

1 The Honorable Board of Lander County Commissioners met in regular session in the  
2 Commission Chambers of the Lander County Courthouse and Administration Building in Battle  
3 Mountain, Nevada, 50 State Route 305, on August 13, 2020 at 9:00 a.m.

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5 **PRESENT: PATSY WAITS, COMMISSIONER**  
6 **ART CLARK III, COMMISSIONER**  
7 **KATHLEEN ANCHO, COMMISSIONER**  
8 **BRYAN SPARKS, COMMISSIONER (via teleconference)**  
9 **BERT RAMOS, COUNTY MANAGER**  
10 **KATHY DUVALL, COUNTY CLERK'S OFFICE**  
11 **SADIE SULLIVAN, COUNTY CLERK**  
12 **THEODORE HERRERA, DISTRICT ATTORNEY (via**  
13 **teleconference)**  
14 **ROBERT QUICK, TECHNICAL ASSISTANCE/S.O.**  
15 **ELIZABETH BARELA, DISTRICT ATTORNEY'S OFFICE**  
16 **ABSENT: JUDIE ALLAN, COMMISSIONER**

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18 (Let the record reflect the presence of a quorum of four commissioners. Let the record  
19 reflect the presence of Austin via teleconference. Let the record reflect the meeting is also by  
20 Audio Conference by Go-To-Meeting.)

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22 **9:00 A.M.**

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24 Chairman Ancho called the meeting to order.  
25 Commissioner Sparks led the Pledge of Allegiance.  
26 Chairman Ancho called for a moment of silence.

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29 **COMMISSIONER REPORTS**

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31 Commissioner Waits: Patsy attended a virtual NACO meeting on July 31st. Nevada  
32 Energy gave a rundown on their new transmission lines for renewable energy and reducing  
33 carbon. They will be meeting with the county manager in Austin this month and this will be  
34 bringing economic growth and many jobs in the next eleven years. She's looking forward to the  
35 meeting and what's going on. She mentioned one of the speakers was Dr. Kristen Averyt, who  
36 has just been appointed as the first State Climate Policy Coordinator for climate change.

37 Patsy mentioned the BLM headquarters relocating to Grand Junction, CO and having a  
38 location closer to us in the west. Many of the staff have come out west. The Department of the  
39 Interior is excited about this. It has been talked about for some time.

40 She spoke on the webinar that the MGM put on regarding the Net Proceeds resolutions  
41 having to do with mining and what this could mean down the road. There are some real scary  
42 things about these resolutions. The mines were not invited to speak and it seemed as if nobody  
43 had anything good to say about the mines. They were only informed of the meeting shortly  
44 before it took place. They were very disheartened and just got some terrible reviews from the  
45 Senate and Assembly. Patsy read a quick rundown of what the mines have done in our area and

46 she explained a bit about what the three resolutions entail. Only one of the three resolutions  
47 leaves the counties in the mix at all.

48 She had an Austin Airport Board meeting that she attended. The signs are up now on the  
49 military vehicles. There will be a Navy exercise in September at the Austin airport. The area in  
50 Austin kind of mirrors the Afghan terrain.

51 Commissioner Clark: Art said they finally had a PLUAC meeting. They hadn't had a  
52 quorum for quite a while. The biggest thing going on right now is finalizing the Argenta grazing  
53 plan.

54 Commissioner Ancho: Kathy attended a hospital board meeting and a LEDA board  
55 meeting. Sheldon Mudd had a small presentation on potential businesses that would like to come  
56 in here but most of them are attached rail.

57 Lori Price did a presentation on the museum and the funding has slowed down. They've  
58 had some volunteers helping out with that.

59 She mentioned that Jason Bleak would be speaking later in the meeting and that they are  
60 looking at getting one or two of the Quick Test machines.

61 Commissioner Sparks: Nothing.

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#### 64 **STAFF REPORTS**

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66 Bert Ramos (County Manager): Bert gave a rundown on the COVID numbers. Currently  
67 there are 2 active and 49 recovered.

68 Bert and Laken met with the auditors and they would like to get a 5-year Capital  
69 Improvement list from the commissioners and department heads. The reason being we have such  
70 large fund balances on some of our funds that are unappropriated and these funds could be levied  
71 by the state. He would like it early next week. The money needs to be earmarked to protect it.

72 He spoke with Amodei's office about possibly getting the COVID funds without the  
73 governor's strings attached. Other counties are dealing with this too.

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#### 75 **PUBLIC COMMENT**

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77 None.

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#### 79 **CONSENT AGENDA**

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81 Chairman Ancho read in the consent agenda items, numbered 1 through 12. Number 12  
82 was pulled for discussion. There was a typo on one of the payroll change requests submitted.

83 Commissioner Waits made a motion to approve #1, #2, #7, #8, #9, and #10. It was  
84 seconded by Commissioner Sparks. The motion was voted and carried.

85 **Motion to approve selected items:** Commissioner Waits;

86 **Seconded by:** Commissioner Sparks;

87 **The motion was voted and carried.**

88 They moved on to discuss #12, the payroll change requests. Bert apologized for there  
89 being a typo on one of the requests and he clarified that it should be a Lifeguard rather than a

90 Maintainer III. Commissioner Waits made the motion to approve that. It was seconded by  
91 Commissioner Sparks. The motion was voted and carried.

92 **Motion to approve Item #12:** Commissioner Waits;

93 **Seconded by:** Commissioner Sparks;

94 **The motion was voted and carried.**

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97 **COMMISSIONERS**

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99 **1) COMMISSIONERS: For possible action to approve/disapprove the payment of the**  
100 **bills.**

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102 Commissioner Waits made a motion to approve the bills and to remove checks  
103 #208666, #3208507, and #208588 for separate consideration as they are to the employer  
104 of Commissioner Sparks. This was seconded by Commissioner Sparks. The motion was  
105 voted and carried.

106 **Motion to approve:** Commissioner Waits;

107 **Seconded by:** Commissioner Sparks;

108 **The motion was voted and carried.**

109 Commissioner Waits made the motion to approve paying the three above  
110 mentioned checks. This was seconded by Chair Ancho. The motion was voted and  
111 carried, with Commissioner Sparks abstaining.

112 **Motion to approve:** Commissioner Waits;

113 **Seconded by:** Chair Ancho;

114 **The motion was voted and carried, with Commissioner Sparks abstaining.**

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117 **7) COUNTY MANAGER: Discussion and possible action on filing or preparing to file**  
118 **a lawsuit individually or with other interested Counties to protect Lander County's**  
119 **natural resources from the overreaching State Government.**

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121 This item was moved up in line and a Closed Session was called by District  
122 Attorney Ted Herrera. This session went from 9:20-10:07a.m.

123 This item resumed with Commissioner Clark making the motion to move forward  
124 with a lawsuit against Governor Sisolak and the Nevada legislature for their overreach  
125 and attempting to destroy counties. It was seconded by Commissioner Sparks. The  
126 motion was voted and carried.

127 **Motion to approve:** Commissioner Clark;

128 **Seconded by:** Commissioner Sparks;

129 **The motion was voted and carried.**

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132 **2) COMMISSIONERS: For possible action to approve/disapprove Resolution 2020-08**  
133 **to transfer the County's 2020 Private Activity Bond Cap (PABC) to Nevada Rural**  
134 **Housing Authority (NRHA).**

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Commissioner Waits: Patsy made the motion to approve Resolution 2020-08 and read the entire resolution into the record. This was seconded by Commissioner Sparks. The motion was voted and carried. It was noticed that a page had missed being read in and Patsy proceeded to amend her motion by reading in the missing page. This was seconded by Commissioner Sparks. The motion was voted and carried.

**Motion to approve:** Commissioner Waits;  
**Seconded by:** Commissioner Sparks;  
**The motion was voted and carried.**

**Amended Motion:** Commissioner Waits;  
**Seconded by:** Commissioner Sparks;  
**The motion was voted and carried.**

3) **COMMISSIONERS: For possible action to create a County Wide policy regarding Governor Sosolak’s latest Roadmap to Recovery directives.**

Bert Ramos (County Manager): He is here for guidance on what direction we are going. He stated there is no way to keep us out of the red zone as we proceed but that we are currently in the green zone. He recommends we follow the Whitehouse federal guidelines. Commissioner Clark made the motion to follow the federal guidelines. This was seconded by Commissioner Sparks. The motion was voted and carried.

**Motion to approve:** Commissioner Clark;  
**Seconded by:** Commissioner Sparks;  
**The motion was voted and carried.**

4) **COUNTY MANAGER: Discussion only, update from Ken Brown representing Western Counties Alliance on public land issues.**

Ken Brown (Western Counties Alliance): Ken began by stating that it has been hard to relay information due to the virus. He spoke on PILT (Payment in Lieu of Taxes), securing rural schools, forest lands, geothermal, sage grouse, and wild horses and burros. He also spoke on road issues and mining concerns. He did request a renewal amount and it was determined that it needed to be brought back as another agenda item.

8) **BATTLE MOUNTAIN GENERAL HOSPITAL: Update only from BMGH in regard to COVID-19 testing and test reporting.**

Jason Bleak (BMGH CEO): Jason Bleak along with Dr. Wilcourt appeared to give an update on the county’s COVID-19 status. They are trying to keep the political side of this out of this and focus on the medical side of it. The guidance is changing often so they need to be mobile and fluid. They continue to work to protect the staff, long term

180 care, and the community. They have met some resistance in getting everyone to follow  
181 the guidelines. As of the 12<sup>th</sup> they had done 957 tests, with 849 negative, 90 were positive  
182 but they represent only 53 people, due to re-testing, and 18 are pending. Results are  
183 taking longer now, about 4-7 days for results.

184 Dr. Robin Wilcourt: This is a very confusing time for most of us, with lots of  
185 conflicting information. It makes it difficult to conform to the guidelines. There are many  
186 different symptoms around the country. They have to rely on symptoms as it takes so  
187 long to get the tests back. There was additional discussion with some questions on this  
188 topic. One item of note is to check with your life insurance on whether they will or won't  
189 pay if you die during a pandemic.

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191 \*\*\*A short break was taken from 11:03 - 11:12 a.m.\*\*\*

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193 **6) COUNTY MANAGER: For possible action to approve/disapprove the renewal of**  
194 **the Battle Mountain Airport Hangar Lease between Four Corner's Real Estate and**  
195 **Lander County.**

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197 Bert Ramos (County Manager): Bert gave an introduction to the item.

198 Commissioner Sparks: Bryan asked who Four Corners Real Estate is.

199 There was discussion on the item. This item was tabled, as it was decided it  
200 should be brought back at another time.

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203 **5) COUNTY MANAGER: Discussion and possible action regarding risk assessment**  
204 **options and giving County Manager direction on how to proceed after presentation**  
205 **from Veronica Frenkel, recommended by POOL/PACT.**

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207 Veronica Frenkel (by teleconference): Veronica went over her background and  
208 qualifications in the risk assessment arena.

209 Discussion of this item continued. No action was taken on the risk assessment.

210 Commissioner Clark made the motion that Bert builds his team to look at this. It  
211 was seconded by Commissioner Sparks. The motion was voted and carried.

212 **Motion to approve County Manager to build his team: Commissioner Clark;**

213 **Seconded by: Commissioner Sparks;**

214 **The motion was voted and carried.**

215 Public Comment: Clerk Sullivan mentioned that the code book should be looked at and it  
216 was stated that it's being done.

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219 **9) PUBLIC WORKS DIRECTOR: For possible action to approve/disapprove a full**  
220 **time Austin Water & Sewer Technician 1.**

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222 Bert Ramos (County Manager): Bert, representing Don Prince, explained the  
223 need to have 24-hour coverage, 50% to Water and 50% to sewer, per the state. They have  
224 been in non-compliance and need to rectify that.

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The wages and benefits were discussed and Commissioner Waits made the motion to approve. It was seconded by Commissioner Clark. The motion was voted and carried. It was determined that Bert would bring back solid numbers.

**Motion to approve:** Commissioner Waits;

**Seconded by:** Commissioner Clark;

**The motion was voted and carried.**

- 10) **PLANNING: For possible action to approve/disapprove a Parcel Map application for Jay Wintle DBA Faded Sage Development, LLC to split one 8.5 acre parcel into three parcels, Parcel 5-E (3.06 acres), Parcel 5-F (2.57 acres), Parcel 5-G (2.57 acres), Located on Faded Sage Drive in Battle Mountain, APN 010-280-52 zoned A-1. This application was approved by the Planning Commission on July 15, 2020.**

Kyla Sharp (Planning Coordinator): Kyla stated this still leaves 40 septic tanks available.

There was discussion between Commissioners Clark, Waits, Sparks, and D.A. Herrera on the septic tank issues and it was stated that you can't deny for someone to possibly build at some point in the future when there are still septic spots available. It is a first-come, first-served basis. Commissioner Waits made the motion to approve. It was seconded by Commissioner Sparks. The motion was voted and carried, with Commissioner Clark voting Nay.

More discussion ensued regarding how to regulate how many septic tanks should be allowed per person. It was determined that this issue needs to be looked at and possibly changed.

Jay Wintle: Jay spoke up to clarify some of the things as he knows them and his planned intentions for development.

**Motion to approve:** Commissioner Waits;

**Seconded by:** Commissioner Sparks;

**The motion was voted and carried with Commissioner Clark voting Nay.**

- 11) **PLANNING: For possible action to approve/disapprove a Parcel map application for Jay Wintle DBA Faded Sage Development, LLC to split two parcels into four parcels. Parcel 10-E (2.96 acres), Parcel 10-F (2.5 acres), Parcel 10-G (2.5 acres), Parcel 10-H (10.03 acres). Located on Faded Sage Drive in Battle Mountain, APN 010-280-47 and APN zoned A-1. This application was approved by the Planning Commission on July 15, 2020.**

Kyla Sharp (Planning Coordinator): There was continued discussion of this matter and the need for this to be looked at by a master plan committee, possibly with some outside help. Commissioner Waits made the motion to approve and it was seconded by Commissioner Sparks. The motion was voted and carried, with Commissioner Clark voting Nay.

270                   **Motion to approve:** Commissioner Waits;  
271                   **Seconded by:** Commissioner Sparks;  
272                   **The motion was voted and carried, with Commissioner Clark voting Nay.**  
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275 **12) PLANNING: For possible action to approve/disapprove a Reversion of Acreage**  
276 **Application for Richard Watts, located at 105 and 107 Victorian Drive in Kingston,**  
277 **Nevada. APN 003-191-31 and APN 003-191-32. Zoned R-1, removing center lot line**  
278 **between the two parcels to create one parcel. This application was approved by the**  
279 **Planning Commission on July 15, 2020.**  
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281                   Kyla Sharp (Planning Coordinator): Kyla stated it was just removing the lot line  
282 on this one. Commissioner Waits made the motion to approve. It was seconded by  
283 Commissioner Sparks. The motion was voted and carried.

284                   **Motion to approve:** Commissioner Waits;  
285                   **Seconded by:** Commissioner Sparks;  
286                   **The motion was voted and carried.**  
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289 **13) RAYLENE KROLL: For possible action to approve/disapprove the closure of**  
290 **Mountain View Golf Course August 22, 2020 for a wedding. This event has been**  
291 **verbally approved by the lessee.**  
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293                   Bert Ramos (County Manager): Bert stated that the Kroll's had paid \$400.00 to  
294 have the golf course for the full day. They couldn't locate a fee schedule or how it was  
295 done previously but they did go back to 2013 when it had been approved to close down  
296 the golf course. We don't want to be in conflict with whoever is running the golf course.  
297 All of the fees are collected by them and turned in to the county. They did find where it is  
298 \$1,000.00 for the whole golf course closure and \$500.00 for a half day closure. So we  
299 need to refund the Kroll's \$400.00 and make sure they get their approval and clear it with  
300 our current contract-holder. Commissioner Sparks made the motion to approve closing  
301 the golf course and it was seconded by Commissioner Clark. The motion was voted and  
302 carried.

303                   **Motion to approve:** Commissioner Sparks;  
304                   **Seconded by:** Commissioner Clark;  
305                   **The motion was voted and carried.**  
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308 **14) BATTLE MOUNTAIN BURNERS CAR CLUB: For possible action to**  
309 **approve/disapprove the reservation of Lander County Recreation center August 22,**  
310 **2020 and also request a grant to help put on the Annual Car Show in the amount**  
311 **not to exceed \$2,000. This is a 501C3 charitable organization.**  
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313 Alicia Price: She stated this is their eleventh year and they've usually been pretty  
314 self-sufficient but one of their pretty large donors backed out because of COVID. They  
315 usually use the Rec Center for the kids to swim and then the park for the cars.

316 There was further discussion on budget issues and whether money was set aside  
317 for these types of things. It was stated that these types of requests need to be done by  
318 resolution. D.A. Herrera spoke to that matter by teleconference and to possibly include  
319 some conditions in the resolutions. Bert did mention that the budget would need to be  
320 augmented. Commissioner Waits made a motion to approve the grant, not to exceed  
321 \$2,000.00. This was seconded by Commissioner Sparks. The motion was voted and  
322 carried. The motion was amended to state that this would be followed up by the  
323 resolution at the next meeting, August 27<sup>th</sup>, and they will follow the COVID-19  
324 recommendations.

325 **Motion to approve (and as amended):** Commissioner Waits;

326 **Seconded by:** Commissioner Sparks;

327 **The motion was voted and carried.**

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330 15) **BMHS RODEO CLUB: For possible action to approve/disapprove the request for a**  
331 **grant for the Battle Mountain High School Rodeo Club to help put on the**  
332 **September 25<sup>th</sup>-27<sup>th</sup> Rodeo in the amount not to exceed \$10,000. This is a 501C3**  
333 **charitable organization.**

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335 Suzanne Lemaire: She is the director for the Rodeo Club and this is the 51<sup>st</sup> year  
336 for this Club. They rely on the community support and it does bring an economic boost to  
337 the community that weekend. Fund-raising has been affected this year due to COVID.  
338 Commissioner Clark made the motion to approve and it was seconded by Commissioner  
339 Sparks. They will need to come back with the resolution and the Club needs to present  
340 receipts and bills to be covered. The motion was voted and carried.

341 **Motion to approve:** Commissioner Clark;

342 **Seconded by:** Commissioner Sparks;

343 **The motion was voted and carried.**

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346 16) **BUSTER MILLER MEMORIAL JR. RODEO: For possible action to**  
347 **approve/disapprove funding of the Buster Miller Memorial Jr. Rodeo in the amount**  
348 **not to exceed \$5,000. This is a 501C3 charitable organization.**

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350 Samme Engelson: This will be September 19<sup>th</sup> which is a Saturday. Donations are  
351 down this year and we are usually self-funded. We would appreciate the help this year.  
352 Commissioner Clark made the motion to approve this grant and that they follow the  
353 COVID guidelines. It must be followed up with a resolution. It was seconded by  
354 Commissioner Sparks. The motion was voted and carried.

355 **Motion to approve:** Commissioner Clark;

356 **Seconded by:** Commissioner Sparks;

357 **The motion was voted and carried.**



358 17) LANDER COUNTY ASSESSOR: Update from independent contractor  
359 Performance Computing regarding Lander County's Servers and Cyber Security.

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361 This item was tabled.

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364 18) CORRESPONDENCE: Correspondence/reports/future agenda items.

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366 One suggestion might be contracts. Bert is looking at those and evaluating what we're  
367 paying. Patsy mentioned Ken Brown's \$2,000 request could be put on an agenda.

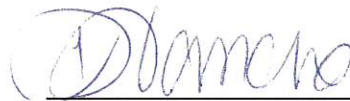
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370 PUBLIC COMMENT

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372 None.


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374 ADJOURNMENT

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376 There being no further business before the Commission at this time, Commissioner Sparks  
377 moved to adjourn the regular session of August 13, 2020. Seconded by Commissioner Clark, the  
378 motion was voted and carried. **ADJOURNED.**

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380 Meeting was adjourned at 12:29 p.m.



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

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389 ATTEST:   
390 LANDER COUNTY CLERK

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