on and how valuable their price is or how accurate their
25 pricing is, versus, say, having five or six that you pick to do
26 the bid on, which is common in the construction industry.
27 Otherwise, you've going to spend enormous amounts of
28 administrative hours analyzing bids.

29 MARK BRETHAUER: Right. Yeah.

30 JIM OLSON: And it just gets too expensive to do that.

31 MARK BRETHAUER: Yeah. It's like, well, --

32 COMMISSIONER MASON: Well, the idea of bidding is to bring
33 the price down.

34 MARK BRETHAUER: Sure. Of course.

35 COMMISSIONER MASON: I mean, that's the overall thing of a
36 bid is to get two or three or a hundred people --

37 JIM OLSON: See, ideally you go out --

38 COMMISSIONER MASON: -- bidding on an item.

39 JIM OLSON: I mean, I've bid myself plenty of projects
40 to -- on public projects before and, you know, some you get,

1 some you don't. That's just part of the game.
2 COMMISSIONER MASON: Right.
3 JIM OLSON: But to process 40 versus, say, 10 is an
4 enormous amount of manpower involved to do that. So you
5 prequalify your bidders to meet certain thresholds. Go out to
6 those specific bidders that meet those thresholds and say, give
7 me a price. It reduces your time involved in the bidding
8 process and -- and your costs and overhead. That's all.
9 MARK BRETHAUER: Yeah, what Jim's talking about is the
10 national bidding of a construction project. We're talking
11 professional services.
12 JIM OLSON: Well, kind of --
13 MARK BRETHAUER: on this.
14 JIM OLSON: -- the same thing, --
15 MARK BRETHAUER: Yeah, but we --
16 JIM OLSON: -- professional services.
17 MARK BRETHAUER: But we can't -- No, in this process here,
18 you can't actually price shop. This is the point of this going
19 to a selection process is you don't -- you can't base your
20 consultant on prices at this point.
21 JIM OLSON: (Indiscernible.)
22 MARK BRETHAUER: But it's based on qualification. Then
23 once you've gone through this process, then it's okay for you to
24 go ahead and ask for a proposal from any one of those firms
25 within that category and then you can use them for the design.
26 JIM OLSON: Well, it's just asking for consultants. It's
27 -- I think it would be quite subjective by its own -- by its
28 nature.
29 MARK BRETHAUER: It is. It's a very difficult --
30 JIM OLSON: It's difficult, --
31 MARK BRETHAUER: -- task.
32 JIM OLSON: -- but you don't want to make that any bigger
33 than you have to. The selection (indiscernible) makes it more
34 complicated.
35 MARK BRETHAUER: Exactly.
36 COMMISSIONER MASON: Okay, let's try it another way to
37 satisfy me for a minute. Did you send the letter out to all the
38 people that were qualified? Saying that we received your --
39 MARK BRETHAUER: No, it's not part of the requirement. No,
40 you advertise it like you --

1 COMMISSIONER MASON: I know.
2 MARK BRETHAUER: -- advertise the bid.
3 COMMISSIONER MASON: But it's just --
4 MARK BRETHAUER: And then you tell them that --
5 COMMISSIONER MASON: This is -- this is PR. I think that's
6 why I got this phone call is they've -- somebody felt slighted.
7 JIM OLSON: Mm-hm.
8 COMMISSIONER MASON: But I think we ought to send out just
9 a general letter to everybody who took the time to submit an
10 application and say, we have you on file and blah blah blah, you
11 know. And -- and --
12 CHAIRMAN GARNER: I -- you know --
13 COMMISSIONER STIENMETZ: Let's move on. It's not part of
14 this --
15 CHAIRMAN GARNER: I'm going to move off this subject. I'm
16 going move us past this. If you want to get with him and we
17 want to bring this back up as another topic as a discussion item
18 for another future agenda --
19 MARK BRETHAUER: Yea, otherwise we'll be here all day.
20 CHAIRMAN GARNER: But we're swaying too far from where we
21 need to be.
22 COMMISSIONER STIENMETZ: Yeah.
23 MARK BRETHAUER: Sounds good, guys. Now, that's all I have
24 really, so --
25 CHAIRMAN GARNER: Jim, will you please tell your name for
26 the record.
27 JIM OLSON: I'll put it together and come up with --
28 CHAIRMAN GARNER: Please --
29 JIM OLSON: -- a solution that works.
30 CHAIRMAN GARNER: -- speak your name for the record. You
31 didn't at the beginning.
32 JIM OLSON: Jim Olson. I'll work on it and get it
33 coordinated with everybody who wants to be involved with this,
34 and we'll get it hammered out.
35 It's an equitable process: clear and equitable.
36 MARK BRETHAUER: Yeah. Anything else, anybody?
37 COMMISSIONER STIENMETZ: Thanks, Mark.
38 CHAIRMAN GARNER: That's it.
39 COMMISSIONER WAITS: Thank you.
40 COMMISSIONER MASON: Thank you.

1 ROAD AND BRIDGE SOUTH

- 2
3 6) Discussion for possible action regarding operations and
4 projects for the Road and Bridge South Department, and other
5 matters properly related thereto.
6

7 CHAIRMAN GARNER: Moving on to six, discussion for possible
8 action regarding operations and projects for the Road and Bridge
9 South Department, and other matters properly related thereto.

10 Bert, you online?

11 Anybody from Austin?

12 MITESHELL LANHAM: Yes, just Miteshell here.

13 CHAIRMAN GARNER: Okay. Thank you.
14
15

- 16 7) Discussion for possible action regarding approval/disapproval
17 of the Encroachment Application and Permit for ORNI 39, LLC
18 to construct an access road and pipelines for Phase 2 of the
19 Ormat Grass Valley Geothermal Project, and other matters
20 properly related thereto.
21

22 CHAIRMAN GARNER: Seven, discussion for possible action
23 regarding approval/disapproval of the encroachment applications
24 and permits for ORNI 39, LLC, to construct an access road and
25 pipelines for Phase 2 of the Ormat Grass Valley Geothermal
26 Project, and other matters properly related thereto.

27 Please, speak your name for the record, sir.

28 KYLE SNYDER: Kyle Snyder with Ormat.

29 COMMISSIONER WAITS: We appreciate you coming, Mr. Snyder.
30 I know we had a couple questions here. And when we looked over
31 your information last time --

32 KYLE SNYDER: No problem.

33 COMMISSIONER WAITS: And one of my questions was: What
34 exactly would this save you, personally, dollar-wise, time-wise,
35 if we allowed this second pipeline?

36 KYLE SNYDER: So for Phase 2, you know, we're -- we're
37 asking to construct a pipeline on the west side of the road
38 versus the east side. The east side of the road, we have
39 massive cultural issues on that side of the road.

40 And so it's -- we can't put another pipeline in the same rack

1 or next to the existing pipeline without going back and doing
2 mitigation, which would probably take -- you know, we've been out
3 there since we built the first plant doing cultural mitigation and
4 having a firm collect and record all of the -- the sites out
5 there. And so by doing that, we would probably be adding a year
6 or two of time and millions of dollars probably.

7 COMMISSIONER BULLOCK: I guess, my concern is, is we're
8 locking in that road.

9 KYLE SNYDER: Yep.

10 COMMISSIONER BULLOCK: And I'm not favor of that because
11 then we're tied in because we've got pipes on both sides of us.
12 So if there's so much issues on that move your other pipe over
13 to the other side and put them both on the other side rather
14 than locking in that road to where it's a certain size that's
15 the end of the story on it.

16 So that's my concerns here.

17 KYLE SNYDER: For about a mile and a half, I think, it
18 would be on both sides.

19 COMMISSIONER BULLOCK: But that's a still a mile and a half
20 --

21 KYLE SNYDER: Yeah.

22 COMMISSIONER MASON: -- that's as wide as that road can go.

23 COMMISSIONER STIENMETZ: Locks that path in for that road.

24 COMMISSIONER MASON: How wide is that road right now?

25 KYLE SNYDER: I'm not sure on Grass Valley road. It's a
26 pretty wide road, say, 25 feet.

27 COMMISSIONER MASON: How many?

28 COMMISSIONER STIENMETZ: It's a 60-foot easement, right,
29 Donnie?

30 KYLE SNYDER: Yeah, it's a 60-foot easement. I would say
31 that the road bed has to be 25 feet wide.

32 COMMISSIONER WAITS: We did bring up these issues last
33 time.

34 And -- and one was, if we have them on both sides, like he
35 said, we may decide we want to put a double lane, you know, or
36 make a four-lane or three-lane or something next time. Because
37 20 years ago we didn't have the vision you might be there, too.
38 So another 20 years and we're locked in.

39 But my other concern is an emergency service. If something
40 should happen, we can't even divert, --

1 COMMISSIONER STIENMETZ: Around it.
2 COMMISSIONER WAITS: -- yeah, around it.
3 COMMISSIONER STIENMETZ: Around it. A leak in your
4 pipeline, that road's shut down.
5 KYLE SNYDER: (Indiscernible.)
6 COMMISSIONER STIENMETZ: Of course it wouldn't matter on
7 each side. But I mean, you can't just go around it and make
8 something happen.
9 KYLE SNYDER: I see what you're saying.
10 COMMISSIONER WAITS: Of course. And the -- the last side
11 of it is your company coming back asking for an abatement on the
12 first Ormat phase and now, of course, on the second one. And so
13 we're losing millions of dollars. And yet, you turn around and
14 say, oh, could you save us --
15 COMMISSIONER STIENMETZ: Millions of dollars.
16 COMMISSIONER WAITS: -- millions of dollars in a couple
17 years?
18 And we certainly want to work with you. That was the whole
19 point last time. We were very generous about it.
20 KYLE SNYDER: Mm-hm.
21 COMMISSIONER WAITS: Because we didn't do the abatement,
22 too.
23 KYLE SNYDER: Right.
24 COMMISSIONER WAITS: And so we have some concerns. Not that
25 we don't want to work with you, because we appreciate you there
26 and we want you there. But these are all concerns for us at
27 this point.
28 CHAIRMAN GARNER: Well, and --
29 COMMISSIONER WAITS: I think we're -- if there's --
30 CHAIRMAN GARNER: -- one that you've left is our --
31 COMMISSIONER STIENMETZ: No maintenance.
32 CHAIRMAN GARNER: -- is on our road maintenance was a major
33 concern.
34 COMMISSIONER MASON: Yeah. Yeah. There is part --
35 COMMISSIONER WAITS: We still have that --
36 COMMISSIONER MASON: -- of our agreement with you is that
37 you guys would maintain this road.
38 COMMISSIONER STIENMETZ: Or pay us to maintain it.
39 COMMISSIONER MASON: And that hasn't been done.
40 KYLE SNYDER: This is our preferred alternative is that --

1 you know, in speaking with Bert is that -- that you guys do the
2 work and that we pay you for the work.

3 COMMISSIONER STIENMETZ: But Bert but has told us the only
4 one down there that's ever paid any is the exploration part of
5 it --

6 KYLE SNYDER: Is the drilling guys.

7 COMMISSIONER STIENMETZ: The drillers. They're very good.
8 They pay them right away and everything. Nobody else. They
9 just keep passing the bills back and forth and around. And they
10 get dropped. And we never get paid for it.

11 KYLE SNYDER: And, you know, I was under the assumption, in
12 speaking with Bert, that our construction guys did have an
13 agreement with him in place. I spoke to Bert a couple of weeks
14 ago and --

15 CHAIRMAN GARNER: There is.

16 KYLE SNYDER: -- he didn't -- he didn't say anything.

17 COMMISSIONER STIENMETZ: There is an agreement in place,
18 but they're not upholding it.

19 KYLE SNYDER: Yes.

20 CHAIRMAN GARNER: But we ended up -- we ended up wasting
21 our resources and equipment and materials to maintain it.

22 KYLE SNYDER: And you were never paid back?

23 CHAIRMAN GARNER: And we're never paid back --

24 COMMISSIONER STIENMETZ: Paid back.

25 KYLE SNYDER: And you submitted --

26 CHAIRMAN GARNER: -- by Ormat.

27 KYLE SNYDER: You've submitted invoices to Ormat?

28 COMMISSIONER STIENMETZ: Right.

29 CHAIRMAN GARNER: Several, several times.

30 COMMISSIONER STIENMETZ: Like I said, the only ones that
31 ever paid us anything were the drillers.

32 KYLE SNYDER: Exploration, was the drillers.

33 COMMISSIONER STIENMETZ: Yeah.

34 COMMISSIONER MASON: I want to go back to the original
35 statement made here by one of the commissioners about double
36 siding our road. It really locks us in to whatever's there.

37 KYLE SNYDER: Mm-hm.

38 COMMISSIONER MASON: We need you to go back to your
39 engineers and tell them that and get a better answer for us.
40 Because we have a future to look forward to. This could be a

1 freeway one day. We don't know. But, you know, things do
2 change.

3 And I don't see this county getting locked in.

4 And there's a little animosity here because you guys are --
5 you know, you really -- I'm going to say something here. You've
6 really taken it to the public. We came on with you to give you
7 our hot water in goodwill and good faith. We assumed you were
8 doing the same thing.

9 Now, you've -- you're covered in the law so there is
10 nothing we can complain about there.

11 But we've got a road out there that's about -- approximately
12 11 miles from Highway 50 to you guys, right?

13 KYLE SNYDER: Mm-hm.

14 COMMISSIONER MASON: And I'm thinking that we need to
15 rethink -- your engineers need to rethink this road. And we
16 need to rethink what we're doing based on what's happened in the
17 past.

18 And I think the other side of this is that one of the
19 conclusions would be that you guys pave this road all the way to
20 your plant according to county speculations -- specifications.
21 That's a thought you could take back to your engineers too.

22 KYLE SNYDER: Okay.

23 COMMISSIONER MASON: Right now you've got an -- I'm
24 speaking for myself -- but we've got an unhappy commission here.

25 And we've got some people who are starting to learn what's
26 happened to them in this whole thing with Ormat.

27 And yes, it's legal.

28 I understand that.

29 That's not a complaint. But we do have a complaint now with
30 the road and the easements that you're requesting. And we've been
31 pushed over a couple of times here. And now, we're not going to
32 take any more pushing. We're going to shove back. And I think we
33 could work together. I really do.

34 KYLE SNYDER: And that's -- that's why I'm here.

35 COMMISSIONER MASON: I'm a taxpayer too. And we really got
36 hit hard by this \$18 million that we've lost.

37 So having said that, I'd like you to come back before the
38 commission with some better answers.

39 KYLE SNYDER: Okay.

40 COMMISSIONER MASON: And take to them the idea of paving

1 this road.

2 KYLE SNYDER: Okay. Any -- any other specific questions?

3 Answers you would --

4 COMMISSIONER MASON: The width of the road.

5 KYLE SNYDER: -- like me to come back with?

6 COMMISSIONER MASON: We've got to look at the width of the

7 road, you know.

8 KYLE SNYDER: I wish Bert was on the line. He would be

9 able to tell us.

10 COMMISSIONER MASON: That's okay. He'll be back with us.

11 CHAIRMAN GARNER: But I guess --

12 COMMISSIONER MASON: I've got to air out here because I'm a

13 little angry. So --

14 CHAIRMAN GARNER: I guess my question is: where in the

15 process -- what -- what's the failure of when we submit these

16 bills? Where's the shortfall?

17 KYLE SNYDER: And that's -- that's what I'll find out.

18 That's -- that's an answer that I can get for you.

19 CHAIRMAN GARNER: We need to come up with how much we're

20 going to charge --

21 KYLE SNYDER: Mm-hm.

22 CHAIRMAN GARNER: You know.

23 KYLE SNYDER: Yeah.

24 CHAIRMAN GARNER: When -- on a freq- -- what frequen- --

25 If we're to do the maintenance, we've got to know. Bert's got

26 to know --

27 KYLE SNYDER: When you're going to get paid. Yeah. Yeah.

28 CHAIRMAN GARNER: When we're going to get paid, when we're

29 going to do it, --

30 KYLE SNYDER: Mm-hm.

31 CHAIRMAN GARNER: -- what the schedule is.

32 KYLE SNYDER: Okay.

33 CHAIRMAN GARNER: And I know there's a sage grouse

34 scheduling down there. And there's a bunch of stuff down there

35 that has to happen on time. So that's something that would be

36 very beneficial to Bert. And of course, we'd like to regain our

37 money from the past three years, too.

38 KYLE SNYDER: Absolutely. Yeah. Okay.

39 COMMISSIONER BULLOCK: But you know, and that -- that's

40 part of locking in this road. Because if our maintenance is out

1 there doing it and the blade hits one of your pipes because
2 they're so tied in that they can't -- because the pipes are on
3 both sides, then you guys are going to come back after us. And,
4 I mean, we've got some major issues we need get a handle on
5 between us. I mean, I'm not opposed to working with you. Don't
6 get me wrong. We just got to define things a little bit better,
7 I think.

8 COMMISSIONER MASON: What is your position?

9 KYLE SNYDER: Environmental and regulatory affairs.

10 COMMISSIONER MASON: Are you an officer of the corporation?

11 KYLE SNYDER: I'm not.

12 COMMISSIONER MASON: Okay. And then the other is: I think
13 we could try through you, or your engineers, we could try
14 through BLM. Is it BLM or --

15 KYLE SNYDER: It's BLM.

16 COMMISSIONER MASON: It's BLM. To widen our easement.

17 COMMISSIONER STIENMETZ: Uh-uh.

18 COMMISSIONER MASON: Can't?

19 KYLE SNYDER: It would be --

20 COMMISSIONER STIENMETZ: You have to go through the same
21 thing they would have to do to put their pipeline out there.

22 KYLE SNYDER: Yeah. The -- the cultural issues on both
23 sides of the road would be a problem. And sage grouse issues
24 would probably --

25 COMMISSIONER STIENMETZ: Right.

26 KYLE SNYDER: -- be a problem as well.

27 CHAIRMAN GARNER: I think sage grouse is your biggest
28 battle --

29 KYLE SNYDER: Oh, absolutely.

30 CHAIRMAN GARNER: -- down there right now.

31 KYLE SNYDER: Oh. Yeah. We're well aware of that.

32 COMMISSIONER MASON: Is this hot water or cold water going
33 through this new pipe?

34 KYLE SNYDER: This would be hot. It's production coming
35 from the production wells. These ones to the north here are our
36 production wells.

37 COMMISSIONER MASON: Can you stack it?

38 KYLE SNYDER: Stacking it we can't do because of -- you've
39 been out there. You've seen the pipelines how we have vertical
40 expansion loops. Typically, we do horizontal expansion loops so

1 they're not any higher. But because of cultural issues out
2 there, we couldn't do horizontal expansion loops, so we go
3 vertical. So because of those vertical expansion loops, the
4 pipe cannot be stacked on top of each other.

5 COMMISSIONER MASON: Anyway, we need to figure this out.
6 We're going to put you off until we hear back from you.

7 KYLE SNYDER: Okay.

8 CHAIRMAN GARNER: Thank you, sir.

9 KYLE SNYDER: Yep.

10 COMMISSIONER MASON: Thank you, very much.

11 COMMISSIONER BULLOCK: Thanks for coming.

12
13
14 ROAD AND BRIDGE NORTH

15
16 8) Discussion for possible action regarding operations and
17 projects for the Road and Bridge North Department, and other
18 matters properly related thereto.
19

20 CHAIRMAN GARNER: Number eight, discussion for possible
21 action regarding operations and projects for the Road and Bridge
22 North Department, and other matters properly related thereto.

23 DONALD NEGRO: Morning.

24 CHAIRMAN GARNER: Donnie.

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

26 Pretty much business as normal at Road and Bridge North.
27 We're -- we got oil for our patch machine, which was kind of a
28 pain in the neck. We have to go to Idaho and pick it up. We
29 pick it up three totes at a time. So now I'm working on a tank.
30 I found a tank in southern Arizona that will speed it up. So
31 I'm working on that.

32 Our 8A, we have a hole in the road I talked to you last
33 time -- last meeting about it.

34 But now I'm coordinating with Southwest Gas because we've got
35 a 14-inch gas main on one side and fiber optics -- fiber optic on
36 the other side. So we've got the culverts and everything. But
37 what I want to do is make sure that Southwest Gas is here and the
38 telephone company is here on site when we do it, when we replace
39 them. And hopefully, we'll be able do it in one day. So --

40 COMMISSIONER MASON: What is it a sink hole?

1 DONALD NEGRO: It's a culvert rusted out.

2 COMMISSIONER MASON: Oh.

3 DONALD NEGRO: And I got one guy's been there 30 years.
4 And he -- it's been there since he's been there. But we're just
5 going to place both of them. It's on the Reese River.

6 And any -- any bridges that we do are covered by the state.
7 But -- but the culverts aren't. So we're going to go back with
8 culverts.

9 The state makes you sandblast them and maintain them, where
10 culverts you just put them in and away we go. And if they last
11 30 years, hopefully I'll be retired by then. So --

12 COMMISSIONER MASON: Is it strong enough to -- currently to
13 pour concrete over it?

14 DONALD NEGRO: Oh, yeah. Yeah. We'll u- -- we'll just
15 bury them. There was -- you know, we'll put in type two base.
16 That's what they are now.

17 Culverts are structure -- structurally for -- they'll hold
18 up. But I've worked with the Tomeras and made sure that I'll
19 give them ample notice and stuff when we're going to do it. So
20 -- but -- and that's -- life's good.

21 Any questions?

22 CHAIRMAN GARNER: I don't think so.

23 COMMISSIONER STIENMETZ: Thanks, Donnie.

24 COMMISSIONER BULLOCK: Thanks, Donnie.

25 CHAIRMAN GARNER: Thanks, Donnie.

26
27

28 **PUBLIC WORKS**

29

30 9) **Discussion for possible action regarding operations and**
31 **projects for the Public Works Department, and other matters**
32 **properly related thereto.**

33

34 CHAIRMAN GARNER: Nine, discussion for possible action
35 regarding operations and projects for the Battle -- for the
36 Public Works Department, and other matters properly related
37 thereto.

38 JAKE EDGAR: Morning. Jake Edgar, for the record.

39 Water and sewer-wise, we've -- we had a sewer main break
40 over on North Trescott two days ago. We got it repaired.

1 Pretty much, besides that, we've been working on cleaning
2 up the shop and cleaning around shop and doing water boxes.

3 Just normal stuff pretty much. There's not really too much
4 exciting to say.

5 In the parks, Marilyn had some issues over at Lion's Park
6 with the bathrooms and we got that fixed. Actually, they just
7 put a new sewer line in so it kind of coincided pretty good. So
8 that's all fixed. And there's nothing really much going on.

9 COMMISSIONER MASON: I have a couple of -- no -- I have a
10 one question.

11 JAKE EDGAR: Sure.

12 COMMISSIONER MASON: On the golf course. Two questions on
13 the golf course.

14 CHAIRMAN GARNER: We're not on that.

15 COMMISSIONER STIENMETZ: We're not on that.

16 CHAIRMAN GARNER: We're not on that yet.

17 COMMISSIONER MASON: It's public works.

18 CHAIRMAN GARNER: It's the next agenda item.

19 We're good?

20 JAKE EDGAR: I'm good. Do you want me to talk about that
21 so --

22 CHAIRMAN GARNER: Pub- -- we're going go to move on to --

23 JAKE EDGAR: Okay.

24 CHAIRMAN GARNER: -- ten. Let me read it in.

25

26 **10) Discussion for possible action regarding the safety reasons**
27 **for laying concrete for the pergola and fencing in front of**
28 **the Mountain View Golf Course, and other matters properly**
29 **related thereto.**

30

31 CHAIRMAN GARNER: Discussion for possible action regarding
32 the safety reasons for the laying concrete for the pergola and
33 fencing in front of the Battle Mounta- -- Battle Mountain --
34 back up -- Mountain View Golf Course, and other matters properly
35 related thereto.

36 JAKE EDGAR: Okay, so I'll give you a quick insight to
37 Keith.

38 When we put the pergola up, the ground was uneven. So to
39 make the decking flat, we had to raise one side up a little bit.
40 So it became a safety issue. You're supposed to have four-foot

1 landing with one step if it's over two and a half feet. It was
2 over two and a half feet. So --
3 They've already had one wedding out there. And we got kind
4 of nervous somebody was going to break a leg or something. So
5 it's actually already done. Keith went out there. He's going
6 to pay for it.
7 He gave it the blessing and said, you need to get it done as
8 fast as you can so someone doesn't hurt themselves. So -- the co-
9 -- don't worry. The concrete's already poured. That's part is
10 nil [sic] and void. Now, the fence is really not a super safety
11 issue except for if it falls and hits a car or someone. And it's
12 headed that direction. So --
13 COMMISSIONER MASON: Okay. My question was: Wasn't
14 that -- but it was something I was aware of. Did you put rails
15 around it?
16 JAKE EDGAR: No.
17 COMMISSIONER MASON: Okay.
18 JAKE EDGAR: That kind of defeats the purpose of having --
19 COMMISSIONER MASON: But if somebody --
20 JAKE EDGAR: -- an open pergola.
21 COMMISSIONER MASON: I mean, it's -- how far off the ground
22 is it?
23 JAKE EDGAR: It's not off the ground anymore now.
24 COMMISSIONER MASON: Okay.
25 JAKE EDGAR: That's what the concrete was to alleviate.
26 COMMISSIONER MASON: I want to know the progress of the
27 reconditioning of the two wells on the golf course.
28 JAKE EDGAR: Reconditioning?
29 COMMISSIONER MASON: Yeah, we -- we --
30 JAKE EDGAR: You voted --
31 COMMISSIONER MASON: -- budgeted for that.
32 JAKE EDGAR: You vote- -- budgeted to have VFDs put in, not
33 recondition anything.
34 COMMISSIONER MASON: Well, whatever. I mean it's a choice
35 of words.
36 JAKE EDGAR: Okay. So --
37 COMMISSIONER BULLOCK: Upgrade.
38 JAKE EDGAR: Two different things.
39 COMMISSIONER MASON: Upgrade.
40 JAKE EDGAR: We have prices in right now. We're going over

1 some of the issues that we have with the controller boxes
2 matching up to the VFDs, which hopefully Rainbird or Toro can --
3 figure out something to do with. We have -- not going to say
4 it's ancient, but it's fairly old station boxes. So in order to
5 put the VFD to coincide with the station box that we have, there
6 needs be some sort of -- I don't even know what you want to call
7 it. Some sort of computer chip that talks to the other
8 computer.

9 COMMISSIONER STIENMETZ: Adaptor.

10 JAKE EDGAR: So anyway they're working on that. So --

11 COMMISSIONER MASON: Okay.

12 JAKE EDGAR: -- we do have prices. Mr. Fischer -- we
13 pulled some samples and did some different things with the
14 water.

15 We just ordered some flow meters so that we could actually
16 judge exactly how many gallons a minute we're getting. We have
17 one on there, but it's not working correctly. So we're going to
18 put those on. As soon as we get that information back, we can
19 give that to Rainbird or Toro. They will then size their VFD
20 towards how much water that the well can continually keep up
21 with. So basically, we have a price on -- on a VFD unit that
22 will run from 60 gallons a minute to 7,000 gallons a minute or
23 whatever. So we're still working on it.

24 COMMISSIONER MASON: Options. Okay. Then the other was I
25 got a phone call from a concerned golfer wanted to know why the
26 golf course looks so dry. And it's a -- I don't know if it's
27 complaint or it's just a non -- I don't understand why it looks
28 dry either.

29 JAKE EDGAR: My suggestion would be to go take a ride and
30 take a look at it now. Again, the greens are coming around.
31 The rest of the fairways are --

32 COMMISSIONER MASON: Looking better?

33 JAKE EDGAR: I mean, the fairways are as good as they've
34 ever been as far as I'm concerned.

35 COMMISSIONER MASON: What's your policy on watering the
36 golf course right now?

37 JAKE EDGAR: They turn the water on a station at a time.

38 COMMISSIONER MASON: And how long do they run, I mean?

39 JAKE EDGAR: Depends on how hot it gets.

40 COMMISSIONER MASON: Okay.

1 JAKE EDGAR: As the temperature goes up, the time goes up.
2 So right now we're at anywhere -- it starts watering at probably
3 8:30ish at night, 7:30ish a night, depending on what schedule
4 they're on. And it gets done about 5:30 in the morning. So the
5 water's all night long. It's just separate stations come on.
6 And I'd say they're anywhere from 30 to 45 minutes right now.
7 COMMISSIONER MASON: Are you happy with it?
8 JAKE EDGAR: I'm happy with the fairways.
9 COMMISSIONER MASON: How about the greens?
10 JAKE EDGAR: I'm getting happier.
11 COMMISSIONER MASON: Okay. I got to -- I'll get back to
12 that person that called me and tell them what you've said.
13 JAKE EDGAR: And, I mean, that's pretty much all I can say
14 as far as if someone thinks we're not watering, we're not out to
15 kill the -- I mean, that makes zero sense.
16 I mean --
17 COMMISSIONER MASON: Oh, and the other thing was: what did
18 he say? He said, my party had to pick up trash. Is that an
19 issue? Is that something we need to discuss? Or is that
20 something that's just -- there was some trash laying around.
21 They picked it up. He just wanted to complain?
22 But that's really -- who picks up the trash?
23 Your people?
24 JAKE EDGAR: Yep.
25 COMMISSIONER MASON: Okay.
26 COMMISSIONER BULLOCK: But on that, there's been some
27 massive wind going on.
28 CHAIRMAN GARNER: Yep.
29 COMMISSIONER BULLOCK: And you're going to have some trash
30 flying around.
31 JAKE EDGAR: And again, we'll do whatever we need to do to
32 make it look good. We're not out there to purposely defeat --
33 COMMISSIONER MASON: Yeah, I've never noticed any trash.
34 But I'm just answering a call.
35 JAKE EDGAR: Sure. And you can give them my phone number.
36 COMMISSIONER MASON: You sure? I can.
37 JAKE EDGAR: Everybody else already has it anyways, so it's
38 not a big deal.
39 COMMISSIONER MASON: Okay. You want to be a dart board?
40 All right.

1 CHAIRMAN GARNER: Is that it?
2 COMMISSIONER STIENMETZ: Thanks, Jake.
3 JAKE EDGAR: I guess on the fence. Sorry, go back to the
4 fence. If we can find funding --
5 NAN ANCHO: For which part?
6 JAKE EDGAR: Which? The fence.
7 NAN ANCHO: The fence.
8 JAKE EDGAR: I think we did find funding, but I just want
9 to make sure that they would --
10 NAN ANCHO: Well, if it's not something that has to be done
11 by June 30th, it can start by July 1st, it can be budgeted into
12 your budget for '14/'15.
13 CHAIRMAN GARNER: Nan Ancho.
14 NAN ANCHO: And you start it July 1st.
15 JAKE EDGAR: That's fine. Whatever. However you guys want
16 to handle it. I just -- the fence is ugly and needs fixed.
17 CHAIRMAN GARNER: Could you possibly --
18 JIM OLSON: It's pretty bad.
19 CHAIRMAN GARNER: Could you possibly get a couple bids.
20 JAKE EDGAR: Yeah. I don't know if you got the -- it
21 should have been backup for you, a bid.
22 CHAIRMAN GARNER: I didn't see it.
23 JAKE EDGAR: From one contractor. And that was -- this --
24 we tried -- I tried to get the fencing and I couldn't get it as
25 cheap as he could get it. So --
26 COMMISSIONER MASON: Do you remember the number?
27 JAKE EDGAR: No, it's --
28 COMMISSIONER BULLOCK: Yeah, it's right there.
29 COMMISSIONER WAITS: Twenty-five hundred.
30 COMMISSIONER MASON: Twenty-five hundred. I read that
31 somewhere.
32 JAKE EDGAR: Fifty-two hundred should be the fence. And
33 actually that's -- he messed up, so the concrete should have
34 been 2800 and then the remainder whatever that would be. It's
35 \$8,000 total.
36 So I -- I'll fix the -- that part when I get the bill.
37 JIM OLSON: It would certainly enhance the golf course
38 (indiscernible) the parking lot. When Jake and I drove out
39 there, the first thing I saw that fence looked very shaggy and
40 actually later on when we run it down the other side where the

1 houses are on the other side of the course.
2 CHAIRMAN GARNER: Will the fence be solid or --
3 (Simultaneous conversation.)
4 JAKE EDGAR: Three. You know the three -- the three rail.
5 CHAIRMAN GARNER: Okay. Because the way that fence sits
6 with the wind.
7 JAKE EDGAR: You know, it's going to be the three-rail
8 white theme that's the theme out there if you go look around.
9 So --
10 COMMISSIONER BULLOCK: So you're telling me there's no
11 money available right now?
12 NAN ANCHO: Well, it depends on how big of an emergency it
13 is.
14 COMMISSIONER BULLOCK: I'm not saying emergency. I'm just
15 saying: Is there money available for the project right now
16 that's just going to get rolled over?
17 NAN ANCHO: Yes.
18 JAKE EDGAR: So all I need is a go.
19 CHAIRMAN GARNER: Out of what fund?
20 NAN ANCHO: We do have some in the capital. Not the
21 capital.
22 CHAIRMAN GARNER: Capital improvement?
23 NAN ANCHO: Mm-hm.
24 COMMISSIONER MASON: We have a special budget meeting
25 coming up on the 19th. So if we need to answer any questions
26 there, we could do that.
27 COMMISSIONER STIENMETZ: Yeah.
28 JAKE EDGAR: What I'm hoping to do is get an okay today so
29 I can move forward.
30 COMMISSIONER BULLOCK: Let me -- the golf club is concerned
31 about the fence.
32 JAKE EDGAR: True.
33 COMMISSIONER BULLOCK: They've even offered to fund the
34 money right now and get reimbursed from the county, which I'd
35 just as soon not. Because the golf club understands the need
36 for this fence with the -- with the way it looks. So -- and
37 some of the wind gusts we've had lately, it's tipping even more.
38 So --
39 JAKE EDGAR: And again, I just need --
40 COMMISSIONER STIENMETZ: What'd you have there for an

1 estimate for the fence?
2 JAKE EDGAR: It was 5200.
3 COMMISSIONER STIENMETZ: Fifty-two hundred?
4 COMMISSIONER WAITS: And then the 2500?
5 COMMISSIONER BULLOCK: No, that's --
6 JAKE EDGAR: That's already out.
7 COMMISSIONER BULLOCK: That's out.
8 COMMISSIONER STIENMETZ: That's already out.
9 JAKE EDGAR: Keith already paid for the concrete.
10 COMMISSIONER WAITS: So just the 52-, not the 8,000?
11 JAKE EDGAR: Right, 5200.
12 COMMISSIONER STIENMETZ: Well, I make a motion that we
13 approve the \$5200 for labor and material for the installation of
14 210 feet of the rail vinyl fence at the golf course to come out
15 of the capital improvement budget?
16 NAN ANCHO: (Indiscernible.)
17 COURT REPORTER: What was that?
18 NAN ANCHO: The capital. Battle Mountain capital.
19 COMMISSIONER STIENMETZ: Improvement. Improvement?
20 NAN ANCHO: Acquisition.
21 COMMISSIONER STIENMETZ: Oh. Acquisition. What was that
22 again, Nan?
23 ROGENE HILL: Battle Mountain --
24 NAN ANCHO: Battle Mountain capital improvement.
25 Acquisition. I'm sorry.
26 COMMISSIONER STIENMETZ: Battle Mountain --
27 COMMISSIONER BULLOCK: Capital acquisition.
28 COMMISSIONER STIENMETZ: Capital acquisition.
29 COMMISSIONER WAITS: I'll second that motion.
30 COMMISSIONER GARNER: Any public comment?
31 COMMISSIONER STIENMETZ: Oh, one.
32 What's the -- is that the fence right along the parking lot?
33 North? Facing north? Okay.
34 Thank you.
35 CHAIRMAN GARNER: All those in favor?
36 COMMISSIONER MASON: Aye.
37 CHAIRMAN GARNER: Aye.
38 COMMISSIONER WAITS: Aye.
39 COMMISSIONER STIENMETZ: Aye.
40 COMMISSIONER BULLOCK: Aye.

1 CHAIRMAN GARNER: Take a --
2 JAKE EDGAR: Thank you.
3 CHAIRMAN GARNER: Take a five-minute recess.
4 COMMISSIONER STIENMETZ: Thanks, Jake.
5 JAKE EDGAR: Thank you, guys.

6
7 (Break taken between 10:18 a.m. and 10:30 a.m.)

8
9 CHAIRMAN GARNER: Okay, call the meeting back to order.

10
11
12 **DISTRICT ATTORNEY**

13
14 11) **Discussion for possible action regarding approval of the**
15 **Lander County District Attorney's Office job descriptions for**
16 **Legal Secretary I and Legal Secretary II, and other matters**
17 **properly related thereto.**

18
19 CHAIRMAN GARNER: Discuss -- item number 11, discussion for
20 possible action regarding approval of the Lander County District
21 Attorney's Office job description for Legal Secretary I and
22 Legal Secretary II, and other matters properly related thereto.

23 DISTRICT ATTORNEY ELQUIST: I'm just bringing them in line
24 with others in this. So that's all I'm doing, updating them.

25 CHAIRMAN GARNER: Has legal reviewed these?
26 These are standard?

27 DISTRICT ATTORNEY ELQUIST: Yeah.

28 COMMISSIONER WAITS: I thought we had done one of these
29 before?

30 DISTRICT ATTORNEY ELQUIST: Right. We --

31 CHAIRMAN GARNER: We upgraded one.

32 DISTRICT ATTORNEY ELQUIST: I was -- I kind of put them
33 quickly through before. Because we changed from -- I used to
34 just have legal secretary. Then when the budget went through or
35 the changes, I was going to push them through and now I've got
36 them in line.

37 COMMISSIONER WAITS: So it's -- kind of a repeat --

38 DISTRICT ATTORNEY ELQUIST: Yeah.

39 COMMISSIONER WAITS: -- for the --

40 DISTRICT ATTORNEY ELQUIST: Yeah.

1 COMMISSIONER WAITS: -- whole total?
2 DISTRICT ATTORNEY ELQUIST: Yeah.
3 COMMISSIONER WAITS: Okay. Thank you.
4 COMMISSIONER BULLOCK: I'll make a motion we approve the
5 Lander County District Attorney's Office job descriptions for
6 Legal Secretary I and Legal Secretary II.
7 COMMISSIONER STIENMETZ: I'll second the motion.
8 CHAIRMAN GARNER: Any public comment?
9 (No comment.)
10 CHAIRMAN GARNER: All those in favor?
11 COMMISSIONER WAITS: Aye.
12 COMMISSIONER MASON: Aye.
13 CHAIRMAN GARNER: Aye.
14 COMMISSIONER STIENMETZ: Aye.
15 COMMISSIONER BULLOCK: Aye.
16
17

18 **EXECUTIVE DIRECTOR**

19
20 12) **Discussion for possible action regarding approval and**
21 **adoption of the 2014 Personnel Policy for Lander County, and**
22 **other matters properly related thereto.**
23

24 CHAIRMAN GARNER: Discussion for possible action regarding
25 adoption of the 2014 personnel policy for Lander County, and
26 other matters properly related thereto.

27 It's a big one.

28 COMMISSIONER WAITS: Jim, I know that you were the one that
29 really kind of took the handle on this and put it together. And
30 it is very thick. I -- I certainly tried to review that.
31 But -- but help me here on one because I couldn't find what I
32 was looking for and that was anything regarding our computer and
33 Internet policy. Was there anything in here? Did I just miss
34 it?

35 JIM McGUIRE: I'd have to go through it myself and look for
36 that specifically, which I can do.

37 COMMISSIONER WAITS: I -- I tried to do that.

38 JIM McGUIRE: It might not be in here. I might have to
39 have POOL/PACT add us language for that, if it's not in there.
40 But I will check and get back to you.

1 COMMISSIONER WAITS: Okay. With that, I'd just as soon, if
2 it's okay with everybody else, I'd just as soon defer that when
3 we have a chance to go through it a little bit further and
4 update the --

5 COMMISSIONER BULLOCK: I honestly would like a month
6 instead.

7 COMMISSIONER STIENMETZ: Yeah.

8 COMMISSIONER WAITS: Okay.

9 COMMISSIONER BULLOCK: You know, I've got some comments,
10 but I would like to get them all together.

11 CHAIRMAN GARNER: I didn't see the cell phone.
12 I didn't see anything under cell phone. Did you guys?

13 COMMISSIONER WAITS: Well, cell phone while you're driving,
14 yes.

15 CHAIRMAN GARNER: No, but --

16 COMMISSIONER WAITS: Texting on a cell phone while you're
17 driving. But are you talking about --

18 COMMISSIONER STIENMETZ: Use of a company cell phone.

19 CHAIRMAN GARNER: Just cell phone, period. Yeah.

20 COMMISSIONER WAITS: Of the company -- of the county cell
21 phone?

22 COMMISSIONER STIENMETZ: County -- well -- county cell
23 phone.

24 JIM OLSON: I think it's on page 38. It starts on 38.
25 Information technology.

26 COMMISSIONER WAITS: I'll make a motion we defer this for
27 two agendas.

28 COMMISSIONER BULLOCK: I'll second it. It's looking good.
29 I just got questions.

30 JIM OLSON: That's fine.

31 CHAIRMAN GARNER: Any public comment?
32 (No comment.)

33 CHAIRMAN GARNER: All those in favor?

34 JIM OLSON: It's awful thick --

35 COMMISSIONER STIENMETZ: Aye.

36 JIM OLSON: -- to go through.

37 COMMISSIONER BULLOCK: Aye.

38 COMMISSIONER WAITS: Aye.

39 COMMISSIONER MASON: Aye.

40

1 COMMISSIONERS

2
3 13) Discussion for possible action regarding approval/disapproval
4 of the FAA Grant Application for the Battle Mountain Airport
5 Pavement Rehabilitation Project; authorization for the
6 Chairman to sign and submit the FAA Grant Application; and
7 other matters properly related thereto.
8

9 CHAIRMAN GARNER: Thirteen, discussion for possible action
10 regarding approval/disapproval of the FAA Grant Application for
11 the Battle Mountain Airport Pavement Rehabilitation Project;
12 authorization for the Chairman to sign and submit the FAA Grant
13 Application; and other matters properly related thereto.

14 Has this been reviewed by legal through J-U-B?

15 DISTRICT ATTORNEY ELQUIST: No. We didn't receive this.

16 It's basically the same one they do every year though, --

17 COMMISSIONER BULLOCK: It's the same one.

18 DISTRICT ATTORNEY ELQUIST: -- so we've reviewed it
19 previously.

20 CHAIRMAN GARNER: Are you good with it?

21 DISTRICT ATTORNEY ELQUIST: Yeah.

22 JIM OLSON: Standard form.

23 DISTRICT ATTORNEY ELQUIST: Yeah, it's standard.

24 COMMISSIONER BULLOCK: Usually it's time sensitive also.

25 DISTRICT ATTORNEY ELQUIST: Yeah.

26 COMMISSIONER BULLOCK: I make a motion the commission
27 approve the FFA Grant Application for the Battle Mountain
28 Airport Pavement Rehabilitation Project and authorize the
29 chairman to sign and submit the FAA grant application.

30 COMMISSIONER MASON: Second.

31 CHAIRMAN GARNER: Any public comment?

32 (No comment.)

33 CHAIRMAN GARNER: All those in favor?

34 COMMISSIONER BULLOCK: Aye.

35 CHAIRMAN GARNER: Aye.

36 COMMISSIONER STIENMETZ: Aye.

37 COMMISSIONER BULLOCK: Aye.
38
39
40

1 14) Discussion for possible action regarding approval/disapproval
2 of the FAA Grant Application for the Austin Airport Apron
3 Expansion Project; authorization for the Chairman to sign and
4 submit the FAA Grant Application; and other matters properly
5 related thereto.
6

7 CHAIRMAN GARNER: Fourteen, discussion for possible action
8 regarding approval/disapproval of the F -- FAA Grant Application
9 for the Austin Airport Apron Expansion Project; authorization
10 for the chairman to sign and submit the FAA Grant Application;
11 and other matters properly related thereto.

12 COMMISSIONER MASON: This is the same as 13, right?

13 COMMISSIONER WAITS: I'll make a motion we approve the FAA
14 Grant Application for the Austin Airport Apron Expansion Project
15 and authorize the chairman to sign and submit the grant
16 application.

17 COMMISSIONER STIENMETZ: I'll second the motion.

18 CHAIRMAN GARNER: Any public comment?

19 (No comment.)

20 CHAIRMAN GARNER: All those in favor?

21 COMMISSIONER MASON: Aye.

22 COMMISSIONER WAITS: Aye.

23 CHAIRMAN GARNER: Aye.

24 COMMISSIONER STIENMETZ: Aye.

25 COMMISSIONER BULLOCK: Aye.

26

27 15) Discussion for possible action regarding approval/disapproval
28 of the Retainer Agreement between Lander County and Thorndal,
29 Armstrong, Delk, Balkenbush & Eisinger, to handle the appeal
30 of the ORNI 39, LLC decision from the State of Nevada Office
31 of Energy, fees to be computed and payable on a time and
32 hourly basis at the rate of \$150.00 per hour for senior
33 attorneys and \$140.00 per hour for associate attorneys; and
34 other matters properly related thereto.
35

36 CHAIRMAN GARNER: Discussion for possible action
37 approval/disapproval of the retainer agreement between Lander
38 County and Thorndal, Armstrong, Delk, Balkenbush & Eisinger, to
39 handle the appeal of the ORNI 39, LLC, decision from the State
40 of Nevada Office of Energy, fees to be computed and payable on a

1 time and hourly basis at the rate of 150 per hour for senior
2 attorneys and 140 per hour for associate attorneys; and other
3 matters properly related thereto.

4 COMMISSIONER WAITS: Yes, Angie I have a question. When we
5 decided to go forward with this, it was our terminology that we
6 were actually working towards, not the criteria or anything like
7 that.

8 And I know you and I were on the same page with your -- but
9 when we got the information back from Nevada Energy and their
10 decision, they never mentioned once on that, never even
11 addressed it. They just went on to say, oh, look, they met all
12 the criteria.

13 DISTRICT ATTORNEY ELQUIST: Right.

14 COMMISSIONER WAITS: With this, this is something you
15 apparently feel that you're not qualified to take forward and --

16 DISTRICT ATTORNEY ELQUIST: Well, --

17 COMMISSIONER WAITS: -- you want us to take go outside?

18 DISTRICT ATTORNEY ELQUIST: The -- the petition we'd have
19 to file has to happen in Carson City. And Elko -- Elko County,
20 I think they approved theirs yesterday. But we're going to be
21 splitting costs because we have the exact same issue.

22 So we've been talking with Brent Kolvet, the attorney, and he
23 is ready to run with this and do the initial -- the petition in
24 Carson City.

25 Yeah, I don't have the -- we don't have the resources to --
26 to, in my office, --

27 COMMISSIONER WAITS: Okay.

28 DISTRICT ATTORNEY ELQUIST: -- to handle this and go to
29 Carson City and --

30 COMMISSIONER WAITS: But we're looking at something. We're
31 looking at court. We're looking at a judge making what?
32 Summary judgment?

33 DISTRICT ATTORNEY ELQUIST: A legal determination.

34 COMMISSIONER WAITS: Legal determination?

35 DISTRICT ATTORNEY ELQUIST: Yes.

36 COMMISSIONER WAITS: So it shouldn't be all that expensive
37 time-wise --

38 DISTRICT ATTORNEY ELQUIST: No.

39 COMMISSIONER WAITS: -- is what we're saying?

40 DISTRICT ATTORNEY ELQUIST: And like I said, Elko -- we're

1 going to be splitting it with Elko.

2 COMMISSIONER BULLOCK: Can I ask Grant Gerber to come up
3 here? Elko County commissioner and --

4 DISTRICT ATTORNEY ELQUIST: Oh, did you guys approve it
5 yet?

6 COMMISSIONER WAITS: And attorney.

7 COMMISSIONER GRANT GERBERT: Do I push something or am I
8 on?

9 COMMISSIONER BULLOCK: No, you're good.

10 COMMISSIONER GRANT GERBERT: Okay. Yes, we did approve.
11 And we're looking at an excess of \$400,000 loss to Elko County,
12 you know, because of this.

13 And so we're definitely in it. And we really welcome you in.
14 And we'll do whatever, you know, we and our -- our district
15 attorney's office agrees that it's a good idea. And I've worked
16 with that law firm before. And they're good. And I think that --
17 and they'll also give us a better rate because they also handle
18 that pool. So I think we're -- we're not positive we'll win. But
19 by doing what we're doing, even if we don't win, I think we may be
20 able to put pressure on the legislature to -- to back away from
21 this silly approach they've got.

22 I can't remember which one of the commissioners yesterday
23 said, it's just not right for one business to get a big benefit at
24 the -- at the expense of the others and at the expense of the
25 schools and the county.

26 So we're in it.

27 DISTRICT ATTORNEY ELQUIST: Thank you.

28 COMMISSIONER GRANT GERBERT: Any questions?

29 Thank you.

30 COMMISSIONER WAITS: Thank you.

31 CHAIRMAN GARNER: Thank you, Grant.

32 COMMISSIONER BULLOCK: I'll make a motion the commission
33 approve to retain the retainer agreement between Lander County
34 and Thorndal, Armstrong, Delk, Balkenbush & Eisinger, to handle
35 the appeal of the ORNI 39, LLC, decision from the State of
36 Nevada Office of Energy, fees to be computed and payable on a
37 time and hourly basis at the rate of \$150 per hour for senior
38 attorneys and \$140 per hour for associate attorneys.

39 COMMISSIONER MASON: I second it.

40 CHAIRMAN GARNER: Any public comment?

1 COMMISSIONER WAITS: I just have one comment on it. And I
2 don't know whether this is part of what they're bringing up.
3 But I had a real problem with the conflict of interest with
4 their Department of Energy on their appointment for their
5 director, who did recuse himself, and it was the deputy director
6 who did our appeal. But he was the same one that was a high
7 employee with Ormat and came forward to this commission and
8 asked for the original abatement that this commission denied.

9 So I -- I think that's -- that's part of what they're looking
10 at too.

11 DISTRICT ATTORNEY ELQUIST: That will be a separate issue.

12 COMMISSIONER WAITS: Would it?

13 DISTRICT ATTORNEY ELQUIST: You guys can decide if you want
14 -- how you would want to address that and who you want to take
15 that up with, I guess. So that's -- that doesn't pertain to
16 this appeal.

17 COMMISSIONER WAITS: Okay, thank you.

18 CHAIRMAN GARNER: Any other public comment?

19 COMMISSIONER MASON: Is there any way we can get this --
20 somebody from this legal office to come and talk to us?

21 COMMISSIONER WAITS: No. We don't want to do that.

22 DISTRICT ATTORNEY ELQUIST: What I believe he is going to
23 do, though, is layout the, you know, the pros and cons. And
24 we'll present maybe in a legal meeting but we'll go forward and
25 let you know on that one.

26 COMMISSIONER MASON: Good.

27 You don't know everything.

28 CHAIRMAN GARNER: All those in favor?

29 COMMISSIONER BULLOCK: Aye.

30 COMMISSIONER WAITS: Aye.

31 COMMISSIONER MASON: Aye.

32 COMMISSIONER STIENMETZ: Aye.

33

34 16) Discussion for possible action regarding approval/disapproval
35 of proposed providers and rates for the 2014-2015 Lander
36 County employees medical, dental, vision and life insurance,
37 and other matters properly related thereto.

38

39 Discussion for possible action regarding
40 approval/disapproval of proposed providers and rates for the

1 2014/'15 Lander County employees medical, dental, vision and
2 life insurance, and other matters properly related thereto.
3 JOY SWEENEY: Hello.
4 COMMISSIONER STIENMETZ: Hello.
5 CHAIRMAN GARNER: Your name for the record.
6 JOY SWEENEY: Joy Sweeney, for the record.
7 We have been, about the last two or three months, getting
8 proposals and discussing health insurance for county employees.
9 And we have been using Anthem Blue Cross Blue Shield. And
10 they came back with the best rate again to us this year.
11 So -- um, we would be -- our medical insurance would be with
12 Anthem again. We did have an eight percent increase. But it was
13 the least by far that we got in any other bid.
14 We did change our dental insurance to Guardian.
15 They came in with a great rate with a great list of providers
16 in the rural areas.
17 And so we did change the dental to Guardian.
18 The VSP stayed the same and Anthem Life Insurance stayed the
19 same.
20 The -- the VSP did go up more than we wanted it to. It had a
21 25 percent increase.
22 But when we went out to other companies, we -- they didn't
23 have any providers in our areas. And so I think we were --
24 because of the rural situation, we took the big hit in the vision
25 and stayed with VSP.
26 Any questions?
27 COMMISSIONER WAITS: I just have one comment.
28 JOY SWEENEY: Sure.
29 COMMISSIONER WAITS: Joy, thank you, and to all the
30 insurance committee. I did look at this very carefully. I know
31 the original increase they came in was 17 percent.
32 JOY SWEENEY: That's correct.
33 COMMISSIONER WAITS: But just as an overall statement the
34 Affordable Healthcare Act and -- and the requirements for that
35 for insurance companies automatically increased this 4 to 5.
36 COMMISSIONER STIENMETZ: Mm-hm.
37 JOY SWEENEY: Mm-hm.
38 COMMISSIONER WAITS: There wasn't anything --
39 JOY SWEENEY: Right.
40 COMMISSIONER WAITS: -- anybody could do.

1 JOY BRANDT: Exactly.
2 COMMISSIONER WAITS: So with that, they really did work
3 with coming down.
4 JOY SWEENEY: Yes.
5 COMMISSIONER WAITS: I'm pleased, number one, that we can
6 stay with the same company because their network is one that
7 we're all used to. And a lot of folks here love the Salt Lake
8 City group, and the others we were considering would not have
9 that -- that kind of --
10 JOY SWEENEY: You know --
11 COMMISSIONER WAITS: -- flexibility.
12 JOY SWEENEY: And that's the issue of living in the rurals
13 is finding providers or finding companies -- insurance companies
14 that have the providers you need.
15 They have huge directories in the cities. But in the rural,
16 we have to be careful of what we purchase.
17 And so the VSP, I'm sure we could have gotten a cheaper rate,
18 but they just didn't have the providers we needed for vision
19 coverage.
20 COMMISSIONER WAITS: Thank you. I'll make a motion that
21 Lander County Board of Commissioners accepts the proposed
22 insurance providers and rates for the medical insurance with
23 Anthem; dental insurance, Guardian; vision insurance, VSP; and
24 the life insurance with Anthem.
25 COMMISSIONER STIENMETZ: I'll second the motion.
26 CHAIRMAN GARNER: Any public comment?
27 (No comment.)
28 CHAIRMAN GARNER: All those in favor?
29 COMMISSIONER MASON: Aye.
30 COMMISSIONER WAITS: Aye.
31 CHAIRMAN GARNER: Aye.
32 COMMISSIONER STIENMETZ: Aye.
33 JOY SWEENEY: Thank you.
34 COMMISSIONER BULLOCK: Aye.
35 CHAIRMAN GARNER: Thanks, Joy.
36 COMMISSIONER WAITS: Thank you, Joy.
37 COMMISSIONER STIENMETZ: Thank you.
38
39
40

1 17) Discussion for possible action regarding approval/disapproval
2 of the Non-Disclosure and Confidentiality Agreement between
3 Lander County and the Nevada Institute for Autonomous Systems
4 (NIAS) to make the Battle Mountain Airport a designated test
5 site, and other matters properly related thereto.
6

7 CHAIRMAN GARNER: Seventeen, discussion for possible action
8 regarding approval/disapproval of the Non-Disclosure and
9 Confidentiality Agreement between Lander County and the Nevada
10 Institute for Autonom- -- Autonomous --

11 COMMISSIONER MASON: Autonomous.

12 CHAIRMAN GARNER: -- Autonomous Systems (NIAS) to make the
13 Battle Mountain Airport a designated test site, and other
14 matters properly related thereto.

15 This is back because we have --

16 COMMISSIONER BULLOCK: I received a letter, or an e-mail,
17 from Don Cunningham wondering why the Battle Mountain Airport
18 had not filed its non-disclosure. And we were told they weren't
19 interested in us. And they're coming directly after us saying,
20 we are interested. And the letter's in your packet. It was in
21 your box, that I received from him that they very much are
22 interested in Battle Mountain because of what we have and what
23 we offer.

24 So this is put back on here along with the confidentiality
25 agreement that I believe Jim has ready to go if we want to go
26 ahead with it to sign it. So have you seen this, Angie?

27 DISTRICT ATTORNEY ELQUIST: I looked at it. The only
28 thing, it names you as a contact person.

29 COMMISSIONER BULLOCK: I know.

30 DISTRICT ATTORNEY ELQUIST: And clearly, it will be
31 confidential information. So you're going to be the one that's
32 going to be the holder of that.

33 COMMISSIONER BULLOCK: No, not necessarily. It just.

34 COMMISSIONER WAITS: Well, the one that we signed before
35 was for the Austin Airport, right?

36 COMMISSIONER BULLOCK: Yes. Exactly.

37 COMMISSIONER WAITS: So we need to sign this one for the
38 Battle Mountain?

39 COMMISSIONER BULLOCK: Yes.

40 CHAIRMAN GARNER: Correct.

1 DISTRICT ATTORNEY ELQUIST: Yes.
2 COMMISSIONER STIENMETZ: I'll make a motion the commission
3 a- -- for the commission approval of the Non-Disclosure and
4 Confidentiality Agreement between Lander County and the Nevada
5 Institute for Autonomous Systems (NAIS) to make the Battle
6 Mountain Airport a designated test site and authorize the chair
7 to sign or --
8 COMMISSIONER BULLOCK: Second.
9 CHAIRMAN GARNER: Any public comment?
10 (No comment.)
11 CHAIRMAN GARNER: All those in favor?
12 COMMISSIONER MASON: Aye.
13 COMMISSIONER WAITS: Aye.
14 COMMISSIONER STIENMETZ: Aye.
15 COMMISSIONER BULLOCK: Aye.
16 CHAIRMAN GARNER: Aye.
17 COMMISSIONER BULLOCK: Let's change it.

18
19

20 **BOARD APPOINTMENTS**

21

22 18) Discussion for possible action regarding appointment of
23 Franklin B. Whitman to the 2014-2015 Category 3 Lander County
24 Public Lands Use Advisory Planning Commission, and other
25 matters properly related thereto.

26

27 CHAIRMAN GARNER: Eighteen, discussion for possible action
28 regarding appointment of Franklin B. Whitman to the 2014/'15
29 Category 3 Lander County Public Lands Advisory -- Lands Use
30 Advisory Planning Commission, and other matters properly related
31 thereto.

32

So just a letter from Franklin who wants to be reappointed.

33

34

COMMISSIONER WAITS: And we did not receive any other
letters of interest, I don't believe, --

35

CHAIRMAN GARNER: This is the only one.

36

COMMISSIONER WAITS: -- right? Okay.

37

CHAIRMAN GARNER: This is the only one.

38

39

COMMISSIONER WAITS: I'll make a motion that we reappoint
Mr. Frank Whitman to the Lander County Public Lands Use Advisory
40 Planning Commission for the two-year period beginning July 1st

1 2014.

2 COMMISSIONER STIENMETZ: I'll second the motion.

3 CHAIRMAN GARNER: Any public comment?

4 (No comment.)

5 CHAIRMAN GARNER: All those in favor?

6 COMMISSIONER MASON: Aye.

7 CHAIRMAN GARNER: Aye.

8 COMMISSIONER WAITS: Aye.

9 COMMISSIONER STIENMETZ: Aye.

10 COMMISSIONER BULLOCK: Aye.

11

12 19) Discussion for possible action regarding appointment of
13 Franklin B. Whitman to the 2014-2015 Category 3 Austin
14 Airport Advisory Board, and other matters properly related
15 thereto.

16

17 CHAIRMAN GARNER: Discussion for possible action regarding
18 appointment of Frank B. Whitman to the 2014/'15 Category 3
19 Austin Airport Advisory Board, and other matters properly
20 related thereto.

21 Once again, Frank is the only one for this reappointment or
22 even interested.

23 COMMISSIONER WAITS: I'll make a motion that we appoint
24 Frank Whitman to the Austin Airport Advisory Board for one year,
25 a term beginning July 1st, 2014.

26 COMMISSIONER STIENMETZ: I'll second the motion.

27 CHAIRMAN GARNER: Any public comment?

28 (No comment.)

29 CHAIRMAN GARNER: All those in favor?

30 COMMISSIONER MASON: Aye.

31 COMMISSIONER WAITS: Aye.

32 COMMISSIONER STIENMETZ: Aye.

33 COMMISSIONER BULLOCK: Aye.

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1 COMMISSIONERS

2
3 20) Discussion for possible action regarding presentation and
4 approval/disapproval of the draft FY 2015-2024 Annual Work
5 Program (AWP) containing proposed highway projects from the
6 Nevada Department of Transportation (NDOT) and other matters
7 properly related thereto.
8

9 CHAIRMAN GARNER: Discussion for possible -- twenty,
10 discussion for possible action regarding presentation and
11 approval/disapproval of the draft FY 2015-2024, through 2024,
12 Annual Work Program contained proposed highway projects for the
13 Nevada Department of Transportation (NDOT), and other matters
14 properly related thereto.

15 COMMISSIONER BULLOCK: Just in time.

16 RUDY MALFABON: Good morning, Commissioners.

17 CHAIRMAN GARNER: Please speak your name --

18 RUDY MALFABON: My name is Rudy Malfabon, I'm the director
19 of --

20
21 (Court reporter requested spelling of name.)
22

23 RUDY MALFABON: It's Rudy Malfabon. I'm the Director of
24 Nevada Department of Transportation. And it's that time of year
25 again where we come and visit all the -- the counties across the
26 state and give them an update on what's happening funding-wise,
27 what are some of the -- the issues with transportation, and also
28 talk about the projects and the issues related to your specific
29 county.

30 I wanted to -- to mention that a lot of folks were able to
31 attend with me today. Paul Schneider is the assistant division
32 administrator from Federal Highway Administration.

33 Kevin Lee, you all know, the district engineer up in Elko,
34 brought a lot of his folks from maintenance. Randy Hesterlee;
35 Mike Murphy, who's a short-timer; Dave Lindeman from Winnemucca;
36 Andy Rodriguez; and Boyd Ratliff; Jim Arbonies from the
37 maintenance staff for Kevin.

38 From Carson City for NDOT, Jason Van Havel, Rebecca
39 Kapuler, and Catherine Cuccaro are from our Transportation
40 Multimodal Planning Division.

1 So to start out with, I wanted to give you an update on
2 what's happening on the federal level for funding. We're under
3 a transportation bill that's called MAP-21. And it expires
4 September 30th. But what Congress did was authorize certain
5 spending levels to the state DOTs, which is actually going to
6 spend down that highway fund balance at the federal level. And
7 it's actually -- they're thinking July or August, it's going to
8 dip into the red. So the -- the feds will have to kind of cut
9 back on reimbursements.

10 Congress is deliberating the transportation reauthorization
11 of MAP-21 and looking at the options of whether -- what they've
12 done in the past is take some general fund money at the federal
13 level and -- and prop up the highway trust fund. Or one of the
14 other considerations is to raise revenue by some other means.
15 One of the options they've talked about -- the President's
16 proposal was to re- -- get some of these businesses that have
17 offshore businesses to take that tax revenue back into the
18 United States. And that would be several billions of dollars
19 that could be used for transportation.

20 So not only are they considering things like gas tax or
21 moving toward a different type of revenue increase, but also
22 looking at other options that were not discussed before like
23 that, reincorporation of offshore tax revenue.

24 So what we plan on doing on Monday at our transportation
25 board meeting is giving our transportation board a list of
26 projects that could be affected by this funding scenario. Because
27 what they're saying is if Congress does not act, there would be no
28 new federal funding for new projects -- federal aid projects in
29 2015.

30 The federal fiscal year starts October 1st. So in that year,
31 starting October 1st, we wouldn't have any new federal money for
32 projects. They would still pay the money that they've obligated
33 for current projects. So it is a concern to us. And we want to
34 provide that list of projects that could be affected to our
35 congressional delegation as they work on reauthorization of
36 MAP-21.

37 The other thing that's been happening related to MAP-21 is
38 rule making. There's performance measures that have been required
39 by that -- that bill. And the first set of rules are regarding
40 safety performance measures.

1 We've been tracking fatalities and -- and serious injuries
2 for years now. So it doesn't have a large impact on the states
3 because we've been collecting that data. But it is going to be
4 tied now to performance. So it might be that a state DOT is told
5 you need to spend more money on safety projects because your
6 fatality rate is increasing. And that's not acceptable.

7 The -- the latest statistics show that compared to this
8 time last year we're about 14 less fatalities on our Nevada
9 streets and highways than we were a year ago. So that's good
10 news.

11 The -- one of the programs that's -- that's funded federally
12 is called the Transportation Alternatives Program or TAP. It used
13 to be related to enhancement projects, so bike and ped trails,
14 safe routes to schools, scenic byways, those type of projects.

15 This is the first year that we went to an electronic
16 submittal process. So in the past, you used to wait for an
17 annual call for projects and submit your application for
18 projects.

19 You had submitted previously for that pedestrian bridge over
20 I-80 to get the kids across from one side of the highway to the
21 other safely. That was approved for the preliminary engineering
22 phase of the project with the construction phase to be funded out
23 of a different program, I believe.

24 But this is the first year that we went to that electronic
25 document -- submittal process. And it's worked well.

26 The other thing that we're working on is called an Electronic
27 Statewide Transportation Improvement Program or ESTIP. That is
28 the list of the next four years' worth of projects statewide. And
29 some of those projects come up through the Las Vegas area, through
30 the regional transportation commission there, through Washoe
31 County, Tahoe, and Carson -- Carson area. But the other state
32 projects are coming from NDOT. And they're added in that list.
33 And our transportation board approves that document every year.

34 The thing that we've also been doing recently is to try to do
35 more workshops, what we call consultation process and find out
36 what's important to you as far as transportation issues and safety
37 issues on our roads and highways.

38 And we did ten workshops in fiscal year 2014. We're going to
39 continue doing that type of outreach. Because we know your time
40 is limited during county commission meetings, we want to get more

1 direct communications going with the tribes and the counties
2 throughout the state.

3 You'll see a couple of things from -- that we're enacted in
4 the state legislature that are going to require us to do a
5 public regulation-making process. One of them has to do with
6 road relinquishments. We work with the Nevada Association of
7 Counties and the League of Cities to develop a process for
8 relinquishing roads. Sometimes it's a road swap. Sometimes
9 it's a relinquishment.

10 The -- the idea, though, was that NDOT would not be
11 unilateral in its approach. There might be -- because there's
12 limited amount of funding for road maintenance and not enough to
13 go around, we might have to decrease the amount of maintenance on
14 some of the lower volume routes through the state.

15 But the idea was that we aren't going to be unilateral on
16 saying, county, you need to take this or, city, you need to take
17 this road. Because we've heard pretty consistently that
18 counties and cities don't have anymore road funds available to
19 take over any state roads.

20 So we know that that's an issue across the state.

21 So we will to be doing those. The -- because the NRS that
22 was approved by the legislature had used the term "regulations,"
23 we're going through that public meeting process to -- to get the
24 feedback on -- on what was basically discussed and agreed to with
25 NACO and the League of Cities on road relinquishments process.
26 Eventually, we'll go through these public meetings, take those
27 comments into account, and then take those regulations to the
28 board for adoption.

29 The other regulations had to do with -- that we'll be doing
30 public meetings on -- had do with digital billboards or outdoor
31 advertising. It was something that was put into the NRS that we
32 would develop those regulations. So we have to go through this
33 open meeting process to take in comments on that as well. When
34 you go to certain areas, like along the freeways, you might see
35 some of these signs. They're very expensive to install so they're
36 not everywhere. But it is something that the legislature has
37 required us to adopt regulations for these outdoor advertising
38 systems. And for the most part, we don't see a big -- a major
39 problem with that, with -- but following the Federal Highway
40 Administration guidance on outdoor advertising with digital

1 billboards.

2 The -- we've been doing state bicycle plans for the rural
3 counties. I think that we'll -- in April, we might have had the
4 kick-off meeting here. But the idea was to adopt rural bike plans
5 for a lot of the counties across the state. In the urban areas,
6 those bike plans are -- are put together by the regional
7 transportation commissions or in Washoe or in Las Vegas, for
8 southern Nevada. But in the rural areas of the state, it's NDOT's
9 responsibility to get with the counties and the cities to develop
10 those plans. So we are in the midst of putting together those
11 plans with public input and stakeholder input.

12 The other thing to mention is that NDOT's been studying I-80
13 as a corridor, along with other states: Utah, Wyoming, and
14 California. We feel that when we study I-80 and its needs for
15 movement of freight as a corridor, it gives us more leverage to
16 apply for grants, TIGER grants or operational grants from the
17 federal government. We've been successful on I-15 as a corridor
18 study with our multistate partners and received some grant moneys
19 for -- for some improvements on that corridor. We want to do the
20 same. We've been doing the I-80 Corridor Study, wrapping that up,
21 and hopefully it will turn into federal money for some of these
22 improvements needed on I-80.

23 With that, I'll go into some of the issues that have come
24 up before in Lander County. The -- Commissioner Waits had
25 expressed concerns about not having deer crossing signs in the
26 Austin area.

27 Randy Hesterlee was going to look and see if -- he believed
28 there were signs in that area. I don't know if Randy confirmed
29 that. One of the other issues --

30 COMMISSIONER BULLOCK: I think he's ready to talk on that.
31 So --

32 RUDY MALFABON: Okay, Randy.

33 RANDY HESTERLEE: Actually, those were installed in March.
34 After having the local maintenance crew pay particular attention
35 to what they were seeing in the region, we installed three
36 additional signs through that area. There was one for the
37 eastbound direction, but we added two more in between them. And
38 we installed three additional signs in that area.

39 RUDY MALFABON: Thank you, Randy.

40 Last year Commissioner Garner had expressed concerns

1 regarding rest areas. And we know that there's been a couple of
2 rest areas in District 3 that have had some issues with water
3 quality and septic issues. We're trying to contract out that --
4 those services more for a janitorial and septic pumping. But
5 Kevin's aware of those issues. And unfortunately, we've had to
6 close some rest areas for repair. There was something that's been
7 discussed with Governor Sandoval about trying to pay more
8 attention to rest areas and maybe reconstructing some of these
9 rest areas that have -- along the interstates in particular.

10 So it's -- it's something that the governor has noted, too,
11 that we need to address. And it really supports tourism,
12 especially in rural Nevada, and also promotes safety by having
13 folks that -- if there -- if it's an attractive rest area, they're
14 more likely to use it and maybe actually rest and not be fatigued
15 as drivers on our highways.

16 Commissioner Bullock had -- had discussed the flood levy.
17 And Kevin was filling me in about this -- the issue and the
18 feeling that Lander County didn't want to be taken advantage of to
19 pay the expense of raising the grade of the interstate or a -- or
20 a levy system.

21 The -- unfortunately, we don't have the -- the -- the funding
22 to raise the elevation of I-80 ourselves. And the other position
23 that NDOT's taken is that we don't want to use the -- the
24 interstate as a primary levy system for flood control. We feel
25 that if there's levies needed that they should be constructed
26 independent of the interstate system.

27 So I think this is going to bear some more discussion. We
28 know that Lander County wants us to address this, using the
29 interstate as a flood control. So I think that it's going to
30 bear more discussion. We don't have a solution yet that we can
31 present today.

32 The -- I talked about the -- the bike plan that was -- we had
33 our kick-off meeting in April, I believe. And that will take a
34 few months to develop that bike plan with stakeholder input.

35 Commissioner Waits had inquired about funding in the
36 Transportation Alternatives Program. And that -- I mentioned
37 that earlier that we did have the professional -- I mean, a
38 preliminary engineering funded through the TAP program for that
39 pedestrian bridge over I-80.

40 And another issue was brought up about the bump.

1 Commissioner Garner had talked about the bump near Valmy. And
2 Kevin Lee was telling me that -- and we work on that every year
3 because it's it reappears every year. We grind it down. We might
4 have to some -- some overlay of that. Because if you grind every
5 year, it's just going to make the pavement thinner and thinner.
6 So we'll probably have to address it with paving over that -- that
7 that spot area that has that bump that reappears. And we work
8 with Newmont on that work. So they're good partners with us on
9 helping to offset some of the costs of that repair.

10 So if -- I'm open to any new issues before I get into some
11 of the projects in Lander County. Any new transportation issues
12 or safety issues you want to discuss?

13 COMMISSIONER MASON: I have some.

14 And I don't know if you want to discuss it right now.

15 Right now 305 is fast becoming a traffic problem for us.
16 And I have prepared one of our local maps to outline future
17 problems we see.

18 RUDY MALFABON: Okay.

19 COMMISSIONER MASON: What I would like to do is just
20 mention them as a whole and then give you the map and let you
21 guys think about it.

22 We have a traffic jam -- we've just put in 65 new
23 apartments on Lemaire Road, which is the first road to the right
24 over the freeway. And it's a residential street. It leads to
25 the school. It also leads to these apartments that are being
26 rented right now, which will be another 120 cars if you figure
27 two cars to a unit.

28 Then there's -- they have -- this contractor has plans for
29 another 60 units. And the area that I'm talking about here on the
30 map is between the freeway and Lemaire Road. It goes all the way
31 up to 305. So assuming that's all going to be apartments in the
32 near future -- I mean, the very near future. We're talking two --
33 two cars per apartment all the way through when it bumps -- when
34 the new apartments get in there. So anywhere between a 400 cars
35 are going to be piled into this area and no new road access at
36 all. And I think that's worth looking at.

37 Plus, at the end of Lemaire Road, we have a sports complex
38 going in through the school department -- through the -- yeah,
39 our school department. And that's going to create more traffic.
40 So what it comes down is that the -- at 305, we have a

1 junction -- Lemaire Road comes on to 305. And if you're coming
2 from Lemaire School, you might sit there 20 minutes to get a
3 hole in the free- -- of the traffic going over on 305.

4 So it is a four-way. We need a stoplight there before some-
5 -- and the kids are walking that area. Even though we're going to
6 try and get this -- this bridge built across the freeway for the
7 kids, it's not going to completely take the kids off the street
8 here.

9 So that's on the map.

10 RUDY MALFABON: Okay.

11 COMMISSIONER MASON: It's an issue here. Then we have
12 the -- the next street over, which most traffic people realize
13 they could cross over to Carson Road which is the next street,
14 that also needs a light. We need to stop the traffic so that
15 every car has a chance to get through. Otherwise, they're going
16 to take -- individual car owners are going to take chances to
17 get on 305 when they see an opening because 305's direct
18 traffic. And there's no -- without a stoplight on either of
19 these intersections, it's just a matter of minutes before
20 somebody's going to have an accident.

21 Then we go down one more to Carson Road. We have across
22 that is the entrance to the police station or the county
23 sheriff's office.

24 And then we go down further, and we have a new courthouse
25 going in. I have a picture of it here that I'm going to give to
26 your people. And it's 61,000 square feet. And all of our --
27 the good portion of our county employees are going to be
28 trafficking to the new location on -- off of 305 in a year.
29 That's a hundred cars or more plus all the traffic that it
30 brings to the courthouse.

31 And that's got to -- and I've mapped that out here for
32 consideration as to the amount of traffic that's changing in this
33 direction.

34 And then further down, we have 69 new homes going in off
35 Sheep Creek Road, which is around the golf course. And it's just
36 more traffic.

37 So immediately -- on the other side of the freeway at
38 Broyles Ranch Road where Wells Fargo Bank is, we need a
39 stoplight there to keep traffic flowing back for -- you know,
40 it's just -- I don't know unless you've got a better way to

1 handle it.

2 But here is the map and my notes. Who handles this?

3 RUDY MALFABON: I think we'll have Boyd Ratliff -- he works
4 for Kevin up in Elko. He's the district traffic engineer --
5 look into those.

6 COMMISSIONER MASON: That's a sketch of our new building.

7 RUDY MALFABON: Commissioner, what we typically do is for
8 signal requests, there's a certain process to -- traffic --
9 between traffic counts and delay and number of accidents and
10 fatalities, all that data is collected to see if a signal --
11 what they call it is a traffic signal warrant analysis. So if
12 it's warranted, it gets put on the list. Obviously, the amount
13 of money available is limited. But there's other solutions that
14 I think that -- that Boyd Ratliff could look at that he could
15 recommend to be designed and constructed, things like
16 acceleration or deceleration lanes, so that people have a safe
17 distance to pull out, not pull right into traffic, but to
18 accelerate and gain speed and then merge.

19 There might be some other alternatives other than a traffic
20 signal. One of the things with the -- I don't know what the speed
21 limit is on State Route 305. But when you have high speed that --
22 and you put in a traffic signal, you just have to -- it's changing
23 the nature of the road.

24 But I understand with all that development anticipated or
25 it's already occurred, that it's going -- it's changing the
26 nature of the road already. So we need to look at what we can
27 do for safety.

28 COMMISSIONER MASON: And I just want to recap it. I think
29 -- I -- it's my own opinion, but I think within the next year
30 and a half, we're going to see an extra traffic count of at
31 least 500 cars roaring down the 305 trying to get to work or
32 going wherever they're going.

33 And right now the problem is on Lemaire Road because if
34 you're stacked up there, you're waiting for an opening and 305
35 traffic going over the freeway. And it's -- it's just a matter
36 of time before we have an incident. And we don't want the
37 incident.

38 We want something done, but, you know, I'm not trying to tell
39 you how to do it. I'm just saying --

40 RUDY MALFABON: No, just bringing it to our attention. We

1 appreciate --

2 COMMISSIONER MASON: Yeah, it's something that's immediate.
3 It will happen. And I think we need to tackle it.

4 RUDY MALFABON: And that's exactly what the Federal Highway
5 Administration is -- is pushing the states to do is to get more
6 involved with the -- the local entities to anticipate these
7 types of issues. Rather than being reactive to be more --

8 COMMISSIONER MASON: Yeah.

9 RUDY MALFABON: -- more proactive. So it's in line with
10 what federal policy is. And that's what we're trying to do with
11 the -- doing more outreach as the state Department of
12 Transportation.

13 So thank you for that information we'll look into that and
14 see in the -- in terms of what improvements could be installed
15 to basically support that increase in traffic and have a safe
16 route for people to take each day.

17 So --

18 COMMISSIONER BULLOCK: Okay. I got a couple questions
19 here.

20 RUDY MALFABON: Yes.

21 COMMISSIONER BULLOCK: Are you fully staffed over here at
22 the shop yet?

23 RUDY MALFABON: Kevin, could you respond to that?

24 KEVIN LEE: I'd have to ask Dave.

25 RUDY MALFABON: Okay.

26 KEVIN LEE: It seems like we do.
27 Kevin Lee, District Engineer for NDOT.
28 Seems like we do hirings almost every week throughout our
29 districts. So the turn-over is still high. But according to
30 what they just said, we're full here at the present time, is the
31 best way to put it.

32 COMMISSIONER BULLOCK: Okay. Second question: Does the
33 superintendent live in Lander County?

34 KEVIN LEE: When you say -- excuse me, Kevin Lee, again.
35 When you say superintendent, --

36 COMMISSIONER BULLOCK: Superintendent, foreman, the
37 person --

38 KEVIN LEE: Are you saying --

39 COMMISSIONER BULLOCK: -- over this -- this shop here, does
40 he live in Lander County?

1 KEVIN LEE: I would have to say yes.

2 CHAIRMAN GARNER: Yes, he does.

3 COMMISSIONER BULLOCK: Okay. All right. Just checking.
4 Furtherall, I get people all asking all the time because we've
5 got flaws in the interstate and everything. How much money did
6 we spend on the deer crossing east -- or west of Wendover when
7 roads are in disarray? So I have people asking me all the time.
8 What did that cost to put that deer crossing in versus fixing
9 the interstates.

10 UNIDENTIFIED PARTICIPANT: Go ahead, Mike.

11 MIKE MURPHY: The structure itself -- Mike Murphy. I'm the
12 assistant district engineer for the area over there. The
13 structure itself cost us about \$3 million. But that was funded
14 under safety side of things because of the accident reduction of
15 animal hits.

16 COMMISSIONER BULLOCK: Okay. So safety, so we've got --
17 did you happen to get off 331 exit when you came in?

18 MIKE MURPHY: Mm-hm.

19 COMMISSIONER BULLOCK: And you saw the four, six-inch gap
20 in the road out there and that's not safety?

21 MIKE MURPHY: Well, --

22 COMMISSIONER BULLOCK: And yet we're out mowing the weeds
23 and not repairing the roads, I guess. I've watched what's going
24 on and when did the weeds become priority over patching the
25 road. I mean I have some concerns. You guys are putting off
26 this road and I know you have because originally it was
27 scheduled three years ago. But you're hoping we'll go in here
28 and do it because of the flood levy. And so you've kept putting
29 it off. And -- and that road is in disrepair out here, this
30 interstate. And it's not getting done.

31 And you're still not going to do it this year. I see it's
32 on '16 still. That doesn't mean it will get done in '16.

33 So I guess, you know, you talk about safety, and yet we're
34 letting the roads fall apart out here because of other issues.

35 So that's my concerns. That's what the -- the community,
36 the people are coming to me: Why are we paying for these things
37 when we're letting the roads go?

38 MIKE MURPHY: I mean, the only thing I can say is I do have
39 deer hits, lots of them in that area. And we had a track
40 history of them. I mean, it's not a perceived safety problem.

1 It actually exists.

2 COMMISSIONER BULLOCK: I know, and I've got the picture of
3 the deer, the one north of Wells standing down underneath the
4 overpass wondering where to go. So -- I mean, the
5 effectiveness, that's a debate. And I'm not here for that and
6 everything else.

7 MIKE MURPHY: I can say we put 6,000 deer a season over
8 that series of wildlife crossings over US 93.

9 COMMISSIONER BULLOCK: I understand.

10 MIKE MURPHY: We have tracked them. I mean, the various --

11 COMMISSIONER BULLOCK: But the taxpayers are concerned.
12 I'm just conveying what they have said to me is: Why are we
13 spending so much money on deer crossing when we can't take care
14 of the roads. Because we're not taking care of them. I mean,
15 this interstate out here -- Emigrant's been done three times
16 versus this interstate out here. You have done something on
17 Emigrant, whether repave it, rehabilitate the inside or
18 whatever. And we still do not have the interstate done out
19 here. And that is a concern to the people of this county that
20 we're not getting this road fixed.

21 RUDY MALFABON: The -- the I-80 project 3.3 miles east of
22 Humboldt-Lander County line to --

23 COMMISSIONER BULLOCK: Mm-hm.

24 RUDY MALFABON: -- .92 miles east of East Battle Mountain
25 interchange that project was moved up to 2015.

26 COMMISSIONER BULLOCK: On my list it says '16.

27 RUDY MALFABON: Yes, it was -- it was moved up.

28 COMMISSIONER BULLOCK: Okay. Originally it was '13, and we
29 kept going down.

30 RUDY MALFABON: Yes. And one of the issues has been -- and
31 I've been making the point to folks from southern Nevada that we
32 have responsibility for maintaining the statewide system,
33 particularly I-80 because it carries so much freight. But there
34 -- there are a lot of needs along I-80 being over 400 miles of
35 interstate and just not enough, a case of not enough money to go
36 around. But we -- we see the importance of -- of Interstate 80
37 and the need of these projects to rehabilitate the -- the
38 pavement.

39 COMMISSIONER BULLOCK: Well, I mean, you've just got a
40 concern. All these people are driving to Elko. And we've

1 redone the pavement and the -- and the pit there twice and
2 redone it. And now, we put cables up there and everything. You
3 got to understand, the people here are going: Why do you keep
4 spending money on that to make it look good when we're not
5 getting our interstate fixed?

6 KEVIN LEE: Should I address that, Rudy? That -- Kevin
7 Lee, again. The Battle Mountain bypass is built on concrete.
8 The plan was to take it all the way down to the concrete because
9 that's the right strategy.

10 The other projects that just have plant mix is typically
11 milled and filled about every eight years, eight to ten years,
12 depending on that. Those that are sitting on concrete end up
13 waiting longer to do the right strategy to go all the way to the
14 concrete.

15 So that's some of the differences between the two.

16 COMMISSIONER BULLOCK: So we're doing a bunch of small
17 projects instead of doing the big project is what I'm getting
18 here.

19 KEVIN LEE: Well, it's --

20 COMMISSIONER BULLOCK: Because you can afford to do the
21 small ones, but not the big ones.

22 RUDY MALFABON: We're doing the asphalt, basically the
23 overlays because they're on a different cycle for --

24 KEVIN LEE: Right, compared to -- I mean, I hate to say it.
25 You try to get as much life out of these that are over the
26 concrete as you can before you take them completely down.

27 COMMISSIONER BULLOCK: Well, we lost the life out here.
28 We're already behind is all I'm trying to say. Go look at that
29 gap. It's pretty obvious.

30 MIKE MURPHY: Mike Murphy again.

31 I mean, I've got several roads in my section that are all
32 built on -- there's one in Wells. There's one in --

33 Unfortunately, all the bypasses were kind of built under
34 the same strategies, the one in Elko. And we tend to run those
35 longer.

36 And I mean, it's -- it's just how you, like a diesel, you
37 change the oil every 5,000 miles and a car, you change the oil
38 every 3,000 miles. But you try to set that cycle on that
39 maintenance to be at the right cycle. And unfortunately, the
40 type of structures we've got on these jobs, you tend to try to

1 get 15 or 20 years out of it instead of the eights we see out of
2 the other ones.

3 COMMISSIONER BULLOCK: Okay.

4 CHAIRMAN GARNER: I just have one question: Are they going
5 to do -- just kind of a topic and there's a lot of funny about
6 it -- is the bridge they put in there -- the onramp they put in
7 the first Carlin exits. And then the two additional bridges
8 after the tunnel. Is there an overlay that's going to go over
9 to smooth those down, because they've just spent -- I don't know
10 -- somebody said \$18 million. And those -- that bridge going
11 eastbound to Elko, the first Carlin is -- I don't know who did
12 the job I think, I don't know, A & K or -- I don't -- whoever
13 did the job, that bridge is horrible. And those two bridges
14 past the tunnel, heading eastbound, are horrible for roughness.

15 I was just curious. Somebody said there might be an
16 overlay going to smooth those out. Once --

17 MIKE MURPHY: I can answer that one.

18 CHAIRMAN GARNER: Once --

19 RUDY MALFABON: Okay.

20 CHAIRMAN GARNER: Huh?

21 MIKE MURPHY: Mike Murphy again. What it is, is we stage
22 construction. But because we had to put the barrier rail and
23 all that stuff in the middle, we didn't want to put the last
24 layer of asphalt, the -- what we call the open grade on it last
25 year, because we would have to sandblast all that stuff back off
26 it and would tear up that open grade. So what it is, is that
27 last layer will go on when we get traffic back into the right
28 lanes and get it all straightened out, they'll put that last
29 layer of asphalt on there. Then the pavement will be the same
30 height as the bridge decks and it all should smooth out again.

31 CHAIRMAN GARNER: Because it's horrible rough.

32 MIKE MURPHY: Well, yeah, it is rough because you've got a
33 bridge. I mean, every bridge is about an inch higher than the
34 pavement on each side of it. So it's -- you feel that bump on
35 -- on and off each and every one of them, but that will get
36 straightened out at the end of the season.

37 RUDY MALFABON: And Commissioner, we have a smoothness -- a
38 pavement smoothness spec that we would basically measure that.
39 And the contractor needs to take out any bumps. He grinds them
40 off --

1 CHAIRMAN GARNER: Okay.

2 RUDY MALFABON: -- and makes them smooth.

3 CHAIRMAN GARNER: That's all I got.

4 RUDY MALFABON: Okay. Well, I appreciate those comments.
5 We'll look into those issues and follow up and get back to the
6 county commission.

7 As far as the proposed highway projects for 2015 to 2024,
8 you'll see few district contracts, the big one that we talked
9 about and that was changed from 20- to fiscal year '15 for I-80.

10 The -- on the LRE, projects with LRE, on the end of the map
11 location, those are long-range elements of -- the only change
12 was that -- that one project was moved up.

13 But their -- their long-range element are beyond the four
14 year. The STIP program is in the next four years. So anything
15 outside of that four years, you'll see it on the long-range
16 element.

17 So any questions about any of those other projects on that
18 list?

19 Then we respectfully request the acceptance of the county
20 commission on the proposed highway projects for 2015 to 2024 for
21 Lander County.

22 COMMISSIONER MASON: All of that subject to money; isn't
23 it?

24 RUDY MALFABON: Yes, we -- what we're anticipating for 2014
25 is that we get the same amount of funds that we received from
26 the federal government. Although as I stated earlier, they have
27 to address a shortfall. If there's any changes, we inform
28 Lander County and the other associated counties that have
29 projects impacted by this, the federal funding. But we're
30 hopeful that -- in the past, whenever this issue has come up,
31 they found a way to basically infuse some General Fund money
32 into the Highway Trust Fund to give us the same money that we --
33 the same level of funding that we received. So we're hopeful
34 that they'll do it, again, find a solution. But if there's any
35 changes on that, we will let you know.

36 CHAIRMAN GARNER: Thanks, Rudy.

37 COMMISSIONER STIENMETZ: Thank you.

38 COMMISSIONER MASON: I want to point out we have a new
39 executive director for a point man. So on all these projects,
40 you know, --

1 RUDY MALFABON: Okay.

2 COMMISSIONER MASON: -- if you need a -- some- -- a voice
3 to talk to, he's a -- he's a -- that's Jim Olson.

4 RUDY MALFABON: Okay.

5 COMMISSIONER WAITS: Just a quick question: On the
6 relinquishment list that comes out of the -- the different roads
7 you want to give back to the county, is there anything that you
8 will be doing this year on that?

9 RUDY MALFABON: There is a list. I think it was developed
10 through a -- in concert with NDOT through a legislative
11 committee that was looking at road relinquishments. We -- I
12 don't have the -- the entire list, but I'm sure there's --
13 there's some all across the state that we would enter into
14 discussions. There's nothing -- Kevin, are you aware of any
15 that are imminent that -- that we've been discussing. I think
16 most of them have been dealing with --

17 COMMISSIONER WAITS: Because I know --

18 RUDY MALFABON: Winnemucca.

19 COMMISSIONER WAITS: -- some of ours have been earmarked on
20 that list. But I just wondered if there was anything you would
21 be doing this year?

22 RUDY MALFABON: Not that I'm aware of.

23 COMMISSIONER WAITS: Okay.

24 KEVIN LEE: There's nothing imminent. I know Bob's going
25 to be contacting somebody, whether it's going to be Jim or not,
26 to set up a meeting, Bob Madewell out of our Carson office.

27 COMMISSIONER WAITS: Thank you.

28 COMMISSIONER BULLOCK: I'll make a motion the Commission
29 approve the draft of the fiscal year 2015-2024 annual work
30 program containing the proposed highway projects from the Nevada
31 Department of Transportation.

32 COMMISSIONER STIENMETZ: I'll second that motion.

33 COMMISSIONER MASON: I'll second.

34 CHAIRMAN GARNER: Any public comment?
35 (No comment.)

36 CHAIRMAN GARNER: All those in favor?

37 COMMISSIONER MASON: Aye.

38 CHAIRMAN GARNER: Aye.

39 COMMISSIONER WAITS: Aye.

40 COMMISSIONER STIENMETZ: Aye.

1 COMMISSIONER BULLOCK: Aye.
2 RUDY MALFABON: Thank you.
3 COMMISSIONER BULLOCK: Thank you.
4 COMMISSIONER STIENMETZ: Thank you.
5 COMMISSIONER MASON: Thank you, very much.
6

7 21) Discussion for possible action regarding a request from Pete
8 Tomera, Tomera Ranches, for the Lander County Board of
9 Commissioners to support the Argenta Allotment Grazing
10 Permittees in efforts to negotiate with the Bureau of Land
11 Management (BLM) for the right to graze their cattle in the
12 same responsible manner they always have, and other matters
13 properly related thereto.
14

15 CHAIRMAN GARNER: Twenty-one, discussion for possible
16 action regarding a request from Pete Tomera, Tomera Ranches, for
17 the Lander County Board of Commissioners to support the Argenta
18 Allotment grazing permittees in their effort to negotiate with
19 the Bureau of Land Management (BLM) for the right to graze their
20 cattle in the same responsible manner they always have, and
21 other matters properly related thereto.

22 I'll start this with I had a meeting with Doug Furtado
23 yesterday for three and a half hours. And I had an additional
24 meeting in the afternoon with him.

25 UNIDENTIFIED PARTICIPANT: We can't hear you.

26 UNIDENTIFIED PARTICIPANT: Can you speak a little bit
27 louder, Brian.

28 UNIDENTIFIED PARTICIPANT: We can't hear at all.

29 CHAIRMAN GARNER: We don't have a -- I had a meeting
30 yesterday with Doug Furtado for about three and a half hours.
31 And yesterday morning, he wanted to meet with me regarding this.

32 He did call back yesterday afternoon and has -- wants to
33 present a solution to the Tomeras on a Monday, possibly Monday
34 afternoon to something that could come up with a solution to put
35 the cows back onto this range. He wouldn't give me any details.
36 He would have to meet with his people to discuss this to come up
37 with the plan. And basically, that's all he could tell me.

38 But he is -- during the first meeting, he did negotiate to
39 move the dates of the Argenta piece up a month, I'm -- let's see
40 -- further it another month.

1 And there was talk about --
2 UNIDENTIFIED PARTICIPANT: That's in the Mule Canyon burn?
3 CHAIRMAN GARNER: Yeah. And there was other talk about
4 another piece. I'm not familiar with all these sections.
5 The north -- or the home ranch south -- if there's decent
6 stuff to put back on in the -- in the fall earlier, he said he's
7 not trying to shut anything down. He's trying to move the
8 allotment times to make for --
9 UNIDENTIFIED PARTICIPANT: Do what? I can't hear you.
10 CHAIRMAN GARNER: He's trying to -- he's trying to move --
11
12 (Austin teleconference connection disconnected.)
13
14 CHAIRMAN GARNER: -- the allotment times to allow for --
15 COMMISSIONER BULLOCK: We've got to get them on --
16 CHAIRMAN GARNER: We've got to get a phone.
17
18 (Deputy Clerk Gonzalez reestablishing contact with Austin
19 Commissioners' office.)
20
21 DEPUTY CLERK GONZALEZ: We lost you again.
22 MITESHELL LANHAM: Okay.
23 CHAIRMAN GARNER: What he's trying to say is he doesn't
24 want to shut it down at all. He wants to work with Tomeras to
25 move the dates to allow for redemption of stuff that was lost
26 the last two years.
27 So there's -- there's a lot to it.
28 That's why I met with him. There's a lot more to it than I
29 understood. He brought me up to speed on all the different things
30 that he has to do as his duties with the land other than just
31 cattle.
32 We had talked about numbers. He wants numbers back. Just
33 different things. So -- but he is willing to work with the
34 Tomeras on a new proposal for allowing that to be opened up.
35 UNIDENTIFIED PARTICIPANT: What about the Filippinis?
36 CHAIRMAN GARNER: Well, it -- it was the whole allotment.
37 UNIDENTIFIED PARTICIPANT: (Indiscernible.)
38 CHAIRMAN GARNER: It was the whole -- it was the whole
39 thing.
40 And that's what I can't -- I can't tell you anything more

1 than that. That's all I know. But at least he did -- is willing
2 to talk now, I guess.

3 He's willing to work with something.

4 His main concern is, is we have been in a -- it's the worst
5 drought right now they've had since 1950. All the are-- -- the
6 U.S. drought monitor maps, all the stuff that he gave me. It's
7 just escalating every year. And he's trying to put the next
8 possible year, the next two possible years, the next three
9 possible years, if it keeps going in this manner, where is it
10 going to be if we just jump onto it, is what I got out of it. If
11 we just jump right into it and keep allowing this, he's trying to
12 look into the next year and to two years.

13 Hopefully, it changes. We all hope that. But we -- none
14 of us can predict what it's going to do. So that's where he's
15 -- with everything he has to include into the management of the
16 land, he's also including into it the drought monitor, IOSH,
17 something, weather pattern system that they've been -- that has
18 been -- that they predominantly take as their key to how hot
19 it's going to be this year, what next year looks like. They can
20 forecast two years in advance. They try. That's where he's
21 coming up with -- with what he's coming up with.

22 SHAWN MARILUCH: But -- but -- just so everybody's kind of
23 clear on this.

24 COMMISSIONER BULLOCK: State your name, please.

25 SHAWN MARILUCH: Shawn Mariluch, Filippini Ranch. There's
26 no science to it. I mean, --

27 CHAIRMAN GARNER: There is. It's all science is what he --

28 SHAWN MARILUCH: No. Absolutely no data.

29 CHAIRMAN GARNER: I'm just relaying --

30 SHAWN MARILUCH: No. No. I mean ask him for his -- his
31 monitoring, or grass count, anything.

32 My -- we have a -- I've been out on the ground yesterday. I
33 just pulled in today to come to this meeting. We're out there,
34 we're monitoring, taking production studies.

35 And this year looks better than it has in probably the last
36 five to ten, anyway, with the production that's out there. And
37 that's -- that's clipping grass, weighing it, measuring it, you
38 know what an acre's going to produce this year. And it's still
39 growing.

40 But if you go into the BLM office and ask for any monitoring

1 over the last three years of drought, they'll come up with a
2 little ocular. It looked bad last year, whatever, I mean, we need
3 to go to the science of it and what's really good for the range.

4 If we don't graze it this year, it will burn. I mean, I
5 was everywhere in our part of the allotment and cheat grass is
6 waving. I don't know what, you know -- so if you manage it like
7 he wants to manage it, then there won't be cows out there
8 because it will all burn.

9 COMMISSIONER WAITS: I know one of the keys that he just
10 mentioned on the cheat grass is always been a concern and
11 especially if they're considering it dry. And it does get drier
12 in the summertime, and we know what happens and all these --
13 these ranges that are going to burn and were not protected. It
14 certainly happened in California big time. And I -- and I've
15 been following the BLM on all out of our public lands and
16 information that's come forward, too. And as long as they've
17 taken the time to put this on the agenda, I would like to see
18 our Lander County Board of Commissioners actually make a
19 decision of whether we're going to support these ranchers or
20 not. And I'd like to see it go on the record.

21 So did you want to go ahead with this and read Mr. Cook's
22 letter into the record and whatever before we do that or hear
23 from anyone else. I know we have a lot of friends from Elko,
24 which -- in a lot of ways we'd certainly like to hear from some
25 of them that might want to address this issue, too.

26 COMMISSIONER BULLOCK: I just don't understand why there's
27 a letter when were they offered to attend this meeting and
28 declined to send a respective to this meeting.

29 If they really want to discuss the matters at hand, I feel
30 they should have sent a representative to at least address those.
31 And they declined to be present.

32 COMMISSIONER WAITS: I agree.

33 CHAIRMAN GARNER: He was scheduled to be out of town is
34 what he told me for that. And his representative that could
35 respond was also out of town.

36 COMMISSIONER BULLOCK: Go ahead. State your name.

37 PETE TOMERA: I'm Pete Tomera. And I got a little talk
38 I'll talk to you about. But right now, referring to what has
39 just been said, we have been asking for their documentation for
40 a considerable amount of time. And we have not gotten one piece

1 of documentation that they will give us.

2 CHAIRMAN GARNER: You can't -- are -- can you -- are you
3 all right?

4 COURT REPORTER: It's better if he comes up.

5 CHAIRMAN GARNER: Can we have you guys come up one at a
6 time, if you're going to talk, so we can -- the transcriber can
7 get all this.

8 PETE TOMERA: I've got several different things here.
9 First, I've got this paper here with pictures.
10 And we've taken these pictures here recently.
11 And that's a picture of Lewis Canyon. That's a picture of
12 Slaven Canyon. That's a picture of Hilltop Canyons. That's a
13 picture of Bateman Canyon.
14 Can you guys all see that?
15 This is a pich -- the bottom of Hilltop Canyon.
16 This is a picture of Hilltop Canyon.
17 This is another picture of Hilltop Canyon. This is last
18 year's growth.
19 This is a picture of Bateman Canyon.
20 This here's another picture of Bateman Canyon.
21 And this here's Bateman Canyon also.
22 And this is the cattle guard that we've been after the BLM to
23 fix for years. And they've put it right in a hole.
24 This is the top of Hilltop Canyon where they don't want
25 cattle down in the lower end of it. Well, how can we keep
26 cattle out of there when they never maintain their cattle guard.
27 And it is their responsibility to maintain it?

28 COMMISSIONER WAITS: Mr. Tomera, for the record, can you
29 tell us when they these pictures were taken?

30 PETE TOMERA: Yes.

31 COMMISSIONER WAITS: I mean this year or this month,
32 whatever.

33 PETE TOMERA: This is just last week.

34 COMMISSIONER WAITS: Okay. That's fine. Thank you.

35 PETE TOMERA: I had to put my glasses on so I can see that.
36 Okay. And I'll turn it this way so the rest of you guys can
37 see it here.
38 There's pretty good feed looks like out there.

39 UNIDENTIFIED PARTICIPANT: Pretty good.

40 PETE TOMERA: I mean, these areas that we've taken, they're

1 not just the prime areas. They're areas that when you go by, it
2 looks like pretty good, my wife has taken pictures of them.

3 Okay. I had a little bit wrote down here. And I will speak
4 for the Tomera Ranches. Then the Filippini Ranches, Dan and
5 Eddyann and Shawn can speak for them.

6 Hello, I am Pete Tomera. I am going to discuss the
7 problems that the grazers and the Argenta unit in the Battle
8 Mountain grazing district are facing.

9 In 2013, the BLM said that in order to graze our cattle in
10 the customary summer range on the mountains of the Shoshone --
11 in the Shoshone Mountains, we must take a large voluntary cut.
12 And when Doug Furtado means voluntary cut, you take it voluntary
13 or he will write a decision.

14 It's not totally voluntary.

15 In the number of cattle that we put out there, management was
16 put through tough restrictions on where we could graze our cattle.
17 And we had to move our cattle continuously.

18 There were many inconsistencies in the instructions as to
19 where do we and other entities could put our cattle and sheep.

20 We bought -- we brought many cattle into the ranch very
21 early. And as our license read, Doug changes his mind as he goes
22 along no matter what you have on your license. We were supposed
23 to stay in that -- in that Mule Canyon allotment until July 15th.
24 We stood there until July 15th. But then them 600 cattle that are
25 in the Mule Canyon allotment, they were supposed to go into the --
26 on the -- on the hills.

27 Well, come July 15th, he says you put 300 head in.

28 Well, he doesn't document this. He just tells you, you just
29 do it, voluntary or else.

30 And that's how it looks good on his record that he's managing
31 the range, but doesn't tell us -- tell everybody what we're going
32 through. Because it's you do it voluntary or else.

33 Okay.

34 We -- this -- we put cattle in very early starting July 15th.
35 And in August, he wanted us to put all the cattle in by
36 September 1.

37 This we all done trying to comply with the Battle Mountain's
38 EA. We bought a lot of very expensive hay. And Baker Farms is
39 here. They can verify that because they got a big chunk of our
40 money already.

1 On February 20th, the BLM district manager called for a
2 meeting of the Argenta allotment permittees. At that meeting he
3 informed us that there will be no grazing at all on the mountain
4 this summer. If he wanted -- if we wanted to turn cattle out,
5 we must fence off our deeded and fenced lands on the flat, which
6 we had to do. We didn't have a choice. That cost us more than
7 \$80,000 to do.

8 We built the fence and turned our cattle out on the flat.
9 The flat is where we customary turn our cattle in the spring. And
10 toward the end of May, we begin to drive these cattle up the
11 canyons, up the mountains, and scatter them throughout.

12 In the early fall, the cattle begin to come down to the
13 flat again. And then we customary put them in the ranches for
14 the winter use.

15 We have sold a lot of cattle this winter and last spring.
16 I think we sold more cattle last year than what we've sold this
17 year already trying to comply with the drought -- Doug Furtado's
18 drought management plan.

19 The Tomeras have currently 24,000 -- approximately 24,000
20 active AUMs. That's private -- private lease and federal.

21 You take 24,000 AUMs -- and that I said was approximately --
22 divide that by 8 months, we can turn out 3,000 head of cows. And
23 we're asking to turn out 1800.

24 And until Brian announced this now, we've never -- we've been
25 told we couldn't turn none out on the hill.

26 Okay, now where am I at here?

27 The federal lands are like a bunch of sticks. Each one of
28 these -- each one of the parts of the federal lands have separate
29 parts. There are mineral rights. There are oil rights. There
30 are easement rights. There are water rights. And there are
31 grazing rights.

32 All of these rights are private. We own them. We bought --
33 we bought and we've paid for them. When you purchase a ranch,
34 you -- a big portion of the purchase price of that ranch is for
35 these rights: water rights, grazing rights.

36 When the right grazing rights are cut by voluntary, like what
37 he's saying, or with a decision, the value of your ranch -- I
38 don't know who would buy a ranch that's had cuts like these of
39 ours got.

40 You could call Newmont or you could call Barrick, and

1 they'd tell you, we're not interested.

2 I have a map here now that shows the Argenta unit. And at
3 least 50 percent of the Argenta unit is either our private
4 ground or our private lease ground. The yellow is BLM. And
5 it's the edges of that map are outside of the Argenta unit --
6 305.

7 Okay, I'll get up there and show you.

8 Three-oh-five. Battle mountain's right here. Can everybody
9 see pretty good? Three-oh-five is here. And that is the west
10 boundary of the Argenta unit. And it comes down across. And
11 Carico Lake unit is down below this line. And it comes across.
12 And this is the Crescent Valley Highway. And that's our east
13 boundary. You see all of -- there's BLM ground in this area.
14 There's a little bit of BLM ground, but the majority of this
15 allotment is checkerboard, the old (inaudible) ground. And it's
16 still under our grazing lease. And what we don't have, the other
17 permittees have -- in this area have leased. So these blue lines
18 here on -- on all these blue lines here, that is water rights --
19 waters. The lines are the creeks. And the circles are the
20 springs in the Argenta unit.

21 We have adjudicated, vested rights on all -- every one of
22 them creeks and springs.

23 There is -- if I can -- there is 70 springs that we have
24 water rights on.

25 There's 182 miles of creek bottoms that we have water rights
26 on. There's 12 wells that we have water rights on.

27 So I mean, if you look here now, if you -- recall the *Wayne*
28 *Hage* court case, the Judge Jones ruled that if any place that a
29 cow takes a drink of water is her point of diversion. And the BLM
30 should not be able to take a cow -- to keep a cow away from her
31 point of diversion. And he ruled a half a mile. Well, if you
32 look on this map and you look where all the circles are and you
33 look where all the -- all the creek bottoms are, most of this
34 allotment would qualify underneath that court ruling because we
35 have the water right on all of it.

36 And I'm not -- like I said, we have 24,000 AUMs between the
37 private or leased and the federal. We have never fully used all
38 of our AUMs since we've been here.

39 Now next, most of this country, as local residents know, is
40 pretty steep. And a lot of these cattle, they stay up on the high

1 ground. They never -- a lot of them never, ever go down to the
2 creeks. They stay -- they go from one spring to the other spring
3 and they stay on the high ground. Sure, there's some that come
4 down to the bottom, but a lot of them stay up there on the top.

5 Also, deers, I mean, we all know there's a lot of deers up
6 there. There's a lot of other wildlife up there. They stay up
7 there in them high terrains.

8 But if we don't use this feed and a fire start there, and
9 as rough a country as this fires is bad enough as it is. If we
10 don't use this feed and with that rough terrain, there's going
11 to be a lot of animals, a lot of deers, a lot of everything
12 caught in them steep canyons that just are going to burn.

13 And I'm not -- I don't -- don't take me wrong. I do not want
14 to graze it down until there is no feed. I want to take care of
15 the ground. And I think and I hope, we have, from the time we
16 came here, when the State of Nevada bought us out in Elko, because
17 of that South Fork Reservoir was our ranch, I have tried to
18 improve this allotment. But we can't go through a total closure.
19 We won't be here.

20 We are asking the Lander County Commissioners to stand behind
21 allotment permittees in reviewing the district manager's
22 unyielding stand against allotment grazings on the mountains. The
23 drought has been severe in other grazing districts. But district
24 managers have been working with -- and we -- we customary run
25 cattle in the Elko district. We have BLM license in the Elko
26 district. I got the BLM license in Elko district. We took a
27 voluntary non-cut they never said or else. We turned our cows out
28 and had no trouble in the Elko district. We run cattle in Eureka,
29 which is part of the Argenta allotment. We run cattle in Humboldt
30 County. So I mean this -- we're not just a little, a little
31 outfit just trying to squeeze the -- every stream of grass out of
32 the country. We're trying to take care of it.

33 So if we could just get the -- Lander County Commissioner to
34 support us and try to get a workable deal with the BLM, we'd
35 really appreciate it.

36 And like I said, we have been asking for documentations --
37 monitoring documentations from the Bureau for quite some times.
38 We have never gotten any.

39 So thank you for me -- for letting me get up here. I tried
40 to explain my side.

1 I'll turn it over the Filippinis if one of them want to get
2 up here. Thank you.

3 COMMISSIONER BULLOCK: Thanks, Pete.

4 COMMISSIONER STIENMETZ: Thanks, Pete.

5 UNIDENTIFIED PARTICIPANT: Go ahead, Shawn. You were here
6 first.

7 SHAWN MARILUCH: What? I've already talked.

8 UNIDENTIFIED PARTICIPANT: Go ahead.

9 UNIDENTIFIED PARTICIPANT: Go ahead, Shawn.

10 UNIDENTIFIED PARTICIPANT: Go ahead.

11 UNIDENTIFIED PARTICIPANT: Go ahead.

12 EDDYANN FILIPPINI: I'm Eddyann Filippini. I represent my
13 husband Dan and myself.

14 We have three grazing allotments in the Battle Mountain
15 district.

16 And I apologize for my appearance because I ran in really
17 fast. So I'm kind of not -- not real sanitary.

18 We -- in -- on Battle Mountain, last May 2013, that's the
19 North Buffalo Copper Canyon allotments, we were issued a full
20 force and effect decision. Full force and effect decision is the
21 decision that Doug's talking about.

22 It's that there will be no livestock grazing for the
23 remainder of the drought and one growing season.

24 So we had to move our cattle in the middle of June, July.
25 It was a hundred and plus degrees, get them off the mountain,
26 and try to find alternative pasture. Needless to say, it was a
27 devastating economic disaster for us. And it didn't work out
28 too good for the cows either. So we are in appeal right now
29 with that decision. And I really can't go further to discuss
30 it. But it's before the IBLA. And they'll have to hear it
31 before we go on.

32 We are also permittees in the Argenta allotment. We have a
33 small permit. So we are the little guy over there. Pete's the
34 big buy. We're the little guy. But that doesn't mean the
35 little guy can't play. And we've taken voluntary non-use for
36 two months, for March and April.

37 We have a meeting with the BLM on Monday. And we're going
38 ask -- we're going to try to make out a grazing application. So
39 we'll see how that goes.

40 But we took our cows off early last fall because the

1 drought triggers supposedly were met according to the drought
2 EA. I have read the drought EA and nowhere in there it says
3 that because the drought triggers were tripped last fall that we
4 can't turn out this year.

5 So this is a policy of the Battle Mountain district about
6 hot season grazing. They do want cattle on the mountain July,
7 August, September. And that's where they need to be. And
8 that's what this decision is about and this appeal on the North
9 Buffalo Copper Canyon.

10 But we could -- us possibly, if we lose, we wouldn't be
11 able to turn out our cows out in 2016. So what do you do with
12 800, 900 head of cows?

13 We've already sold quite a few. We've found pasture for
14 500 head. And we've got 400 more head walking the fences
15 wondering when we're going to open the gates so they can go out.

16 Now this is also a social/economic issue for Lander County,
17 because if we have to sell, we're not going to be buying tires,
18 fuel, food in Lander County. We're not going be hiring labor.

19 So I would really, really, really, really hope that you
20 guys, this board and madam, that you would get behind us.
21 Because we need all the help that we can get.

22 And we've spoke to the Elko County commissioners. And
23 yesterday, we went up there and represented ourselves. They
24 were very receptive. But we need to get the bottom of it.
25 Because Mr. Furtado is the tyrant of the -- of the Nevada
26 districts.

27 Winnemucca district works with their permittees. Elko
28 district works with their permittees. White Pine works with
29 their permittees.

30 We were at a permittee meeting February 20th of this
31 year. And we were told that when we asked why the -- Furtado
32 wouldn't work with us like the other districts, he told us that
33 they weren't doing their job.

34 Well, if they all did their job like he did, the livestock
35 industry in the State of Nevada would be extinct.

36 So I would really, really, really hope that you consider
37 doing something to help us out and getting behind us.

38 Thank you.

39 Is there any questions?

40 COMMISSIONER BULLOCK: Thank you Eddy.

1 COMMISSIONER STIENMETZ: Thank you, Eddy.

2 COMMISSIONER WAITS: Thank you.

3 SHAWN MARILUCH: Shawn Mariluch again, Filippini Ranch. I
4 appreciate you going in and meeting with Doug. And I think
5 maybe we can get something rolling. And -- but we've been doing
6 this for years, as long as Doug's been here. And it's --
7 it's -- it's just not an easy process to get. And as I stated
8 we're out doing production right now. And this is a good year.
9 And we were asked to take non-use.

10 He wanted me to take it for the full year. I wouldn't take
11 it for the full year. I took it until May. And when I called --
12 the last time I called, they pretty much said that there was going
13 to be no grazing until fall. Well, then there won't be grazing in
14 the fall because of the fires.

15 One thing I wanted to say, if you guys do get behind us and
16 are wondering what we can do, as the board, you could write a
17 letter to the Department of Agriculture asking for an inquiry into
18 what's going on in the Battle Mountain field office.

19 And I think that might help.

20 But there is -- you know, there's things you can do as a
21 board that would help us. And I'd appreciate your support.

22 COMMISSIONER STIENMETZ: Thanks, Shawn.

23 COMMISSIONER BULLOCK: Thanks, Shawn.

24 SHAWN MARILUCH: Yep.

25 PETE TOMERA: I got one more thing to say if you don't
26 mind.

27 When we had this meeting, with Doug Furtado, he was pretty
28 proud of himself.

29 And he told all of us there at that meeting, he says, because
30 I asked him, who wrote this drought management plan? And he
31 proudly said, I did.

32 And I asked where did you get the facts of it? Where did you
33 get the science?

34 I wrote the plan.

35 It was going to be a four-inch stubble -- four- to six-inch
36 stubble on all the creeks. Well, as anybody that's ever been
37 around cows knows, a four-inch -- four- to six-inch stubble,
38 that's the trigger that Eddyann was talking about. You can't put
39 a bunch of cows in the field and have a four- to six-inch stubble
40 when you take them out. And this -- us and the Filippinis with

1 Doug Furtado, he sat there in that room. And he says, this will
2 be the law of the land.

3 We may be the bull's eye target right now. But if we don't
4 shut this down -- and like it's been mentioned -- Doug Furtado
5 will shut everybody down. He's picking us off one at a time. But
6 he will get everybody.

7 And I had a permittee tell me -- and I don't know which
8 permittee he told me -- told -- told this to -- but they were
9 down by Eureka. And Eureka has a considerable problem of
10 horses, which Eureka is in Doug Furtado's district. And they
11 were complaining about the horses and get the horses off of
12 here.

13 And Doug Furtado told them, I won't take a horse off of your
14 allotment until I get all the cows off. And that's his policy.

15 So it's not just us. It's for all the people.

16 We would sure appreciate your help.

17 JOHN CARPENTER: For the record, John Carpenter. And I'm
18 from Elko, but I've been all over this country. And I've paid
19 taxes in eight counties in Nevada and three in Utah. Used to
20 pay a lot of taxes in Lander County. I ran my sheep here. Was
21 in the state legislature for many years and worked with the
22 commissioners here and your JP for many years.

23 And I have never in all my career, seen a situation like
24 this.

25 Someone is trying to do what they want to do to force
26 whatever their mindset is on these permittees here. They have no
27 -- they don't care what happens to them.

28 You take the -- if they can't go on this mountain, they're
29 going to go broke. There's no question about it. They depend
30 upon this every year.

31 And I -- I ran livestock in four districts in Nevada and two
32 in Utah. And we could always work things out. They had a little
33 problem, we'd work it out. If I had a little problem, we'd work
34 it out. Here they haven't been able to. Maybe they will on
35 Monday, but they have not been able to work it out.

36 And the situation was they came in and they worked it out
37 with the range con. Range con is the ones you're supposed to work
38 with. They're supposed to be out there on the ground with you
39 looking at what's happening. They ma- -- they make a deal. And
40 in an hour and a half, why, they get a call that it's unacceptable

1 to the district manager.

2 Now, this is not right.

3 Because if you can't work with the range con, you're in a
4 tough situation. Because most of these district managers, with
5 all the stuff they have to work with now, they don't have time to
6 get out there.

7 And a couple of weeks ago, we went up to look at this range
8 because I'd been here hearing that, you know, these things were
9 going on down here. I knew about Filippinis. But I heard that
10 what was going on down here. So I called Pete. And we came
11 down, and we looked at this country. And this country looks
12 pretty good. It's better than -- than maybe a lot of years.

13 And I've seen a lot of droughts, you know. Probably the
14 one in 1950 this he -- that he heard about. This country can
15 change overnight. And this is what happens happening here.
16 We've got these rains, and it's changed overnight. And a lot of
17 the permittees, their big problem is that they don't have water.
18 But it's amazing on this mountain up here the water that's
19 there. The springs are running. The creeks are running.
20 That's why he could get his utilization -- they can get the
21 utilization up on the -- up on the hillsides because they have
22 the water there.

23 And so, we've arranged a tour on the 17th, which is on a
24 Saturday, to have people come out and view the range out there to
25 see what they think about it.

26 There's also going to be private range consultants that will
27 be able to give their side of what they feel this range looks
28 like.

29 But, like Pete says, in order to do what the BLM district
30 here in Battle Mountain is doing, you've got to have all kinds
31 of studies and everything. And they don't have any of that.

32 And there's all kinds of ways to work this thing out.

33 I mean, you could -- you could put the cows in one canyon and
34 let it rest and let the other ones rest. There's all kinds of
35 ways to work this thing out, but it hasn't been done.

36 It just -- there's a mindset here, I think, this is my
37 opinion, to get rid of the cattle. And we all know that there
38 are people that want to get rid of the cattle on the BLM.
39 There's these organizations and that's their only -- that's
40 their only thing for living is to get rid of the cattle,

1 especially on the public lands.

2 And if that happens, we all know what happens. It's all
3 going to burn. And so we're going to be in the situation that
4 they're going to list the sage grouse. They list the sage
5 grouse, we're in tough, tough doo-do here in north eastern
6 Nevada. That's where the sage grouse are: Elko, Eureka,
7 Lander, Humboldt County, White Pine. That's where most of them
8 are.

9 And they'll stop the mining. You just had a guy in here
10 from your -- from the -- from Ormat telling you what the deal
11 is about the sage grouse along the roads. You know, you won't
12 be able to build a road. You won't be able to do anything.

13 And so we burn this country down, not only the cowboys are
14 gone, but the miners and everybody else that makes rural Nevada
15 what it is are going to be going.

16 So we would just -- you know, and I've been a county
17 commissioner, too. I was a county commissioner for 14 years in
18 Elko County. And the people depend upon the county commissioners
19 to protect their rights, no matter what it is.

20 The county commissioners have, under state law, a lot of
21 power. The health and welfare of the people is in the hands of
22 the county commissioners.

23 So you guys have the power to do a lot of things just by
24 supporting people. Other agencies in the government, they get
25 the word that what you guys believe, they're going to listen to.
26 This is why we would like you to come out to the -- to the tour
27 we're having on the 17th and look for yourself. We'll have
28 other people there that can talk about this. We don't know
29 whether the BLM's going to be there or not. They've been
30 invited.

31 We've also -- county commissioners in Elko yesterday put the
32 -- are going to write a letter to the director of the BLM, Neil
33 Kornze to come and look at the situation.

34 We got situations here in Nevada that are terrible. We've
35 got the closure of these grazing permits. The wild horse thing is
36 completely out of control. I mean, I don't know what's going to
37 happen there.

38 We've got the sage grouse. You know, the sage grouse in Elko
39 County is -- they stopped the wind project up there. And they're
40 taking all kinds of land off of the -- off of the situation for

1 oil and gas leases.

2 And they've got this inner management, which is -- you know
3 -- is really hurting everybody.

4 So we've got a lot of issues in Nevada. And we want him to
5 come here. To me, that's his job. If you're going to be the
6 director, it's just like you guys. You guys have the job to do.
7 And I hear here today you -- you're using your position the way
8 that it should be to make sure that the public is protected. And
9 that's what we want to have in this situation for you people to
10 come up there. And it isn't on the agenda, but I think you could
11 also write to Mr. Kornze and ask him to be here. That would help.
12 But I would just urge you to just say, yeah, we're going to
13 support these permittees because we cannot stand what's happening
14 to them and see their -- their lives being ruined.

15 And reality, it's immoral what's happening here. He should
16 not -- we need to all get along. And we need to let people do
17 what they do best. And we need to be able to do that. Even if we
18 have the power, we should not put things on our fellow man to
19 prevent them from making the livelihood and taking care of their
20 families like they need to.

21 So if there's any other questions, I'd be happy to try to
22 answer them, but we hope to see you out there on the 17th.

23 Thank you, very much.

24 COMMISSIONER BULLOCK: Thanks, John.

25 COMMISSIONER STIENMETZ: Thanks, John.

26 HANK FILIPPINI: Hi, Honorable Board of Commissioners. I'm
27 Hank Filippini.

28 And we've been running cattle on the range: Eureka and
29 Lander counties since 1870 and not once have we ever hurt the
30 resource, never once. We know when to bring our cattle in; we
31 know when to turn them out. A poor cow won't make you any money.

32 We've held the economy of Lander County up, we think, the
33 whole time. We've spent all our money in Battle Mountain in
34 Lander County. And we think that the commissioners probably
35 should help us, be with us. We need you. We need you.

36 I don't have anything else to say, but we do need you. And
37 we hope you come with us.

38 COMMISSIONER STIENMETZ: Thanks, Hank.

39 COMMISSIONER WAITS: Thank you.

40 UNIDENTIFIED PARTICIPANT: Wait until you get my age. It's

1 hard to get up anymore.

2 ASSEMBLYMAN JOHN ELLISON: For the record, I'm Assemblyman
3 John Ellison.

4 It's good seeing you guys again.

5 I know you guys have been following working on Assembly
6 Bill 227, which is the Public Lands Bill. And that bill was
7 created for the problems we're seeing here today.

8 We've got to get this lands back under control. Every day
9 we're losing more and more AUMs across the state everywhere.

10 Several years ago, we had three ranches that was totally
11 devastated by the Forest Service walked in and shut every bit of
12 them AUMs off. Assemblyman Carpenter, at the time, and I, as a
13 county commissioner, went up there and got them permits back.
14 But they had volumes, volumes of complaints against these
15 ranchers. We started going through this list. One cow in a
16 field, one -- one complaint. The fence was leaning a little
17 bit, a complaint. Every day they come up with -- with another
18 complaint. You should have seen these things. It was
19 ridiculous. At the end of the day, they walked in and said,
20 we're not going to renew these AUMs again. Period. They're
21 done. You're through. Totally devastated the ranchers. We got
22 them back, but not without a fight. And we had Congressman
23 Gibbons to help us get through this.

24 But the problem we're seeing ten years ago -- about ten
25 years ago, we lost about 2 million acres to fire. You guys were
26 hit. Humboldt County was hit. Elko was hit. So we lost 2
27 million acres.

28 And why was that? Reduction of grazing. We're going to
29 see that again.

30 And if you look a back, the BLM, I think, was created in
31 1960 something.

32 UNIDENTIFIED PARTICIPANT: '46.

33 ASSEMBLYMAN JOHN ELLISON: What was it?

34 UNIDENTIFIED PARTICIPANT: '46.

35 ASSEMBLYMAN JOHN ELLISON: The rancher, Filippinis were
36 here 70 years before they even become an industry, or whatever
37 you want to call them.

38 So BLM -- these watersheds that they're working with was
39 created by the ranchers. These fields were created by the
40 ranchers. The deer that you see, the sage grouse you see, the

1 livestock, these were all brought in by the ranchers. And now
2 they're saying that these ranchers don't know what they're
3 doing. That's crazy. I mean, they're the first stewards. They
4 built this state.

5 And I don't know where we're at as far as Elko County, our
6 third largest industry is ranching. Mining's number one. I
7 think ranching and gaming is close. I'm sure it's the same
8 thing here.

9 But if you lose this ranching, you're going to see a large,
10 large impact back into this community. And I'll step back and
11 then I'll let these other guys talk.

12 I was in the meeting in Las Vegas with Pete Goicoechea,
13 Senator Goicoechea and James Oscarson. We got the call of what
14 was going on here. We sent Ira Hanson down from -- from
15 Eureka -- or he was in -- I'm sorry -- Carson. He come down for
16 the meeting, and they were going to close the meeting off -- BLM
17 was going to close the meeting off to where he couldn't speak,
18 which created a firestorm on our side. So they were going to
19 close it off. They didn't want anybody in there to hear what
20 was going on. He did get to stay.

21 But Ira Hanson's one of these guys that you're just not
22 going to walk him to the door and tell him to leave. This isn't
23 going to happen. So Ira Hanson stayed through there and gave us
24 a report that night of what was going on. But if they could
25 have got their way, they'd have shut that to a private meeting.
26 And I got a problem with that. I know Senator Goicoechea was
27 going to try to be here today. He couldn't.

28 But we got a real problem. And you're hearing this every
29 day, not just Battle Mountain. You seen what happened at the
30 Bundy Ranch. I mean, there was 52 ranches out there and this
31 one man standing. And this is happening all over.

32 The rancher is going to be the next environmental -- he's
33 going to be next sage grouse because they're going to kill him.

34 But we're here to say that I hope you guys don't mind us
35 coming to help. It's not only a -- a -- a Elko issue. It's a
36 Battle Mountain. It's a Eureka, all across the state. And we're
37 hoping that you open your arms and let us come in.

38 On the 17th, we march through here and -- and say we're
39 here to help, whatever we can do.

40 But if -- if you guys put your hands over your eyes and

1 listen to BLM, you're not going to have a ranch left by the time
2 the day's over with.

3 So you guys got a rough job ahead of you. And we're here
4 to help. Thank you.

5 COMMISSIONER BULLOCK: Thank you.

6 COMMISSIONER STIENMETZ: Thank you.

7 COMMISSIONER GRANT GERBERT: Grant Gerber, Elko County
8 Commissioner. But I also wanted to give you a little bit more
9 of my background so you know why I'm here.

10 Our family settled on ranches in Elko County in the
11 mid-1800s and still -- our family still have ranches there. I
12 grew up on a ranch.

13 I went away to law school. And I came back. And for 36
14 years now, I've been working on land issues. And I have seen
15 a -- a constant reduction by the BLM and the Forest Service in
16 grazing rights. I've now researched and we now have two girls
17 reading every newspaper, for the Elko Independent and the Elko
18 Daily Free Press, to determine why this occurred and how it
19 occurred. And we're starting to get a sense of that.

20 And when we've got that finished, we'll get it to you. But
21 we're then going to come up and read every edition of the Battle
22 Mountain Bugle and the Eureka -- it's the Sentinel -- the
23 Sentinel, I think.

24 Because it's clear to me, based on the research that we've
25 done. We had already done the research on Peter Skene Ogden
26 and -- and Jedediah Smith and the other early trappers and
27 explorers that came in here.

28 And when Peter Skene Ogden came through here in 1828, his
29 horses were starving to death.

30 When the first wagon trains went through here in the 1840s
31 their livestock was starving to death. But by the time that
32 the -- the wagon trains had gone through here for 20 years and
33 there was an average of 50- or 60,000 people, and they said there
34 was an average of 5 peop- -- five head of livestock for every
35 person that went. So you ended up with about 200 -- well, about
36 60,000 animals going down this bottom every year.

37 Well, by the end of the wagon train era, there was good grass
38 in this valley. Before that, the horses and livestock were
39 starving.

40 And also Peter Skene Ogden, when he came through, they

1 never killed a deer. They never killed an elk. They never
2 killed a big horn sheep. They never killed a buffalo. They
3 never killed a wild horse. They never killed a -- a sage
4 grouse. He had 30 trappers with him. They were starving to
5 death coming through here, had to shoot and eat their horses to
6 get out.

7 That was the same thing that happened until agriculture came.
8 After agriculture, wildlife started to populate the area. So that
9 by the 19-- the mid-1900s -- our family ran a hunting camp for 30
10 years. By the mid-1900s, there were deer, wildlife everywhere.

11 But since that time with the dramatic reduction in wild --
12 or in grazing, we're down over 50 percent on cattle and over 95
13 percent on sheep in Nevada.

14 And as a result, we've got all these fire. The wildlife is
15 declining rapidly. Now, we have new BLM people coming in all the
16 time. They don't know that history. They don't try to find out
17 that history. They look at it -- where they came from, it was
18 green, and so they expect that it's going to be green here if they
19 fix it. Because the environmentalists have been telling them, get
20 rid of the cows, because that's the problem. It's exactly the
21 opposite.

22 As county commissions, we have a lot of ability and power.
23 I am convinced that if the Clark County Commission had got in
24 the fight -- I watched that issue down there 20 years ago. If
25 they had got in the fight, those 52 ranchers would not all be
26 gone. They did not support the ranching industry.

27 The reason the Elko County Commission is so involved in this
28 is that we have more cattle in Elko County than anywhere else. We
29 recognize how important it is to our econ- -- economy. All five
30 commissioners are committed to this issue.

31 And thank you for letting us come. We enjoyed the tour that
32 we took out there last week. I guess, it was the -- on the 30th.

33 And I've been ranching and representing ranchers all my
34 life. And that is good feed.

35 There is no excuse for any cuts. In fact, there should be an
36 increase. That's what we all ought to be asking for is an
37 increase. Because we got all these fires. At our present rate
38 of -- of stocking livestock we've got to get an increase in
39 livestock to reduce the fires. Otherwise, we're going to end up
40 with millions and millions of additional animals that are burned,

1 family lives ruined, and billions of dollars spent in -- in fire
2 prot- -- you know, in fire suppression. There was no fire
3 suppression costs in the 1950s and 60s because there were no
4 fires. And there was more wildlife.

5 I'm not sure if I told you, but I represented the Tomeras
6 on an issue earlier. But I am not representing them on this
7 issue. When I heard about this, I said, I will do this for
8 free. I'm going to devote a third to half of my time until this
9 issue is resolved. And I'm doing that because I am convinced
10 that you are in -- you're ground zero right now for the attack
11 on grazing. You're ground zero.

12 Now, the Elko County Commission recognizes that. We -- we
13 appreciate the opportunity to work with you. We're not going to
14 come in here as an Elko County Commission and tell you what to do.
15 I'm speaking privately when I -- previously, but now as a county
16 commissioner, I want you to know that we are concerned because
17 Furtado is attempting to cause the other districts of the state to
18 do the same thing that he's doing here. And so far, they are
19 resisting.

20 And I think they'll continue to resist because they don't
21 want to be told what to do by Mr. Furtado.

22 So hopefully, you'll -- you'll go with those folks and come
23 up and be on the tour on the -- on the -- on the 17th.

24 The Elko County Commission is agendizing it for the 17th so
25 everybody can come. And the only reason they wouldn't come is
26 if you told us not to. We want to come.

27 Any questions?

28 Thank you. I apologize. I'm an attorney. That's where I
29 take too long. I apologize. But thank you for letting me speak.

30 COMMISSIONER STIENMETZ: Thank you, Grant.

31 COMMISSIONER BULLOCK: Thanks, Grant.

32 CHAIRMAN GARNER: Any other comments?

33 Did you want to --

34 COMMISSIONER WAITS: I will make a motion that the Lander
35 County Board of Commissioners go on record to support all of our
36 county ranchers. And that we urge our local BLM to continue to
37 work with the allotment grazing permittees to resolve this
38 grazing issue.

39 COMMISSIONER STIENMETZ: I'll second that comment.

40 CHAIRMAN GARNER: Any further comment?

1 COMMISSIONER BULLOCK: I wanted more, but ---
2 COMMISSIONER MASON: Yeah, let's get more.
3 COMMISSIONER WAITS: Well, we can do a second one.
4 COMMISSIONER MASON: I want more too.
5 COMMISSIONER WAITS: We can do a second one.
6 COMMISSIONER MASON: Let's say something to it. Actually
7 --
8 COMMISSIONER BULLOCK: We have a motion right now so --
9 CHAIRMAN GARNER: Depends on how you --
10 COMMISSIONER MASON: Why don't you withdraw? Let's work on
11 it.
12 COMMISSIONER WAITS: It's a good general one. We can
13 always do another motion.
14 COMMISSIONER MASON: Okay, as a comment, Grant?
15 Could you comment on this?
16 COMMISSIONER GRANT GERBERT: Sure.
17 UNIDENTIFIED PARTICIPANT: You're asking a lawyer to
18 comment?
19 COMMISSIONER GRANT GERBERT: I promise to be -- I promise
20 to be a little shorter.
21 COMMISSIONER MASON: No, I want you to stick with the
22 motion.
23 COMMISSIONER GRANT GERBERT: Yeah, I'll stick with the
24 motion.
25 I think that like Mr. Mason said, I think that for the
26 purposes of what we're doing, we are convinced that previous to
27 that tour last week and previous to the news that is out and
28 previous to the petition that was out, we do not believe that
29 Mr. Furtado would have moved a step. We believe that that
30 mountain would not be grazed this year. We believe that he's
31 now starting to -- to change his approach because of the -- this
32 increased pressure.
33 And I for one, am going to do everything I can to increase
34 that pressure as a private citizen. And so I think that if you'll
35 make that resolution tougher, he'll -- he will agree quicker.
36 COMMISSIONER WAITS: Okay. I -- I think I understand where
37 you're coming from and where you're going. But I think for us
38 to -- to actually do something directly regarding Doug Furtado,
39 I would like to see on our other commissioners' meeting it
40 handled directly. I -- I really would. I think that's a little

1 bit over --
2 CHAIRMAN BULLOCK: I think we need to write letters now.
3 COMMISSIONER STIENMETZ: Yeah.
4 COMMISSIONER WAITS: Okay, let's just make it --
5 COMMISSIONER BULLOCK: With the support of the Board of the
6 Commissioners. And let's write the letters to -- I don't -- we
7 can write it to everyone that's over him -- I don't care.
8 COMMISSIONER WAITS: Well, let's --
9 COMMISSIONER BULLOCK: -- over this district.
10 COMMISSIONER WAITS: -- Department of Interior and all of
11 them.
12 COMMISSIONER BULLOCK: Then let's go clear to the --
13 COMMISSIONER WAITS: And I agree, but I would like to see
14 this in general and then let's go for whatever we want specific.
15 CHAIRMAN GARNER: Yeah, --
16 ASSEMBLYMAN JOHN ELLISON: Can I ask a question?
17 CHAIRMAN GARNER: -- when it's agendized.
18 ASSEMBLYMAN JOHN ELLISON: May I ask question? I know you
19 got a -- a motion on the table, but -- but on Monday, when you
20 guys have that hearing on Monday, is that going to be the whole
21 board that's going to be there or is it going to be one
22 individual or is it the ranchers going to be there. You're
23 going to have -- he's going to do his --
24 CHAIRMAN GARNER: Two.
25 COMMISSIONER WAITS: They --
26 CHAIRMAN GARNER: Two commissioners is all we can have.
27 ASSEMBLYMAN JOHN ELLISON: Just two commissioners?
28 COMMISSIONER STIENMETZ: Two because it's not agendized, we
29 don't have an --
30 COMMISSIONER WAITS: No.
31 COMMISSIONER STIENMETZ: -- agenda put out for us, so only
32 two of us can attend.
33 ASSEMBLYMAN JOHN ELLISON: Okay. Is there a way that you
34 could let us know in Elko how that comes out?
35 CHAIRMAN GARNER: For sure.
36 ASSEMBLYMAN JOHN ELLISON: I think that's important
37 because, you know, there's a lot of people around the state that
38 says that this is affecting their allotments also that's in the
39 future. So --
40 CHAIRMAN GARNER: Everybody -- everybody will know the

1 outcome.

2 ASSEMBLYMAN JOHN ELLISON: Yeah.

3 COMMISSIONER STIENMETZ: Yeah.

4 ASSEMBLYMAN JOHN ELLISON: Okay. Okay. Thank you.

5 COMMISSIONER WAITS: Absolutely.

6 CHAIRMAN GARNER: Is there any other public comment?

7 (No comment.)

8 CHAIRMAN GARNER: All in favor?

9 COMMISSIONER WAITS: Aye.

10 CHAIRMAN GARNER: Aye.

11 COMMISSIONER STIENMETZ: Aye.

12 COMMISSIONER MASON: Aye.

13 COMMISSIONER BULLOCK: No.

14 COMMISSIONER WAITS: Okay.

15 COMMISSIONER BULLOCK: Doesn't have what I want.

16 COMMISSIONER WAITS: Okay. Go for it. Make a second one.

17 COMMISSIONER STIENMETZ: Make a second one.

18 COMMISSIONER BULLOCK: No. It's approved, so --

19 COMMISSIONER WAITS: Well, that doesn't mean we can't do

20 another motion.

21 UNIDENTIFIED PARTICIPANT: Make another one.

22 COMMISSIONER MASON: Make another one. Yeah, let's make it

23 a little harder.

24 COMMISSIONER BULLOCK: I'd like to make a motion that the

25 commissioners stand behind the ranchers and that we authorize

26 the staff -- or I'll be -- direct the executive director to

27 write letters to all the directors over the Battle Mountain

28 district as well as the Secretary of Agriculture --

29 UNIDENTIFIED PARTICIPANT: Interior.

30 COMMISSIONER BULLOCK: -- to what is going -- or Interior,

31 sorry -- to what is going on here and the concerns that we have

32 that will affect the -- the -- not only the ranchers, but this

33 community.

34 COMMISSIONER MASON: The economy too.

35 COMMISSIONER WAITS: I will second that motion.

36 UNIDENTIFIED PARTICIPANT: Could you add in there the

37 Nevada Department of Agriculture?

38 COMMISSIONER STIENMETZ: Yeah.

39 UNIDENTIFIED PARTICIPANT: A letter to them?

40 COMMISSIONER BULLOCK: Sure. Let me amend my motion to the

1 Nevada Department of Agriculture. And so basically anybody that
2 is involved.

3 COMMISSIONER WAITS: I'll second that motion.

4 And may I also comment. In many of the other meetings that
5 we have had regarding this, Doug Furtado's name comes up very,
6 very often. And I understand, and Assemblyman Ellison, you can
7 help me here. You're on the legislative committee. Did they
8 not write a letter regarding this gentleman?

9 ASSEMBLYMAN JOHN ELLISON: Yes, we have.

10 COMMISSIONER WAITS: Thank you.

11 ASSEMBLYMAN JOHN ELLISON: It's going to be interesting.

12 COMMISSIONER STIENMETZ: She seconded it.

13 CHAIRMAN GARNER: She seconded?

14 COMMISSIONER WAITS: I did.

15 CHAIRMAN GARNER: Okay. Any public comment?

16 (No comment.)

17 CHAIRMAN GARNER: All those in favor?

18 COMMISSIONER WAITS: Aye.

19 COMMISSIONER MASON: Aye.

20 COMMISSIONER STIENMETZ: Aye.

21 COMMISSIONER BULLOCK: Aye.

22 UNIDENTIFIED PARTICIPANT: Thank you.

23 COMMISSIONER BULLOCK: Now, I'd like to make one more
24 motion. I'd like to make a motion that we agendize that the
25 commissioner's attend the March 17th --

26 UNIDENTIFIED PARTICIPANT: May.

27 UNIDENTIFIED PARTICIPANT: May.

28 COMMISSIONER BULLOCK: -- May 17th tour so that it is
29 agendized so that we are all allowed to attend that.

30 COMMISSIONER STIENMETZ: And where do we meet for this?

31 COMMISSIONER WAITS: Tomera Ranch.

32 UNIDENTIFIED PARTICIPANT: At our ranch.

33 COMMISSIONER MASON: Tomera? At your house?

34 UNIDENTIFIED PARTICIPANT: At our ranch, out at the Martin
35 Ranch.

36 UNIDENTIFIED PARTICIPANT: At 9:00 o'clock.

37 COMMISSIONER STIENMETZ: 9:00 o'clock? On the 17th. All
38 right.

39 COMMISSIONER WAITS: I'll second that motion.

40 ASSEMBLYMAN JOHN ELLISON: Battle Mountain is offering

1 donuts.
2 CHAIRMAN GARNER: Any public comment?
3 (No comment.)
4 CHAIRMAN GARNER: All those in favor?
5 Aye.
6 COMMISSIONER MASON: Aye.
7 COMMISSIONER STIENMETZ: Aye.
8 COMMISSIONER WAITS: Aye.
9 COMMISSIONER BULLOCK: Aye.
10 CHAIRMAN GARNER: Did you notice that?
11 UNIDENTIFIED PARTICIPANT: Thank you very, very much.
12 COMMISSIONER BULLOCK: We probably should --
13 UNIDENTIFIED PARTICIPANT: Grant Gerber -- Assemblyman John
14 Ellison suggested that you guys provide the coffee and donuts.
15 COMMISSIONER MASON: Well, there's always a give and take
16 here.
17 CHAIRMAN BULLOCK: Have you met our finance director?
18 Especially the old one.
19 COMMISSIONER MASON: The old one?
20
21 (Simultaneous conversation as public participants exit
22 chambers.)
23
24
25 **COURTHOUSE/ADMINISTRATION BUILDING PROJECT**
26
27 22) **Discussion for possible action regarding the status of the**
28 **Lander County Courthouse/Administration Building Project, and**
29 **other matters properly related thereto.**
30
31 CHAIRMAN GARNER: Twenty-two, discussion for possible
32 action regarding the status of the Lander County
33 Courthouse/Administration Building Project; and other matters
34 properly related thereto.
35 Max?
36 JUDGE MAX BUNCH: Max Bunch, for the record.
37 UNIDENTIFIED PARTICIPANT: Thank you, you guys.
38 JUDGE MAX BUNCH: Kind of wait for just a second.
39 ASSEMBLYMAN JOHN ELLISON: Thank you, guys, so much.
40 COMMISSIONER MASON: I hope we got it right.

1 ASSEMBLYMAN JOHN ELLISON: Oh, you got it perfect.
2 Thank, you so much. Good seeing you again. You're
3 staying out of trouble.
4 COMMISSIONER MASON: Thanks for coming in.
5
6 (Simultaneous conversation as public participants exit
7 chambers.)
8
9 COMMISSIONER BULLOCK: Maybe we need to take a break. Five
10 minutes just to get people out of --
11
12 CHAIRMAN GARNER: Max, we'll take a five-minute break.
13
14 (Break taken between 12:30 p.m. and 12:38 p.m.)
15
16 CHAIRMAN GARNER: Call the meeting back to order. I'm
17 getting hungry.
18 NAN ANCHO: Then I would like to make a correction to Item
19 Number 10.
20 COMMISSIONER BULLOCK: We're on 22 right now.
21 NAN ANCHO: Well, we're going back. You'll get out of here
22 in time for dinner.
23 CHAIRMAN GARNER: I've got to go -- he's open. We already
24 opened him up.
25
26 JUDGE MAX BUNCH: Okay. Max Bunch, again, for the record.
27 As you see before me here, these are the plans. It's 100
28 percent construction documents. We don't have one volume, but
29 we have two volumes. And you'll remember there was an architect
30 a long time ago, brought in one volume and said, this is what
31 you'll have. Well, that ain't what we have. We have this plus
32 these pages there, so this is over --
33 COMMISSIONER WAITS: As long as the cost didn't double.
34 JUDGE MAX BUNCH: The cost didn't double. It's the same
35 price. Actually, we got it cheaper than the original one, so --
36 that's just kind of to give you an update. We're at 100
37 percent.
38 We have one issue that we are dealing with that, as I was
39 going through all these documents, I was able to talk to two
40 people on the building committee and one person I was not able

1 to get ahold of, but we are working on fixing a -- a couple of
2 walls in an office. And that's where we're at now.

3 Everything is out to bid. And it is all going very well at
4 this point in time. We will be opening up bids at this point, I
5 believe, on the 21st day of May. So everything is on schedule
6 for that.

7 During this process -- and I know the county commissioners
8 don't like to be given papers as we go along, but --

9 CHAIRMAN GARNER: We can't accept that.

10 JUDGE MAX BUNCH: Well, you don't have to. All you've got
11 to do is kind of glance at it and pass it down.

12 CHAIRMAN GARNER: We can just look at it and retain?

13 JUDGE MAX BUNCH: These are -- these are examples of county
14 seals.

15 And I notice that Lander County does not have a county seal.
16 And there are only four counties in the state that do. And so we
17 were trying to figure out what we're going to do on the front of
18 the building for a county seal or a state seal.

19 We currently have a state seal on our building. Those are
20 just four example of -- of the counties in Nevada that have it.
21 I've talked to Van Woert and Bigotti and -- and just to make
22 sure that -- they indicated that they would help us in designing
23 that if -- if that was something that was going to happen. So
24 I'll be coming back to the commissioners to decide if they want
25 to have a county seal at some point in time.

26 And one of the other questions that came up is: We have a
27 county flag that's here. And I know there was some discussion
28 and potentially changing that county flag, redesigning that.
29 That would be something that we could do at the same time to
30 present to the commissioners at a later date.

31 COMMISSIONER BULLOCK: This is all part of your budget?

32 JUDGE MAX BUNCH: This is all part of this budget.

33 COMMISSIONER BULLOCK: Oh, okay.

34 JUDGE MAX BUNCH: Actually, Van Woert and Bigotti are
35 talking about doing it fräi, gratis.

36 COMMISSIONER BULLOCK: Oh.

37 COMMISSIONER MASON: Oh.

38 COMMISSIONER BULLOCK: I'm all for it.

39 JUDGE MAX BUNCH: So -- and I just wanted to make sure that
40 if you guys wanted that, we would go ahead with it. If you

1 didn't want it, then I would stop and wouldn't waste any more of
2 my time.

3 COMMISSIONER GARNER: I like it.

4 COMMISSIONER STIENMETZ: I think we need a seal and a
5 better flag.

6 JUDGE BUNCH: Okay. So we'll get some things together
7 eventually. I mean, we have time to get it done.

8 CHAIRMAN GARNER: If you, just a -- a -- the -- can't tell
9 you a name. You could probably dig it up -- the owner of the
10 Sevall Ranch is a flag guru. I don't know. In Antelope or the
11 valley.

12 JUDGE MAX BUNCH: Uh-huh.

13 CHAIRMAN GARNER: He is some sort of flag guru. And that's
14 all he does. So he might -- he had mentioned that to me a
15 couple of times being out at the ranch that --

16 JUDGE MAX BUNCH: Is he a smaller, little, --

17 CHAIRMAN GARNER: Yeah.

18 JUDGE MAX BUNCH: -- older guy?

19 CHAIRMAN GARNER: Yeah.

20 JUDGE MAX BUNCH: Okay.

21 CHAIRMAN GARNER: Yeah. He is a flag -- I have his card in
22 my office. I'll get that to you.

23 JUDGE MAX BUNCH: Okay.

24 CHAIRMAN GARNER: But that's all he does is stuff like
25 that.

26 COMMISSIONER WAITS: Does he design?

27 CHAIRMAN GARNER: Yes.

28 COMMISSIONER WAITS: Or -- he designs them too?

29 CHAIRMAN GARNER: Mm-hm. He designs them. He's -- he has
30 every collection and all sorts of stuff. A little -- he was
31 kind of little, short Basco guy, I think.

32 JAKE EDGAR: Jim Ferrier. Jimmy the flag guy.

33 CHAIRMAN GARNER: Yeah. That could be. Is that Sevall?
34 Sevall Ranch? There you go.

35 COMMISSIONER WAITS: Judge, do you have a date for the
36 pre-bid conference.

37 JUDGE MAX BUNCH: For the pre-bid conference? Is next
38 Wednesday. I don't know what the date is.

39 COMMISSIONER STIENMETZ: Thirteenth.

40 JUDGE MAX BUNCH: The what?

1 COMMISSIONER STIENMETZ: I think it's the 13th; isn't it?
2 JUDGE MAX BUNCH: Thirteenth? Fourteenth? What's next
3 Wednesday?
4 COMMISSIONER STIENMETZ: 13th.
5 COMMISSIONER BULLOCK: 14th.
6 COMMISSIONER STIENMETZ: 14th.
7 JUDGE MAX BUNCH: There's a pre-bid conference on site
8 there. We've already had some other pre-bid conferences in Reno
9 and here.
10 But this is an on-site for the people that are bidding.
11 COMMISSIONER WAITS: Okay, you said we were just going out
12 to bid, so I thought -- okay, we would rather --
13 JUDGE MAX BUNCH: So there's a mandatory on-site visit for
14 the majority of the bidders. Some of them may not have to be
15 there. It may not be an issue. You know, the guys putting up
16 the walls may not need to be here.
17 COMMISSIONER WAITS: The subcontractors or something like
18 that.
19 JUDGE MAX BUNCH: The subcontractors; correct.
20 COMMISSIONER WAITS: I understand.
21 JUDGE MAX BUNCH: The people that are bidding, so --
22 COMMISSIONER WAITS: Okay.
23 JUDGE MAX BUNCH: And then we are -- we're attempting to
24 get scheduled a -- just went out of my head -- June 26th after
25 the commission meeting or sometime in that time frame to have a
26 ground-breaking ceremony.
27 And then Van Woert and Bigotti have offered to buy lunch for
28 some people. So --
29 DONALD NEGRO: Seventeen-million dollar lunch.
30 JUDGE MAX BUNCH: -- they're getting that set up. I'm not
31 sure where that is, but as I find out, I will let you know.
32 CHAIRMAN GARNER: All right.
33 JUDGE MAX BUNCH: So they're doing like a little barbecue
34 for the people -- the group of people in. And then they're
35 going to do a ground breaking after that.
36 COMMISSIONER MASON: But the date hasn't been picked yet.
37 JUDGE MAX BUNCH: The date is June 26th. You have a
38 commission meeting on that day.
39 COMMISSIONER WAITS: We had a tentative date of that you
40 gave to us a few weeks ago.

1 JUDGE MAX BUNCH: That's correct.
2 COMMISSIONER WAITS: So it's firmed up now.
3 JUDGE MAX BUNCH: Other than that, we're working on just a
4 few walls and we should be done. Hopefully, the next report I
5 give to you will be the day after we've opened the bids and I
6 can tell you tentatively where we're at.
7 And --
8 COMMISSIONER BULLOCK: Sounds good.
9 JUDGE MAX BUNCH: -- if anybody wants to come up and look
10 at these, they're more than welcome to come up to the office and
11 read through the plans like I have for years.
12 COMMISSIONER STIENMETZ: Thank you, Max.
13 CHAIRMAN GARNER: Thanks, Max.
14 JUDGE MAX BUNCH: Any questions?
15 CHAIRMAN GARNER: Nope.
16 COMMISSIONER STIENMETZ: No. Thank you, very much.
17 JUDGE MAX BUNCH: Okay. Thank you, very much.
18
19 CHAIRMAN GARNER: Correspondence, reports, potential -- I
20 don't want to open that. I want to go back to 10, reopen 10.

21
22
23 **PUBLIC WORKS**

24
25 10) **Discussion for possible action regarding the safety reasons**
26 **for laying concrete for the pergola and fencing in front of**
27 **the Mountain View Golf Course, and other matters properly**
28 **related thereto.**
29

30 CHAIRMAN GARNER: Discussion for possible action regarding
31 the safety reasons for laying concrete for the pergola and
32 fencing in front of the Mountain View Golf Course and other
33 matters properly related thereto.

34 NAN ANCHO: Yes, I'd like to change the fund that the
35 repair and maintenance will come out of Capital Acquisition Fund
36 031 not 054 -- Battle Mountain capital acquisition for the
37 fence.

38 COMMISSIONER BULLOCK: We didn't specify anyway. We just
39 said Battle Mountain acquisition.

40 COMMISSIONER WAITS: Yeah, we did --

1 NAN ANCHO: There's a difference between Battle Mountain
2 acquisition and capital acquisition. Fund 054, no. Fund 031
3 capital acquisition, repair and maintenance.
4 End of story.
5 COMMISSIONER STIENMETZ: So I need to make a -- amend my
6 motion to say.
7 CHAIRMAN GARNER: As follows or --
8 COMMISSIONER STIENMETZ: As stated, out of 051?
9 NAN ANCHO: 031.
10 COMMISSIONER STIENMETZ: 031.
11 NAN ANCHO: Capital acquisition, repair and maintenance.
12 COMMISSIONER STIENMETZ: Capital acquisition, repair and
13 maintenance for the fence, the funding.
14 That's a motion.
15 COMMISSIONER BULLOCK: Second.
16 COMMISSIONER MASON: Oh.
17 CHAIRMAN GARNER: Any public comment?
18 (No comment.)
19 CHAIRMAN GARNER: All those in favor?
20 COMMISSIONER STIENMETZ: Aye.
21 CHAIRMAN GARNER: Aye.
22 COMMISSIONER WAITS: Aye.
23 COMMISSIONER BULLOCK: Aye.
24 COMMISSIONER MASON: Aye.
25 CHAIRMAN GARNER: Back to --
26 COMMISSIONER STIENMETZ: Twenty-two. Twenty-three.
27 COMMISSIONER BULLOCK: Twenty-three.
28 CHAIRMAN GARNER: Twenty-three.
29
30

31 **COMMISSIONERS**

32
33 **23) Correspondence/reports/potential upcoming agenda items.**

34
35 CHAIRMAN GARNER: Correspondence, reports, potential
36 upcoming agenda items.
37

38 (The following correspondence was received:

39 1. Charlie L. Myers, Chair, Elko County Board of
40 Commissioners, to Honorable Sally Jewell, Secretary of the

1 Interior, US Department of the Interior, letter regarding
2 request for the delisting of the common raven from the Migratory
3 Bird Treaty Act to protect the greater sage grouse.

4 2. Steve Fischenich, NDEP Environmental Scientist, to
5 Damon Borden, BM Truck Stop, LLC, letter regarding notification
6 of new case officer to review environmental activities at the
7 Broadway Colt Service Center, 660 W. Front Street, Battle
8 Mountain, NV, Facility ID #5-000283.

9 3. Christopher J. Cook, BLM Field Manager, to Interested
10 Public, letter regarding public consultation for the proposed
11 emergency stabilization and rehabilitation/temporary livestock
12 closure for the 2013 Willow Creek Fire, Mt. Lewis Field Office.

13 4. US Forest Service, Humboldt-Toiyabe National Forest,
14 Austin-Tonopah Ranger District, Scoping Documents-Request for
15 Comments, Kingston Vegetation Restoration Project.)
16

17 COMMISSIONER WAITS: On the special one that we're just --
18 voted to put on for the 17th, we have to get that out ASAP;
19 right?

20 COMMISSIONER BULLOCK: Mm-hm.

21 COMMISSIONER WAITS: Like today?

22 DISTRICT ATTORNEY ELQUIST: By next --

23 COMMISSIONER BULLOCK: No.

24 DISTRICT ATTORNEY ELQUIST: -- Tuesday.

25 COMMISSIONER BULLOCK: We're good.

26 We only have to have three days.

27 COMMISSIONER WAITS: Okay. Thank you.

28 CHAIRMAN GARNER: Anything else special?

29 (No comment.)

30 CHAIRMAN GARNER: Seeing none.
31

32
33 **CLOSED PERSONNEL SESSIONS**

34
35 **24) Closed personnel session to conduct a one-year performance**
36 **evaluation of the Lander County Engineer.**
37

38 CHAIRMAN GARNER: Moving on to item 24. We will now make a
39 motion.

40 COMMISSIONER BULLOCK: Make a motion to go into closed

1 session.

2 COMMISSIONER WAITS: Second.

3 CHAIRMAN GARNER: All in favor?

4 ALL COMMISSIONERS: Aye.

5

6 [Closed session.]

7

8 25) Closed personnel session to conduct a six-month's performance
9 evaluation of the Lander County Finance Director.

10

11 [Closed session.]

12

13

14 CHAIRMAN GARNER: Call the meeting back to order.

15 COMMISSIONER STIENMETZ: I'll make a motion we go out of
16 our closed personnel session and back into our regular session.

17 COMMISSIONER WAITS: I'll second that motion.

18 CHAIRMAN GARNER: Open Item 26.

19 COMMISSIONER STIENMETZ: We have to vote on it.

20 CHAIRMAN GARNER: Oh. Any public comment?

21 (No comment.)

22 CHAIRMAN GARNER: All those in favor?

23 COMMISSIONER WAITS: Aye.

24 COMMISSIONER STIENMETZ: Aye.

25 CHAIRMAN GARNER: Aye.

26 COMMISSIONER MASON: Aye.

27 COMMISSIONER BULLOCK: Aye.

28

29

30 COMMISSIONERS

31

32 26) Discussion for possible action regarding the one-year
33 performance evaluation of the Lander County Engineer and
34 other matters properly related thereto.

35

36 CHAIRMAN GARNER: Twenty-six, discussion for possible
37 action regarding the one-year performance evaluation of the
38 Lander County Engineer and other matters properly related
39 thereto.

40 Can I make a motion?

1 COMMISSIONER BULLOCK: I'd like to make a motion that we
2 eliminate the position of the at-will Lander County Engineer
3 position effective -- as of tomorrow at 5:00 o'clock.

4 COMMISSIONER STIENMETZ: I'll second the motion.

5 CHAIRMAN GARNER: Any public comment?

6 COMMISSIONER MASON: I think this is a -- I think we're
7 making an error here; however, I think what -- what's
8 misunderstood in this is the fact that it was a personality
9 difference. It isn't a workmanship difference. This man has
10 done a heck of a job.

11 COMMISSIONER WAITS: For the record, I would like to make a
12 comment. I -- I disagree with Commissioner Mason. I think -- I
13 think Mark has done his -- his job description. I have reviewed
14 it again and again. And we have not eliminated the need for
15 outside services, which means our job description wasn't exactly
16 what we thought we were getting. I do believe he's a reviewing
17 engineer. He's apparently not a design engineer. And I think
18 that was our error of the county. I don't have any problem with
19 Mark handling what we asked him to handle.

20 I do believe it's time to do away with this engineer job
21 description. This is not what the county had intended.

22 CHAIRMAN GARNER: I'd like to say, that's -- I agree with
23 Patsy.

24 Any other public comment?

25 (No comment.)

26 CHAIRMAN GARNER: All those in favor?

27 Aye.

28 COMMISSIONER STIENMETZ: Aye.

29 COMMISSIONER BULLOCK: Aye.

30 COMMISSIONER WAITS: Aye.

31 CHAIRMAN GARNER: All those opposed?

32 COMMISSIONER MASON: No.

33
34 27) Discussion for possible action regarding the six month's
35 performance evaluation for the Lander County Finance Director
36 and other matters properly related thereto.
37

38 CHAIRMAN GARNER: Twenty-seven, discussion for possible
39 action regarding the six-month performance of Lander County
40 financial -- finance director and other matters properly related

1 thereto.
2 COMMISSIONER BULLOCK: Great job, kudos.
3 COMMISSIONER STIENMETZ: Yeah.
4 COMMISSIONER WAITS: We're glad she's here.
5 COMMISSIONER BULLOCK: I have no motion.
6 CHAIRMAN GARNER: Motion -- no motion.
7 COMMISSIONER STIENMETZ: Do we need to make one?
8 COMMISSIONER BULLOCK: Nope.
9 COMMISSIONER MASON: You don't need one.
10 CHAIRMAN GARNER: Carry on.
11 COMMISSIONER STIENMETZ: Thank you.
12
13

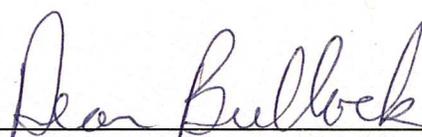
14 **PUBLIC COMMENT**

15
16 CHAIRMAN GARNER: Public comment for --
17 COMMISSIONER STIENMETZ: Appreciate it.
18 CHAIRMAN GARNER: -- for any non-agendized item?
19 (No comment.)
20

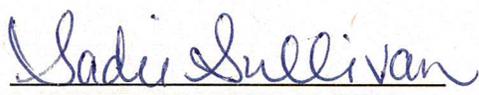
21 **ADJOURNMENT**

22
23 COMMISSIONER BULLOCK: Motion to adjourn.
24 COMMISSIONER STIENMETZ: Second.
25 CHAIRMAN GARNER: Any public comment?
26 (No comment.)
27 CHAIRMAN GARNER: All those in favor?
28 COMMISSIONER MASON: Aye.
29 CHAIRMAN GARNER: Aye.
30 COMMISSIONER STIENMETZ: Aye.
31 COMMISSIONER BULLOCK: Aye.
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**CHAIRMAN OR VICE CHAIRMAN OF THE
BOARD OF LANDER COUNTY
COMMISSIONERS AND THE LANDER
COUNTY LIQUOR BOARD**

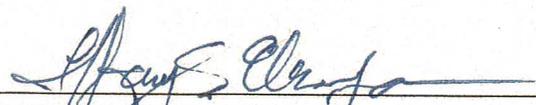
ATTEST: 
LANDER COUNTY CLERK

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

1 STATE OF NEVADA)
2) ss.
3 COUNTY OF ELKO)
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 8TH
13
14 DAY OF MAY 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 SPRING CREEK, NEVADA,
24 THIS 6th DAY OF JUNE 2014.
25

26
27 
28 _____
29 TIFFANY ELKINGTON, SCR #930
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