

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 January 28, 2021 at 9:00 a.m.  
4

5 **PRESENT: PATSY WAITS, COMMISSIONER**  
6 **ART CLARK III, COMMISSIONER**  
7 **KATHLEEN ANCHO, COMMISSIONER**  
8 **BRYAN SPARKS, COMMISSIONER**  
9 **WALLACE (JR) THOMAS, COMMISSIONER**  
10 **BERT RAMOS, COUNTY MANAGER**  
11 **KATHY DUVALL, COUNTY CLERK'S OFFICE**  
12 **SADIE SULLIVAN, COUNTY CLERK**  
13 **THEODORE HERRERA, DISTRICT ATTORNEY (via**  
14 **teleconference)**  
15 **ELIZABETH MACDONALD, DISTRICT ATTORNEY'S**  
16 **OFFICE**  
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18 (Let the record reflect the presence of a quorum of five commissioners. Let the record  
19 reflect the presence of Austin via teleconference. Let the record reflect the meeting is also via  
20 Audio Conference by Go-To-Meeting.)  
21

22 **9:00 AM**  
23

24 Chair Kathy Ancho called the meeting to order.  
25 Commissioner Sparks led the Pledge of Allegiance.  
26 Chair Kathy Ancho called for a moment of silence.  
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29 **COMMISSIONER REPORTS**  
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31 Commissioner Waits: Patsy stated she attended the national meeting for Justice and  
32 Public Safety on January 6<sup>th</sup>. One of the concerns is with FEMA and that the counties keep  
33 getting pushed back. Disasters don't happen on federal land and the counties need to be involved  
34 with the states. One of the speakers was Judson Freed, with the International Association of  
35 Emergency Managers and he is the current Chair. He was talking about the requests that they  
36 made to the Biden Administration about FEMA and what we could be doing to get to the table.  
37 One of the requests was that they actually meet with our International Association on a quarterly  
38 basis. They're looking at a lot of different things and this new stimulus package seems like it's  
39 really just a re-distribution of all of our money so there are some concerns on that.

40 On the 11<sup>th</sup> of January she attended an Austin Airport Advisory meeting. The Chair  
41 continues to be Ray Williams and the Vice Chair is Tom Andersen. Tom Cardoza was appointed  
42 to the board and that completes that. They have projects coming up and are working on the  
43 budget.

44 On the 21<sup>st</sup> of January Patsy had the Kingston Town Board meeting. Linda McMahon is  
45 our trustee from the south on the Board of Education and she was telling us that the kindergarten

46 and first grade are going to four days a week and other grades are following along with that.  
47 Austin has always been four days a week as it's a small amount of children.

48 On the Kingston side they're looking at grants to help the budget and no St. Patrick's  
49 party again this year so they're losing a fundraiser. They are looking at doing another raffle like  
50 they did last time. June Manhire is the new Chair and Tamera Elkins is the Vice Chair. Grace  
51 Kemp is new to the board, and we have Marlaine Briscoe and Tammi Newton.

52 They are concerned about senior meals possibly continuing after the COVID response is  
53 done and will be looking into that here shortly.

54 On January 22<sup>nd</sup> she had a NACO meeting. They had a couple people address them on  
55 COVID, Caleb Cage, the Nevada COVID-19 Response Director, and Julia Peek, Deputy  
56 Administrator of the Nevada Division of Public and Behavioral Health (DHCFP). Ms. Peek was  
57 talking about the new call center that they were doing, which is now live and online. It's for  
58 people concerned about COVID and they don't know where to go. If they're part of the group  
59 that should have the vaccine they will take all the information and if they're not part of the group  
60 they will take their registration for them right there. The number is 800-401-0946. It's a good  
61 number to refer people to.

62 NACO is drafting its federal policy priorities for 2021 for our legislative conferences  
63 which will be virtual. Registration is open and she has asked Bert to look into possibly getting a  
64 group rate. Please talk to Bert instead of registering separately, to see if we can get that group  
65 rate.

66 On January 27<sup>th</sup> she had the Nevada Gold Mines (NGM) meeting. They talked about  
67 community grants and Lori Price, with the Cookhouse Museum was there looking for a grant.  
68 We're also looking for anything we can do under economic development, environmental,  
69 COVID, all kinds of things that they have money for with grants.

70 Commissioner Clark: Art stated he didn't have any formal meetings but had an informal  
71 meeting with Sheldon Mudd, with the NNRDA, and Sheldon shared some of the challenges he's  
72 had over the last couple of years and where the emphasis is with the NNRDA. Based on that  
73 meeting, the next day he gave Sheldon the name of a young man in town that is an entrepreneur  
74 with a drone business and plastic printing business. He makes accessories that he designs for  
75 thermal imaging. This fit right into the crack that NNRDA is looking for. This young man  
76 doesn't want to work at the mines anymore, he wants to work for himself. Sheldon is going to  
77 help him get to the place that he wants to be on the one-year program. Art has known this young  
78 man since he was a kid and this is exciting for him.

79 On January 27<sup>th</sup> he had a phone meeting with Joey Gilbert, an attorney that is taking on  
80 the issues in the state, pro bono. More information will be coming on that in the future.

81 Chair Kathy Ancho: Kathy attended her first LEPC meeting two nights ago. They needed  
82 to get all documents in to the state to prove we are in compliance. They also worked on the  
83 hazmat mitigation plan and that was interesting to see where we are in case something happened.  
84 It was about a two-hour process on that. They also got the promulgation done and sent in to the  
85 state.

86 She had an informal meeting with Tyre Gray from the Nevada Mining Association, to get  
87 an idea where we are on the three resolutions. She had some people in town asking her about  
88 things as they listen to radio programs and keep up with what's going on.

89 When she spoke with Tyre he said that the Governor was possibly looking at not moving  
90 this forward at this time. The Governor can't take them off but he can say that he doesn't want

91 them to move forward at this time. He may be back-tracking a bit on it. Tyre couldn't guarantee  
92 anything but that's what it was looking like right now. The Nevada Mining Association wants to  
93 negotiate something that is feasible for everyone, the counties and the state.

94 Commissioner Sparks: Bryan also talked with Joey Gilbert and it's very compelling.

95 Commissioner Thomas: JR. attended the Livestock Board meeting and they are working  
96 on changing the wording for their agreements for people that want to put on rodeos. They did ask  
97 him to mention that they hoped the county might put on a rodeo this year.

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100 **STAFF REPORTS**

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102 Bert Ramos (County Manager): Bert met with NDOT and they will be at the next  
103 meeting virtually, because of their rules. He also stated that we would be seeing a blinking red  
104 light showing up back at the 4-way intersection by the Owl Club. It's kind of old school but  
105 hopefully it will slow down some of the trucks coming through there.

106 For the I-80 improvements they started at the state line and are going to the other state  
107 line. They're going to every town and kind of at the flip of a coin they're getting improvements  
108 and beautification projects. Hopefully Battle Mountain will be there by 2023 is what they said,  
109 for beautification by the freeway. He asked them about the sound wall over by Gold Creek and if  
110 we came up with some money it would move us up in line. It's about \$2,000,000 per mile and  
111 we need approximately 1/3 of a mile by Gold Creek to cover the residents' backyards. It would  
112 be roughly \$300,000 to get that done. The residents would be able to give their input on the idea.

113 He mentioned that he and the commissioners have been getting a fair amount of emails  
114 about the need for Lander County standing up and doing something with the Governor's  
115 overreach and everything. He pointed out that in his opinion and the D.A.'s opinion that Lander  
116 County has been doing some things and we've actually led on that. Some counties are doing  
117 resolutions and he read a description of what a resolution is. It's an expression of an opinion or a  
118 will of an official municipal body adopted by a vote. These truly have no bearing other than  
119 stating an opinion. Why he says we've led and stood stronger than any resolution that can go out  
120 is that back in August we adopted the Whitehouse recommendations for Lander County. These  
121 are just recommendations and people still have their civil liberties and we're respecting their  
122 rights and opinions. The Board took the additional step and said that if a business were to be  
123 cited they would step up and take care of that if they were willing to sign a waiver. We have  
124 stepped far beyond a resolution and taken a very strong stance, not only for our businesses but  
125 for our community as a whole.

126 Some of the things people are reaching out to us for are their own district or their own  
127 boards. The school district has their own board and we don't control them. He would like people  
128 to reach out to them with their concerns.

129 We are standing constitutionally correct and have made a strong stance in respecting all  
130 of our liberties and holding up the oaths of office.

131 Commissioner Clark clarified that we are going with the Whitehouse recommendations  
132 that were made at the time and not any changes that may be made. Bert stated they did reference  
133 the date in the motion that was made at that time.

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**PUBLIC COMMENT**

None.

**CONSENT AGENDA**

Chair Kathy Ancho read in the consent agenda items, numbered 1 through 9. Item #2, #4, #5, and #6 were pulled.

Commissioner Waits made a motion to approve Item #1, #3, #7, #8 and #9. It was seconded by Commissioner Clark.

**Motion to approve Item #1, #3, #7, #8, and #9:** Commissioner Waits;

**Seconded by:** Commissioner Clark;

**The motion was voted and carried.**

**COMMISSIONERS**

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

Commissioner Clark made a motion to approve the balance of the bills after pulling checks #210396, #210481, and #210549. This was seconded by Commissioner Sparks.

**Motion to approve:** Commissioner Clark;

**Seconded by:** Commissioner Sparks;

**The motion was voted and carried.**

Commissioner Clark made the motion to approve paying checks #210396, #210481, and #210549. This was seconded by Commissioner Thomas.

**Motion to approve:** Commissioner Clark;

**Seconded by:** Commissioner Thomas;

**The motion was voted and carried, with Commissioner Sparks abstaining as the checks are to his employer.**

**2) COMMISSIONERS: For possible action to approve/disapprove the proposed Employment Agreement for County Manager Bert Ramos, and authorize the Chair to sign.**

Commissioner Waits started the discussion by stating she had concerns on the termination 4.2. She had concerns on the language should we decide to terminate the services of our county manager. It's the same contract we had with Keith Westengard and she feels that a county manager is more of an at-will employee. She understands that if we terminate there should be a severance pay but feels that a year is too long and she

181 doesn't believe that it's the best that we can do financially. She would like to see that  
182 reduced.

183 Commissioner Clark stated that he doesn't like to hire people that aren't going to  
184 work out and he's in favor of the contract.

185 Commissioner Sparks added to that by mentioning that the average lifespan of a  
186 county manager is two to three years and then you're switching. He doesn't know who in  
187 their right mind would take a job with this high stress without a contract. It goes hand in  
188 hand with the quality of managers that are hired.

189 The discussion continued with various points being made in favor of approval of  
190 this item. Some points were made regarding the need to not repeat past mistakes. D.A.  
191 Herrera stated that the contract does not have flaws.

192 Commissioner Sparks made the motion to approve and it was seconded by  
193 Commissioner Clark. Commissioner Clark asked if now would be the time to give a raise  
194 and D.A. Herrera stated that it is not the time. Commissioner Waits stated that he should  
195 have an evaluation done before that happened. She just wants to be responsible with what  
196 is being done. Additional points were made about the responsibilities of doing proper  
197 evaluations and taking care of matters as they come up.

198 Bert expressed his thanks and stated that he did not ask for more money as he is  
199 new. He feels that the contract is necessary for the protection. This position fits his life at  
200 this point and he's able to go home to his family at night. He loves this community and  
201 the Austin community.

202 **Motion to approve:** Commissioner Sparks;

203 **Seconded by:** Commissioner Clark;

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

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207 **3) COMMISSIONERS: For possible action to approve/disapprove the proposed**  
208 **Employment Agreement for Public Works Director Don Prince, and authorize the**  
209 **Chair to sign.**

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211 Don Prince was in attendance for this item. Commissioner Waits asked if they  
212 wanted to look at that last clause again. Chair Kathy Ancho stated that she totally respects  
213 where Patsy is coming from but it's up to the Board to stand up and handle things if he's  
214 not doing his job. They would need to evaluate him and he fixes the issues or he leaves.  
215 Commissioner Sparks made his same points from Item 2. Also, that whatever was done in  
216 the past didn't work and now we have a contract. It holds them accountable and we have  
217 an out if they're not. He feels that it encourages better people to apply for the position.

218 Commissioner Waits stated that they are at-will employees and she feels that a  
219 year's salary is excessive. She doesn't feel that it's spending the public money as well as  
220 we should be.

221 After additional points of view were expressed by the Board members  
222 Commissioner Sparks made the motion to approve the contract. It was seconded by  
223 Commissioner Clark.

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226 **Motion to approve:** Commissioner Sparks;  
227 **Seconded by:** Commissioner Clark;  
228 **The motion was voted and carried.**  
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231 4) **DISTRICT ATTORNEY: For discussion and possible action to appoint a Lander**  
232 **County Commissioner to the newly created Nevada Local Justice Reinvestment**  
233 **Coordinating Council (NLJRCC).**  
234

235 Commissioner Sparks asked if D.A. Herrera had anything to add to this other than  
236 what they have read. Ted explained that there is a commission out there and they want to  
237 enact a coordinating council that advises the commission. They want a person from our  
238 county to serve and Art is interested in doing it and would probably be a good fit.  
239 Commissioner Clark stated that he does want to serve on this board and would appreciate  
240 being nominated.

241 Commissioner Waits wanted to put on the record that this is a brand new board  
242 that was started in the last legislature and every commission is to appoint someone. The  
243 rural areas get one person. Washoe and Clark counties get two people. That will make up  
244 the whole board. One request is that the stakeholders be from the criminal justice system  
245 and mental health and treatment communities, not necessarily a commissioner. Since we  
246 have the background and interest of Commissioner Clark she thinks that outweighs it a  
247 bit and she thinks it will be very interesting in that the commission may not be totally  
248 made up of those types of backgrounds. D.A. Herrera stated that he did speak to the  
249 writer of the letter that is included in the backup and she said that the main priority is  
250 someone who is interested in sitting on the board. Commissioner Clark feels that his  
251 background working in special education and working with juveniles gives him the  
252 background in mental health.

253 Commissioner Sparks made the motion to approve Commissioner Clark to the  
254 board and Commissioner Thomas seconded the motion.

255 **Motion to approve:** Commissioner Sparks;  
256 **Seconded by:** Commissioner Thomas;  
257 **The motion was voted and carried.**  
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260 5) **BATTLE MOUNTAIN GENERAL HOSPITAL: For possible action to**  
261 **approve/disapprove or amend the proposed Ordinance 2021-01 Amending Lander**  
262 **County Code Title 2, Chapter 28, Section 010, to change the Hospital District Board**  
263 **membership from 7 (seven) members to 5 (five) members, after being read by title**  
264 **to the board. If approved the procedure contained in NRS 244.100(1) must be**  
265 **followed.**  
266

267 Jason Bleak, CEO for Battle Mountain General Hospital and Doug Mills, a  
268 hospital board trustee, appeared for this item. Commissioner Waits began with a question  
269 on the letters shown for the seats. It was confirmed that Seat D and Seat E are the two

270 vacant seats and those would be the two seats eliminated. No one filed for the two vacant  
271 seats during the last election.

272 In response to a question from Commissioners Waits, Commissioner Sparks  
273 thought this would be decided at another election. D.A. Herrera explained that this is not  
274 a constitutional issue. This changes the ordinance to show that there is a five member  
275 board, instead of seven members. The two vacant seats are the ones that are being  
276 removed.

277 Doug Mills did say that there were two seats that went unfilled at the last election  
278 and the same thing happened at the election before that.

279 D.A. Herrera told Chair Kathy Ancho that the title of the ordinance needed to be  
280 read into the record. This is the first step. It is then published and there is a hearing.

281 Commissioner Sparks made the motion to approve amending the code and read in  
282 the title of the ordinance. It was seconded by Commissioner Clark.

283 **Motion to approve:** Commissioner Sparks;  
284 **Seconded by:** Commissioner Clark;  
285 **The motion was voted and carried.**  
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288 6) **COMMISSIONERS: For possible action to approve/disapprove the Aviation**  
289 **Support and Maintenance Services Agreement for the Battle Mountain and Austin**  
290 **Airport.**  
291

292 Bert Ramos (County Manager): Bert explained that this is just re-upping a service  
293 agreement that we have had in the past. It's a professional service that's not necessary to  
294 go out to bid. There is another provider that is out of Salt Lake but they are considerably  
295 higher.

296 Commissioner Waits made the motion to approve the agreement with DBT  
297 Transportation Services. It was seconded by Commissioner Clark.

298 **Motion to approve:** Commissioner Waits;  
299 **Seconded by:** Commissioner Clark;  
300 **The motion was voted and carried.**  
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303 7) **COMMISSIONERS: For discussion and possible action to create a purchasing**  
304 **policy for Lander County wherein local and American made goods are given**  
305 **priority.**  
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307 Bert Ramos (County Manager): Bert stated that if this is the direction they'd like  
308 to go then they can give direction to move forward and to bring it back for approval.

309 Commissioner Clark made the motion to approve this item. It was seconded by  
310 Commissioner Sparks. Commissioner Waits had a comment to make regarding this being  
311 very difficult to do and some research will need to be done on this to bring forward a  
312 protocol of some type. A lot of the things that we do, that we purchase, the companies  
313 don't always know. It's just the attitude and that we'll try to do the best we can do.

314 Commissioner Sparks said that he wants it written to where every effort is made and that  
315 it's not an excuse.

316 Bert explained how they currently handle things. They don't price shop locally  
317 but they do check out of town and then give the local businesses the opportunity to match  
318 it. They do try to keep as much business in Lander County as possible. He also talked  
319 about things that have to be American made on governmental jobs that are bid out when  
320 the costs are above a certain amount. So there are some things that are set by statute  
321 already with the way that it works now. For the local business we'll try to clean it up as  
322 much as possible to keep it in Lander County.

323 Commissioner Sparks wants to curb buying from Amazon and Walmart, and to  
324 try to buy from mom and pop businesses.

325 Bert said most of that type of buying is for office products, but he also wants to  
326 make sure the taxpayers are getting a fair deal as well.

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

328 **Seconded by:** Commissioner Sparks;

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

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332 **8) COMMISSIONERS: Discussion and possible action by Lander County to pursue all**  
333 **options available in cooperation with the Bureau of Land Management (BLM) to**  
334 **open North Fork Road. A representative with the Bureau of Land Management has**  
335 **been invited to participate in this discussion.**

336

337 Bert Ramos (County Manager): Bert stated that they have asked that we table this  
338 while they do some additional research. He did talk to Jon Sherve and he's happy show  
339 up for this. When we did talk the first time he was preparing to speak with us regarding  
340 the golf course. Bert said he should have clarified with Jon that this item was on the  
341 agenda and Jon didn't see that it was on here until yesterday. Jon wants to do some more  
342 research, however they do believe that the gate may be as far as 300' onto BLM property.  
343 They are going to do some additional research on the 2477 and SB316 which is blocking  
344 public access. We'll all become more educated on that. He said the Ruby Mountains and  
345 all the ranches there block that off. Because there is an alternate access for the public and  
346 so they can't apply for the Senate Bill 316 which allows free access to public lands. The  
347 2477 doesn't work because they don't have any existing roads that were there before, he  
348 believes '77. He doesn't know that it necessarily takes any rights away from a private  
349 property owner. So the BLM has a bunch of research to do and they'll bring all that  
350 before us at the next meeting.

351 Commissioner Clark asked Kyla Sharp what she knew about the fence being on  
352 BLM land.

353 Kyla Sharp (Planning Coordinator): Kyla stated that when she looked on  
354 Pictometry and as far as she can zoom in it looks like it does start on BLM land.

355

356 **A break was taken from 9:55 a.m. – 10:07 a.m. with recording re-activated to**  
357 **trouble-shoot the microphone that stopped working. The original session was ended**  
358 **and a new one began at 10:07 a.m.**



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9) **COMMISSIONERS: For possible action to approve/disapprove the purchase of a synthetic ice rink from Kwikrink to include the following 2 (two) options.**

1. OPTION 1 Includes:
  - 60' x 100' Ice Rink
  - \$63,920 – Kwikrink V Pro (½")
  - \$6,100 – Decorative Fencing
  - \$7,600 – 80 High Quality Rental Skates
  - \$3,650 – Skate Sharpener (Auto)
  - \$3,195 – Skate Rack
  - \$6,000 – Freight Estimate
  - \$90,465 Delivered
  - (Recommended by Rec Center Supervisor, Public Works Director and supported by County Manager)
  
2. OPTION 2 Includes:
  - 48' x 96' Ice Rink
  - \$49,750 – Kwikrink V (½" thick ice)
  - \$5,800 – Decorative Fencing
  - \$7,600 – 80 High Quality Rental Skates
  - \$3,650 – Skate Sharpener (Auto)
  - \$6,000 – Freight Estimate
  - \$72,800 Delivered

Sean Bakker, Robin Smith, and Maite Narvaiza appeared for this item. Sean began by stating that he was asked to look into this. These are the two options we're looking at.

Commissioner Clark said that he didn't see anything about costs for setup. Sean stated that it would be set up by the county. This is a moveable and storable unit and can be set up in different shapes and sizes.

Commissioner Clark wants it to have lights and supervision. Sean stated that the Rec Center staff will be supervising it. The camera system that was approved previously will be in that same area to cover this.

Sean described two different areas that this rink might be located in, by the ball fields and the park. There are cameras going in that will cover either area. This can be handled during the design process and Fred Wagner is doing the electrical for this project.

Robin Smith stated that the maintenance is pretty simple. It gets pressure washed to clean it and it needs to be swept and mopped daily.

Chair Kathy Ancho mentioned that she had seen a similar rink in Meridian, Idaho and it was amazing. She likes this idea as we are so desperate for things for the kids to do here.

403 In response to Commissioner Sparks' question regarding waivers Sean explained  
404 that they already have them sign liability forms at the Rec Center and this may need to  
405 have a different type of liability form created.

406 The funding for this project was discussed and it was determined that the money  
407 was available. It was mentioned that this can be used year round and it can be covered  
408 and used for other things. It was stated that it could be setup and useable within a month.

409 Commissioner Waits asked if there might be a plan to put one of these in the  
410 southern end of the county and Sean said he would look into that for her and bring it back  
411 before them.

412 Commissioner Clark made the motion to approve Option 1. It was seconded by  
413 Commissioner Sparks.

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

415 **Seconded by:** Commissioner Sparks;

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

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419 **10) COMMISSIONERS: Discussion and possible action to approve/disapprove**  
420 **Proclamation 2021-01 declaring the month of January 2021 as Lander County**  
421 **National Radon Action Month.**

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423 Commissioner Waits: Patsy began by stating that usually the cooperative  
424 extension handles this for us, but they haven't had any extension educator for some time.  
425 We asked that this item be put on, as it is a very important proclamation. Patsy made the  
426 motion to approve and read the proclamation into the record. It was mentioned that there  
427 is a strong percentage of radon in homes in Lander County. Patsy mentioned the radon  
428 website and maps she had seen on there. There is a radon project manager with  
429 cooperative extension that can provide information. The number to call is 888-723-6610.  
430 They will send out a radon kit for free if you tell them you are from Lander County.

431 Sheriff Ron Unger stated that they had used the radon kits at the sheriff's office  
432 and in Austin. They had a high radon amount in the Austin substation and they got ahold  
433 of Norm Denny out of Gardnerville, NV. He has a radon cleanup outfit over there. The  
434 motion was seconded by Commissioner Sparks.

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

436 **Seconded by:** Commissioner Sparks;

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

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440 **11) COMMISSIONERS: For possible action to approve/disapprove the appointment of**  
441 **1 (one) individual to serve on the Battle Mountain Livestock Event Center Advisory**  
442 **Board which currently has 3 (three) vacancies, new terms are from July 1, 2020 to**  
443 **June 30, 2022, and to consider all of the following applicants to include:**

444 a) Monte Price  
445

446 Commissioner Sparks made the motion to approve the appointment of Monte  
447 Price to the Battle Mountain Livestock Event Center Advisory Board. It was seconded by  
448 Commissioner Clark.

449 **Motion to approve:** Commissioner Sparks;

450 **Seconded by:** Commissioner Clark;

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

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454 12) **PLANNING DEPARTMENT: For possible action to approve/disapprove a zone**  
455 **change application for Thomas R. McHugh, Trustee of the John W. and Renee M.**  
456 **McHugh Trust, changing 002-320-13 from Tourist Commercial (TC) to General**  
457 **Commercial District (C-2), to allow for the future use of a gas station. This item was**  
458 **approved by the Planning Commission on December 28, 2020 with no conditions.**  
459

460 The discussion began with Chair Kathy Ancho asking if there had been any public  
461 outcries over this item and Kyla had not received anything like that on this particular  
462 property. It was also stated that these are not the same parties that were wanting to go in  
463 on the other side of SR305. Tom McHugh was attending by teleconference and was  
464 available to answer questions. Commissioner Waits stated she wanted to make sure it's a  
465 franchise that would come in, not something unbranded. She asked if a traffic study had  
466 been done and if we were requiring one. She thinks it is warranted and she wants  
467 landscaping to be another condition. The traffic is also a big concern and a traffic light  
468 could be warranted. Kyla stated she had forwarded it on to NDOT and Commissioner  
469 Waits stated that the commissioners can request a traffic study. She spoke of a  
470 development that had been done previously in the county and that they had done a traffic  
471 study, to see what they were getting into.

472 The discussion continued on the stoplight issue and how that could backup traffic.  
473 It was mentioned that the board could decide whatever they wanted to do, whether a  
474 traffic study, public meeting, or anything else. They also don't want a gas station to turn  
475 into a truck stop at some point down the road.

476 The board then spoke with Tom McHugh by phone and he had been listening to  
477 the comments made so far. Chair Kathy Ancho stated that their biggest concern was the  
478 traffic issue, with the school and mining traffic being a big part of it. Commissioner Clark  
479 started to make a motion to approve pending the results of a traffic study. It was  
480 determined that a motion should not be made at this time. Tom did speak to some things  
481 about the property in order to try and clear things up. He stated that his grandfather  
482 owned the property and he is familiar with it. The board felt they needed the developer on  
483 the phone to answer some of their questions.

484 Kyla Sharp (Planning Coordinator): Kyla clarified what the board was looking  
485 for, as in a plot plan, landscaping, the design of the project, and a traffic study.

486 Tom McHugh: Tom explained that they were looking for the zoning change to be  
487 approved before the sale.

488 D.A. Herrera: Ted stated that if the zoning change is approved they won't have to  
489 go before the Planning Commission again and could basically move forward with going  
490 to Anna for a building permit.

491 This resulted in deciding to not approve the zoning change at this time and to  
492 table the item until they had more information from the developer. Kyla would be  
493 working with the developer to complete the items stated.  
494

495 This item was re-opened after Item 14 was completed. See notes at that  
496 location.  
497

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499 **13) PUBLIC WORKS: Update from Public Works Director.**  
500

501 Don Prince (Public Works Director) and Aaron Martinez (AM Engineering) were  
502 in attendance for this item.

503 Don began with an update on the dog park in Austin. He finally got a number, a  
504 date from the guy, and he will possibly be here on the 8<sup>th</sup> or 15<sup>th</sup>, depending on the  
505 weather, so they can get the fence up and get that rolling, hopefully.

506 He's been working on the fencing around the ballfields. It's been hard to get  
507 quotes because of COVID but he has one quote from a company and he still needs to  
508 come back and finish that.

509 Aaron Martinez gave updates on some airport components that his firm is  
510 responsible for. The airport waterline project is 100% complete. They issued Lander  
511 County a cost-savings analysis that broke that down and the project came in about 9.8%  
512 under budget. The airport is up to service and there are a few lingering aspects that come  
513 with the airport and he's sure the Public Works Department will be discussing with the  
514 board. One item being the rehabilitation of the existing well that's out there for non-  
515 domestic usage. They didn't want to relinquish the water rights or the ability to utilize  
516 that well on the airport so they worked really closely with NDEP (Nevada Division of  
517 Environmental Protection), to ensure that we were somehow going to be able to  
518 rehabilitate that well for non-domestic usage. They've come to a pretty good consensus  
519 that it's going to be achievable. The current direction is that it will be a fill-stand that will  
520 assist the raceway and not use domestic water with watering the racetrack and those types  
521 of things. The only things remaining now with the airport waterline project are the  
522 retention and the final payment.

523 Commissioner Waits had a question for Don on the safety fence for the golf  
524 course. She wanted to know its location. Don explained that it's going around the ponds  
525 that are out there to keep the kids off the thin ice. They have put up signs to warn people  
526 to stay off the ice. The fences are to be used during the winter and will be removed  
527 during warmer weather.

528 Don spoke on a valve installed out by the gun range that will basically control the  
529 whole town. For the lift station out at the Indian colony he needs to get a meeting re-  
530 scheduled with the Tribe and then be moving forward with that.

531 The water job in Austin is all complete. There are two small issues they're  
532 looking at. They are watching the meters by the Youth Center to see if there's a leak there  
533 or to figure out what it is. There's a liner delamination in the sewer that they're going in  
534 to look at shortly and there shouldn't be an issue with it. Other than that it's just been day  
535 to day and they have some upcoming projects to go out to bid.

536 Aaron mentioned the slurry seal and preventative maintenance as the two projects  
537 on his end that will be going out to bid. It's a combination of some patchwork that's  
538 being done in selected areas that the Public Works Department have identified and some  
539 cape seal that they'll be doing through a lot of the road works in the Battle Mountain  
540 area.

541 Chair Ancho mentioned a project for the next budget. Over where the pipeline  
542 was put in, is there any way that a walkway could be put in to utilize the area, kind of like  
543 we did here? It could be wide enough to walk on or ride bikes and not wide enough to  
544 drive on.

545 Bert mentioned that they are looking at the easements and they need to do a little  
546 bit more investigating on it. That will determine what can be done. They're talking from  
547 Mountain View to 8A. Aaron asked if they were including from 8A to Hilltop as they  
548 have the Roadway to Hilltop Connector project currently under design and it would  
549 easier to add the bike lane during design as part of that project. It was a general consensus  
550 that now would be the time to do that. The Mountain View to 8A portion will be more of  
551 a virgin-ground approach and more expensive. Bert mentioned they might want to put it  
552 as a bid alternate and do them both.

553 Commissioner Clark stated that his approach to budgets this year is to keep the  
554 money in Lander County and get some big projects done. He'd like to see the curbs,  
555 sidewalks and gutters continue to the other side of town. With the political climate as it is  
556 he wants to see the money spent in Lander County so that it can't be taken.

557 Bert wanted to add a little bit to Donnie's update as Donnie doesn't want to brag  
558 on himself. They are doing the sidewalks in phases and will make a push to do a big  
559 phase this next year. He wanted to brag on a cost-savings that was not just Donnie, but  
560 also Aaron Martinez and Hunewill Construction. Hunewill saved us \$407,067.47 on the  
561 waterline project and that's below what their low bid was. We got an additional \$400,000  
562 back from the development agreement with the developers that we had in place. The  
563 engineer saved us \$48,454. The total project savings is \$1,999,963. Bert expressed his  
564 appreciation at not being beat up with change orders. They work together, give us straight  
565 talk and get the projects done.

566 There was discussion of some things regarding the pool in Austin and Bert would  
567 like to do things down in Austin. He would like to see someone step forward and fill  
568 some of the jobs they have advertised in Austin, to get things going down there. The few  
569 kids in the community suffer from the inability to get things going.

570 Sean Bakker stepped forward to state that they are looking at possibly sending  
571 staff down there and other options. They are going out to advertise for the jobs in Austin,  
572 so if you know of anyone direct them to our job postings.

573 Bert stated that they are advertising really early and hope to find people to do  
574 these jobs.

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577 **14) RECREATION CENTER: For possible action to approve/disapprove one of the**  
578 **following bids for the Recreation Center Dehumidifier system.**

- 581 1. MT. Rose Heating & Air Conditioning - \$78,900.00  
582 (RECOMMENDED BY LUMOS ASSOCIATES, Rec Center  
583 Supervisor, Public Works Director and supported by County Manager)  
584 2. ACCO Engineered Systems - \$106,500.00  
585

586 Sean Bakker appeared for this item. Sean stated that this is the dehumidifier  
587 system for the Recreation Center that was budgeted for. We have two bids and can go  
588 with whichever one you want to go with. He can get the engineer on the phone if  
589 necessary. It was stated that this is one of the items already included in the defect lawsuit.  
590 Commissioner Clark made the motion to approve Option #1. It was seconded by  
591 Commissioner Sparks. Commissioner Waits asked that the company name be included in  
592 the motion and Commissioner Clark amended his motion to include Mt. Rose Heating &  
593 Air Conditioning, in the amount of \$78,900.00. It was seconded by Commissioner  
594 Sparks.

595 **Motion to approve Option #1:** Commissioner Clark;  
596 **Seconded by:** Commissioner Sparks;  
597 **The motion was voted and carried.**  
598 **Amended motion:** Commissioner Clark;  
599 **Seconded by:** Commissioner Sparks;  
600 **The motion was voted and carried.**

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603 ~Item 12 was re-opened at this time~  
604

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606 12) **PLANNING DEPARTMENT: For possible action to approve/disapprove a zone**  
607 **change application for Thomas R. McHugh, Trustee of the John W. and Renee M.**  
608 **McHugh Trust, changing 002-320-13 from Tourist Commercial (TC) to General**  
609 **Commercial District (C-2), to allow for the future use of a gas station. This item was**  
610 **approved by the Planning Commission on December 28, 2020 with no conditions.**  
611

612 A gentleman who said his name was Tony, called in to speak on the zoning  
613 change application for the McHugh Trust. The connection was not good and it was very  
614 hard to make out what he was saying.

615 The decision was explained to him about having a traffic study done and the  
616 other requirements that were stipulated. It was stated that they were not going to move  
617 forward with approval of this item until a later date and the item was tabled.  
618

619  
620 15) **FISCAL OFFICER: Presentation and action to approve/disapprove the fiscal year**  
621 **2019/2020 audit for what was formally known as Lander County Combined Sewer**  
622 **& Water District Number 2.**  
623

624 Laken Sullivan (Fiscal Officer): Laken stated that this is just a standard audit that  
625 we had to have done for Sewer & Water District Number 2. There were no findings and

626 the district is dissolved. The auditors may be contacted with any questions.  
627 Commissioner Waits made the motion to approve and it was seconded by Commissioner  
628 Sparks.

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

630 **Seconded by:** Commissioner Sparks;

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

632

633

634 16) **DESMOND SKEATH: For possible action to approve/disapprove the proposed**  
635 **agreement between Lander County and Desmond Skeath DBA Dessie Skeath Lawn**  
636 **& Parks for Austin buildings and facilities maintenance and repairs in the amount**  
637 **not to exceed \$31,224 per year, and authorize the Chair to sign.**

638

639 Commissioner Waits stated that these are the two they had separated and had  
640 discussed at a previous meeting. Patsy made the motion to approve the agreement and the  
641 Chair to sign. It was seconded by Commissioner Clark.

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

643 **Seconded by:** Commissioner Clark;

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

645

646

647 17) **DESMOND SKEATH: For possible action to approve/disapprove the proposed**  
648 **agreement between Lander County and Desmond Skeath DBA Dessie Skeath Lawn**  
649 **& Parks for Austin grounds maintenance in the amount not to exceed \$32,196 per**  
650 **year, and authorize the Chair to sign.**

651

652 Commissioner Waits made the motion to approve this agreement and the Chair to  
653 sign. It was seconded by Commissioner Thomas.

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

655 **Seconded by:** Commissioner Thomas;

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

657

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659 18) **NORTHEASTERN NEVADA REGIONAL DEVELOPMENT AUTHORITY: For**  
660 **possible action to approve/disapprove Resolution 2021-01 adopting the amended**  
661 **inter-local cooperative agreement and authorizing membership thereby to the**  
662 **Northeastern Nevada Regional Development Authority (NNRDA).**

663

664 Commissioner Sparks made the motion to accept Resolution 2021-01 and he read  
665 the resolution into the record. He also stated that the Chair should sign. It was seconded  
666 by Commissioner Waits.

667 **Motion to approve:** Commissioner Sparks;

668 **Seconded by:** Commissioner Waits;

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

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19) **LANDER COUNTY KIDS CLUB: For possible action to approve/disapprove the Lease Agreement between Lander County and Lander County Kids Club for building located at 150 West 3<sup>rd</sup> Street, and authorize the Chair to sign.**

Bert Ramos (County Manager): Bert led off by stating that non-profits could not have paid employees and the Kids Club does have paid employees so it's not a non-profit. He did let Lauren know ahead of time on this so she wasn't blindsided. The mailing address also needed to be updated and he believes she has addressed that.

Lauren Campbell (Lander County Kids Club): Lauren stated that they did do their research when they started the 501C3 and they can have paid employees under a specific amount. It's \$50,000 per quarter and they fall very far below that. She mentioned that the Salvation Army and Goodwill are 501C3's and they all have paid employees. She did include a document and some research that she found online that does specify that 501C3's can have paid employees.

Chair Kathy Ancho spoke to her knowledge of other 501C3's and there are many out there and they do have paid employees.

D.A. Herrera: Ted stated that 501C3's can have paid employees up to a certain amount. What the county has done in the past as policy is they don't give grants to pay for employees. The NRS does allow us to do the lease agreement if they qualify as a charitable organization or 501C3. He wanted the address to be fixed and then legally we can agree to the lease.

Bert did apologize for his mistake on the 501C3 issue and Ted stated they had talked about it, but it must have been misunderstood or confused with the policy of not giving grant money for employee wages.

Discussion continued regarding how many families were being served by the Kids Club. They are down a bit due to COVID but a few restrictions have been lifted recently so they are going to start advertising. They currently have nine employees. Lauren was asked if they do audits and she stated that they do internal audits and have state inspections. Chair Kathy Ancho asked Ted if they could include having an audit as part of the contract and said that the contract could be modified to include that stipulation. They could approve the contract with modifications and those would be made.

Commissioner Clark made the motion to approve the modification of the lease agreement for the building at 150 West 3<sup>rd</sup> Street, along with an annual audit/report and the address change. It was seconded by Commissioner Sparks.

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



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20) **11<sup>th</sup> JUDICIAL DISTRICT YOUTH & FAMILY SERVICES: For possible action to approve/disapprove or amend the Contract between Lander County and Elko County for temporary housing of Lander County Juveniles at the Northeastern Nevada Juvenile Detention Center.**

Dan Baldini (11<sup>th</sup> Judicial District): Dan stated that the new contract is before them and the only change is they are asking for a four year contract. The existing contract expired in 2020. They've been working with Elko County to extend the contract with them. The contract is for any youths that are detained get sent to the Elko Detention Center. The dates and amount of time of the contract are the only changes. The only thing we're really liable for is \$300.00 a day for detention for any time an individual is held there.

Commissioner Waits wanted it on the record that when we were involved with Layton Hall we were paying over \$300,000 a year on that, whether we sent kids over there or not. This is a much better deal. Dan also said that their agency works really hard to provide alternatives to sending them over there, through house arrest, electronic monitors, and things of that nature. They only send them over there if it's determined that they really need detention. He thinks that the delinquency is going down a little bit. There's a lot of use of controlled substances, primarily marijuana. Their program is up and running and they're working, day in and day out.

D.A. Herrera stated that the contract dates reflected five years and we legally can't do five years. Dan said that he had the correct copy in his office and he would bring it down.

Commissioner Waits made the motion that we approve the contract with the term to be January 1, 2021 through December 31, 2024, and authorize the Chair to sign. It was seconded by Commissioner Sparks.

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

21) **PLANNING COMMISSION: For possible action to declare a vacancy on the Planning Commission due to either the death of a planning Commissioner, resignation of a planning Commissioner, or the failure of a planning Commissioner to attend three successive regularly scheduled monthly meetings as stated in Lander County Code 2.60.030. The pertinent position's term runs from July 1, 2017 to June 30, 2021.**

D.A. Herrera spoke on the background for this item. The board member lost a spouse recently and advised Kyla that he would not be attending anymore meetings. This is not a situation where they're trying to discipline someone. They are trying to fill a vacancy on the board. Commissioner Clark asked who could verify that he said he doesn't want to come back and Kyla indicated that she could verify that fact. Commissioner Clark was good with that. Kyla Sharp was in attendance for this item.

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

22) **CORRESPONDENCE: Correspondence/reports/future agenda items.**

Commissioner Waits made a comment about the farming being okay and there have been all kinds of protests about the grazing permits. The BLM looked at them and said they'll sign the letters and they were all given ten year contracts. The protests did not stay and the BLM stayed with their original decision. We have some changes, but we still have the grazing there for our ranchers.

**PUBLIC COMMENT**

None.

**ADJOURNMENT**

There being no further business before the Commission at this time, Commissioner Clark moved to adjourn the regular session of January 28, 2021. Seconded by Commissioner Sparks, the motion was voted and carried. **ADJOURNED.**

**Meeting was adjourned at 11:25 a.m.**



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

ATTEST: Sadie Sullivan  
**LANDER COUNTY CLERK**