

# STOREY COUNTY COMMISSION MEETING AGENDA

TUESDAY, JANUARY 18, 2005 10:00 A.M.

DISTRICT COURTROOM, COURTHOUSE 26 SOUTH B STREET  
VIRGINIA CITY, NEVADA

BOB KERSHAW, CHAIRMAN  
JOHN FLANAGAN, VICE CHAIRMAN  
GREG HESS, COMMISSIONER

DISTRICT ATTORNEY  
HAROLD SWAFFORD

SHERIFF  
PAT WHITTEN

RECORDER/AUDITOR  
MAGGIE LOWTHER

CLERK/TREASURER  
DOREEN BACUS

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\* 10:00 A.M. CALL TO ORDER  
PLEDGE OF ALLEGIANCE  
-PUBLIC COMMENT

## CONSENT AGENDA

(All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

\*APPROVAL OF AGENDA JANUARY 18, 2005

\*APPROVAL OF MINUTES FOR JANUARY 4, 2005.

-CORRESPONDENCE

\*DISCUSSION/ACTION: MAP APPROVAL FOR MAPS TO BE RECORDED

\*DISCUSSION/ACTION: SPECIAL EVENTS  
LICENSING BOARD:

**FIRST READINGS:**

1. Maynard Station, Main Street, Gold Hill, liquor license application submitted by Linda J. G. DeCarlo of Gold Hill.
2. Silver Dollar Shaft, C Street Virginia City, add a name to liquor, general business, and cabaret licenses.
3. Mustang Environmental, located at 2600 E. Mustang Road, Sparks, submitted by J. Michael Hutcheson general consulting business.
4. Alexander Plumbing Inc. of Reno, submitted by Troy A. Alexander, plumbing contractor commercial and residential.
5. BBT Enterprises dba B & B construction, submitted by Robert L. Tarter of Lincoln, CA concrete contractor.

**\*DISCUSSION/ACTION:** PLANNING COMMISSION MINUTES OF December 16, 2004

1. T. Allen Comp & Selma Thomas - Abandonment 2005-359- request for abandonment of a portion of South E Street at Silver Street.

Chairman Walling advised the board that his interpretation of the proposed abandonment is a swap rather than an abandonment.

Dean Haymore reported that the County Commission has on their agenda to try to straighten out the rights-of-way and encroachments on city streets and recommended that this matter be sent on to the D.A. and County Commission regarding a land swap versus a street abandonment.

Bucchianeri moved to send the question on to the County Commission and District Attorney, seconded by Brookins and carried.

2. Tahoe-Reno Industrial Center - Parcel Map 2005-360 creating four new parcels from APN 04-161-28. Dean advised the board that this is not a part of the development and will require a zone change.

Bret Tyler moved that the matter be sent on to the County Commissioners, seconded by Brookins and carried.

**\*\*\*END OF CONSENT AGENDA\*\*\***

**\*DISCUSSION/ACTION:** Complaint from Wesley J. Neighbors regarding dog nuisance at 187 South L Street, Virginia City.

**\*APPROVAL OF CLAIMS**

**\*BUDGET AND FINANCE: Statement of Apportionment fiscal year 2004/2005  
Treasurer's report for November 2004**

**\*DISCUSSION/ACTION:** Assessor's change in valuation of APN 03-072-27 from \$84,043 to \$75,617 2004/05 tax roll due to incorrect size of residence.

**\*DISCUSSION/ACTION:** Tax abatement request regarding James Hardie addition.

**\*DISCUSSION/ACTION:** Tax incentives for Franklin Group.

## **WATER BOARD:**

**\*DISCUSSION/ACTION:** NUMBER OF WATER/SEWER HOOKUPS FOR 2005, FEES FOR WATER/SEWER HOOKUPS; GOLD HILL WATER AND SEWER CONNECTIONS AND FEES (Changes will require publication of fees and passage of resolution pursuant to SCC 13.40.010)

**\*DISCUSSION/ACTION:** Appointment of hearing officer and review board to comply with Ordinance 04-191 nuisance ordinance amending portions of Chapter 8.08 of the Storey County Code.

**\*DISCUSSION/ACTION:** Enforcement of seventy-two hour parking restrictions with towing authority from Public Works and Fire Department.

**\*DISCUSSION/ACTION:** Removal and relocation of temporary bridge at Mustang.

## **LICENSING BOARD**

### **\*SECOND READINGS:**

1. Snelling Construction submitted by Scott T. Snelling of Dayton, general contractor.
2. KFC Building Concepts, submitted by John King of VCH, general contractor.
3. Mustang Memories, LLC, submitted by Cash Processing Services, LLC, Lance Gilman, dba World Famous Mustang Ranch Museum and Souvenir Shop general license application for gift, souvenir store and Trucker's Lounge.
4. World Famous Mustang Ranch, submitted by Cash Processing Services, Lance Gilman general, escort and liquor license application to be located at 1011 Wild Horse Canyon Drive, McCarren, NV
5. Almost Heaven, submitted by Mickey J. Melton, home business located at 700 Saddleback Rd. VCH, snow removal, spreading gravel & sand, no excavation.
6. Raindance Enviroscape, LLC, submitted by Michael Berterd of Reno, Landscape/MJB const. General business license application.
7. Café del Rio, submitted by Brian and Ardella Shaw of Carson City, restaurant and liquor license application to be located at 420 South B Street, (Cider Factory).
8. Gold Strike Gifts located at 122 South C Street, V.C., submitted by Helen Cavalli of Virginia City.
9. Golden Gate/SET Petroleum Partners, submitted by Dennis O'Keefe of Sparks; operation of a Transmix splitter, a process unit that distills liquids; separating MOGAS/gas oil which has been commingled through shipment by pipeline or cross delivery.
10. James Hardie Building Products, Inc., submitted by Larry King of Sparks; fiber cement products - manufacturing.

-PUBLIC COMMENT

-STAFF REVIEW/COMMITTEE REPORTS

\*ADJOURNMENT

**ALL ITEMS MARKED WITH AN \* WILL BE ACTED UPON BY THE BOARD**

**NOTICE:** Anyone interested may request personal notice of the meetings. Agenda items must be received by 12:00 noon on the Monday of the week preceding the regular meeting, for placement call 847-0969. Items may not necessarily be heard in the order they appear. Time limits for Public Comment will be at the discretion of the Chairman of the Board. Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, sex, disability, family status, or national origin. Notice to persons with disabilities: Members of the Public who are disabled and require special assistance or accommodations at the meetings are requested to notify the Commissioners Office in writing at Drawer 'D,' Virginia City, Nevada, 89440.

**CERTIFICATION OF POSTING**

I, Lorraine DuFresne, Clerk of the Board of Commissioners does hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before January 12, 2005: Virginia City Post Office, Storey County Courthouse, Virginia City Fire Department, Virginia City RV Park Market, Six Mile Canyon Fire Department, Rainbow Bend Clubhouse, Virginia City Highlands Fire Department, and the Lockwood Fire Department.

By

Lorraine DuFresne

# STOREY COUNTY

COMMISSION MEETING

MINUTES

TUESDAY, JANUARY 4, 2005 10:00 A.M.

DISTRICT COURTROOM, COURTHOUSE 26 SOUTH B STREET  
VIRGINIA CITY, NEVADA

BOB KERSHAW, CHAIRMAN  
JOHN FLANAGAN, VICE CHAIRMAN  
GREG HESS, COMMISSIONER

DISTRICT ATTORNEY  
HAROLD SWAFFORD

SHERIFF  
PAT WHITTEN

RECORDER/AUDITOR  
MAGGIE LOWTHER

CLERK/TREASURER  
DOREEN BACUS

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The meeting was called to order by Chairman Kershaw at 10:15 a.m.

PRESENT: Chairman Kershaw, Vice Chairman Flanagan, Sheriff Whitten, Recorder Auditor Maggie Lowther, Clerk Treasurer Doreen Bacus, Marilou Walling, Dean Haymore, Gary Hames and Virgil Bucchianeri for District Attorney Swafford.

ABSENT: Commissioner Hess, D.A. Swafford, and Richard Bacus, Public Works Director.  
PLEDGE OF ALLEGIANCE.

**APPOINTMENT OF CHAIRMAN AND VICE-CHAIRMAN TO THE STOREY COUNTY BOARD OF COMMISSIONERS.** Commissioner Flanagan moved to appoint Bob Kershaw as Chairman of the Board, Chairman Kershaw moved to appoint John Flanagan as Vice Chairman. Motion seconded and carried by unanimous vote.  
**APPOINTMENT OF COMMISSIONER TO STOREY COUNTY AND STATE BOARDS FOR 2005**

**1. Regional Transportation Commission**

- (Two commissioners and one member at large)
2. VCCTA
  3. 4<sup>th</sup> Ward School & Museum Board
  4. Safety Committee Board
  5. Legislative Representative
  6. NACO
  7. RSVP
  8. JOIN-NEVADA WORKS PROGRAM
  9. Public Works, Building Department and Fire Department
  10. NNDA
  11. Nevada Home Health and Liaison
  12. Carson/Walker Resources District
  13. Library Board
  14. Debt Management Board
  15. County Board of Equalization

Upon motion duly made, seconded and carried it was the decision of the Board to re-appoint members to the boards the same as 2004, with the exception of appointing Marilou Waling to NEVADA WORKS as an alternate for Chairman Kershaw.

-PUBLIC COMMENT (none)

### CONSENT AGENDA

**(All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)**

#### **APPROVAL OF AGENDA JANUARY 4, 2005**

**APPROVAL OF MINUTES FOR DECEMBER 21, 2004** Lorraine corrected the minutes to read hearing officer, from enforcement officer regarding Ordinance 04-191.

#### **CORRESPONDENCE**

Chairman Kershaw read a letter from Linda Peevers commending the road department for their fine work of snow removal during this last storm.

Chairman Kershaw read a letter from Laique Mir and Shareena Mir requesting a sign to allow fifteen to twenty minute parking on Canyon Way for trucks and other heavy traffic unable to get into the driveway at the Lockwood Market. Kershaw explained the request is for the area between gate one and gate two of Rainbow Bend.

Sheriff Whitten suggested the matter be ran past the RTC for a study.

#### **DISCUSSION/ACTION: MAP APPROVAL FOR MAPS TO BE RECORDED (none)**

## **DISCUSSION/ACTION: SPECIAL EVENTS**

1. Tahoe/Reno Experience, submitted by Alayna Alariana of Incline Village, Hummer presentation and Drive-N-Ride approximate dates February 23, 2005 to March 12, 2005 on D Street Virginia City, twenty-four hour set-ups, production six only approximately 11:00 a.m. to 2:00 p.m. The show will run on February 28, March 1,2,4,7, 9, 2005. The location will be on APN 1-088-01, Terry Ward and Pierce Powell property, the course for the drive and ride has not been completed, but the permits are applied for. The start will be on Hugh Marshall's property between D and F Streets between Mill street and Union Streets, will not require closure of Union or Mill Streets. ( see attached description).

Alayna Alariana, Project Contact Person for Tahoe/Reno Experience addressed the board and submitted an events' schedule with information describing the event.

Commissioner Flanagan asked if the trails would include private property?

Ms. Alariana stated that all property owners would be contacted and written permission from them would be gathered, she further stated they have adequate liability insurance to protect the private property owner and the county.

Chairman Kershaw asked if BLM would require an environmental impact assessment fee?

Ms. Alariana stated that they have not requested one at this time because they are using existing trails.

Sheriff Whitten requested that she meet with him regarding sensitive areas of Geiger Grade and Toll Road, and he also meet with their security. Whitten further requested that the event be reviewed by events coordinator Anita Curtis. He also requested if the event is approved that it be conditionally approved with final review by himself.

Gary Hames advised the board that these people had contacted him six months with their plans for this event. They have been very cooperative and informative with the Fire Department. He further stated that he thinks it is a great event.

Commissioner Flanagan moved to approve the event subject to the conditions set by the Sheriff, seconded by Kershaw and carried.

## **LICENSING BOARD:**

### **FIRST READINGS:**

1. Snelling Construction submitted by Scott T. Snelling of Dayton, general contractor.
2. KFC Building Concepts, submitted by John King of VCH, general contractor.

**DISCUSSION/ACTION:** PLANNING COMMISSION MINUTES OF December 16, 2004 have not been approved by the Planning Commission and will appear on the next agenda January 18, 2005.

### **\*\*\*END OF CONSENT AGENDA\*\*\***

Commissioner Flanagan moved to approve the consent agenda, seconded by Kershaw and carried.

**DISCUSSION/ACTION:** Complaint from Wesley J. Neighbors regarding dog nuisance at 187 South L Street, Virginia City.

Virgil Bucchianeri advised the board there are two formal complaints filed in Justice Court on this matter and it is set for hearing on Wednesday and referred to a note from Swafford suggesting that the board delay any action until after the court hearing. Bucchianeri further stated that Mr. Neighbors will be called to court as a witness.

Marilou advised the board that this dog barks all day and all night long and there has been more than one complaint filed.

Sheriff Whitten informed the board that he pulled the log on this and that in order for action to be taken by the officer for a misdemeanor the offense has to see the violation. Sheriff Whitten encouraged Mr. Neighbors and his neighbors to continue to file complaints when warranted but that it is up to the DA to prosecute.

Mr. Neighbors reaffirmed his statement in his letter that eventually someone is going to get hurt by this dog and then who is the responsible party going to be? The County, the Sheriff's Department or the owner?

Commissioner Flanagan moved to table any action pending the outcome of the Justice Court hearing on Wednesday, seconded by Kershaw and carried.

**APPROVAL OF CLAIMS** Chairman Kershaw questioned Dean regarding repairs for his car. Dean informed the board that he had hit a rock and tore the front end out of the vehicle. \$841.40 hand written check to cover repairs issued.

Warrants in the amount of \$121,350.74 and payroll in the amount of \$243,274.58 for a total of \$365,466.72 were approved upon motion by Flanagan, seconded by Kershaw and carried.

**BUDGET AND FINANCE: (none)**

**WATER BOARD:**

**\*DISCUSSION/ACTION:** NUMBER OF WATER/SEWER HOOKUPS FOR 2005, FEES FOR WATER/SEWER HOOKUPS; GOLD HILL WATER AND SEWER CONNECTIONS AND FEES (Changes will require publication of fees and passage of resolution pursuant to SCC 13.40.010) **No action was taken on this matter and will be continued to January 18, 2005, when Hess and Bacus are present.**

**\*DISCUSSION/ACTION:** Appointment of enforcement officer and review board to comply with Ordinance 04-191 amending portions of Chapter 8.08 of the Storey County Code.

Chairman Kershaw advised those present that Mel Quenemoen of the building department had volunteered for this position (however Mel is not really aware that he did),

Dean informed the board that Mel does not have the time to take on this extra duty, he can not keep up with the work he has and has to put in overtime now, but he will check with Mel to see what he wants to do.

There was much discussion regarding the adoption of this ordinance and enforcement of it.

Sheriff Whitten stated that the Fernley ordinance originally submitted by Barbara Smith was enforceable and has worked in Fernley, why it was changed to what it is now has nothing to do with the original intent of the ordinance.

Kershaw asked Gary Hames if his department had someone with time to devote to hearing officer?

Gary replied his people work rotating shifts and there would never be the same person on duty to deal with it consistently adding it would otherwise involve overtime pay for someone to act in that position. Gary further suggested that one of the Board of Commissioners be appointed as hearing officer and select a review board of outside people.

Dean advised the board that he has no problem taking care of it in his department, however, the Judge wants it specific on what and how the violation is.

Kershaw suggested using the Planning Commission as a review board.

Dean said he would check with the Planning Commission on Thursday and see how they feel about it.

Marshall McBride said that there can be cites to the board but if the DA fails to go forward what is the board's position?

Kershaw advised Mr. McBride that if the DA does nothing the Board of Commissioners still have the power to do something to take care of the problem.

Appointments continued until January 18, 2005 upon a unanimous vote of the board.

**DISCUSSION/ACTION:** Enforcement of seventy-two hour parking restrictions with towing authority from Public Works and Fire Department.

Sheriff Whitten advised the board he would continue on a car by car basis and not begin towing cars unless he has to, adding that it would be a huge public relations fiasco to start towing.

He will have his department talk to people and try to get them to remove their cars in the way of the plow, fire truck and ambulance.

**DISCUSSION/ACTION:** Removal and relocation of temporary bridge at Mustang. Continued to January 18, 2005.

At this time a five minute recess was called by Chairman Kershaw.

The meeting was called to order with all present as before.

#### **LICENSING BOARD**

**DISCUSSION/ACTION:** Request by Troy Regis for review of business license application submitted on behalf of David Burgess for **MUSTANG RANCH EXIT 23**, approved May 4, 2004 with conditional approval pending inspection sign offs. Approved as Exit 23, a mobile trailer gift shop to sell souvenirs, T-shirts, hats, etc.

Troy Regis advised the board that the U.S. District Court judge had issued a verbal order on Thursday, December 30, 2004 granting Plaintiff's Motion for Preliminary Injunction, and requested that the business license applications by Lance Gilman be put on hold until a written order from the court is available.

Sheriff Whitten reviewed the license application submitted by Burgess for Exit 23

made on February 3, 2004 and approved May 4, 2004 with conditions that there be an inspection sign off by the building department.

Dean advised the board he never did any inspections on the trailer, adding that brothel signs have to be approved by the Board of Commissioners.

Sheriff Whitten advised Mr. Regis that a new application must be made for Mustang Ranch

Exit 23 with the necessary sign off's by all departments. Whitten further stated that the hold harmless agreements have not been received yet by the DA.

Regis informed the board that Burgess has not signed the agreement at this time and is waiting for clarification on some of the issues.

## **SECOND READINGS:**

1. Mustang Memories, LLC, submitted by Cash Processing Services, LLC, Lance Gilman, dba World Famous Mustang Ranch Museum and Souvenir Shop general license application for gift, souvenir store and Trucker's Lounge. **CONTINUED FOR INSPECTIONS AND ORDER FROM US DISTRICT COURT.**

2. World Famous Mustang Ranch, submitted by Cash Processing Services, Lance Gilman general, escort and liquor license application to be located at 1011 Wild Horse Canyon Drive, McCarren, NV. **CONTINUED FOR INSPECTIONS AND ORDER FROM US DISTRICT COURT.**

3. New location and add a restaurant, Firehouse Saloon dba Maynard's Station submitted by Steven Hollister, liquor license transfer from Firehouse Saloon to Maynard's Station, addition of food and general merchandise license application for Maynard's Station location.

Sheriff Whitten informed the board he had received a letter of protest from Rick Connell to the use of the Firehouse Saloon name by Mr. Hollister at Maynard's Station.

Mr. Hollister addressed the board advising them, and he is a partner with the operators of Maynard's and that he currently has a prepaid lease on the Firehouse and a current liquor license.

Hollister went on to state that he has been in litigation with Rick Connell for several weeks now and that the only problem he has ever had with law enforcement has been due to provocation by Rick Connell. When he appeared in court on the eviction notice he was given a full body search and has been hassled by the Sheriff's Department and the Sheriff himself on more than one occasion.

Sheriff Whitten recommended the license application be denied based on the protest from Connell.

Commissioner Flanagan moved to deny the license, seconded by Kershaw and carried.

Sheriff Whitten abstained. **DENIED**

Bucchianeri asked if Maynard's Station could continue to operate on a temporary license pending approval by the board.

Sheriff Whitten stated that the inspections have all been signed off and they can make an application for a liquor license and operate on a temporary.

4. Alpine Roofing Co., Inc. submitted by Patrick D. Coyne commercial and

industrial roofing contractor from Sparks. **APPROVED.**

5. Coldwell Banker Village, submitted by Marie A. Ives-Wilson of Reno, out of county real estate sales business license application. **APPROVED.**

6. Willbros Mt. West, Inc. submitted by Marvin G. Lampshire of Fruita, CO, general contractor at I-80, exit 32, Waltham Dr. TRI. **APPROVED.**

7. OEMSupport.com,inc. Submitted by Patrick Calkins of Sparks general business license application disassembly of computer/electronic equipment, repair of computer/electronic equipment. **APPROVED.**

8. Comstock Electrical submitted by Gary R. Kell of Carson City, electrical contractor. **APPROVED.**

9. Independent Equipment Services, Inc. submitted by Gabe J. Strouse, home business located at 21580 Dortort Dr. VCH. **APPROVED.**

10. Almost Heaven, submitted by Mickey J. Melton, home business located at 700 Saddleback Rd. VCH, snow removal, spreading gravel & sand, no excavation. **SPECIAL USE PERMIT REQUIRED CONTINUED.**

11. RMC Development, submitted by D. Poggione of Reno, general contractor, adding name to business (can't read name of business on application) **APPROVED.**

12. Raindance Enviroscape, LLC, submitted by Michael Berterd of Reno, Landscape/MJB const. General business license application. **SPECIAL USE PERMIT REQUIRED CONTINUED.**

13. Café del Rio, submitted by Brian and Ardella Shaw of Carson City, restaurant and liquor license application to be located at 420 South B Street, (Cider Factory). **CONTINUED.**

14. Gold Strike Gifts located at 122 South C Street, V.C., submitted by Helen Cavalli of Virginia City. **CONTINUED.**

15. Golden Gate/SET Petroleum Partners, submitted by Dennis O'Keefe of Sparks; operation of a Transmix splitter, a process unit that distills liquids; separating MOGAS/gas oil which has been commingled through shipment by pipeline or cross delivery. **CONTINUED.**

16. James Hardie Building Products, Inc., submitted by Larry King of Sparks; fiber cement products - manufacturing. **CONTINUED.**

Commissioner Flanagan moved to continue the above license applications as indicated and to approve those as indicated, seconded by Kershaw and carried.

PUBLIC COMMENT-Nick Nicosia informed the board that he is now the managing editor of the Comstock Chronicle and will be covering the meetings for that newspaper.

#### STAFF REVIEW/COMMITTEE REPORTS

Gary Hames reported that one of the fire trucks was damaged in a single vehicle accident on Delta out in the Highlands the truck is damaged pretty well but there were no injuries, which is a good thing. Gary stated that it is mostly cosmetic damage to the vehicle and it will be repaired.

Doreen Bacus asked permission to contact Public Works to have something

done on the south side of the courthouse entrance to alleviate the ice and snow falling off the roof.

The board indicated that she may have some pull with Public Works!

Chairman Kershaw reported that he has met with the bike path people and they have no intention of the path going through the Lockwood Trailer Park or Rainbow Bend.

There being no further business before the board the meeting was adjourned at the call of the Chair at 11:55 a.m.

Respectfully submitted,

By

Lorraine DuFresne