

STOREY COUNTY  
COMMISSION MEETING  
MINUTES

TUESDAY, JANUARY 17, 2006 2:30 P.M.

COURTHOUSE, DISTRICT COURT ROOM, 26 SOUTH B STREET  
VIRGINIA CITY, NEVADA

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

HAROLD SWAFFORD  
DISTRICT ATTORNEY

SHERIFF  
JAMES G. MILLER

RECORDER/AUDITOR  
MAGGIE LOWTHER

CLERK/TREASURER  
DOREEN BACUS

The meeting was called to order at 2:00 p.m. by Chairman Flanagan.

PRESENT: Chairman Flanagan, Vice Chairman Hess, Commissioner Kershaw, Maggie Lowther, Doreen Bacus, Harold Swafford, Dean Haymore, Rich Bacus, Gary Hames, Pat Whitten, Marilou Walling and members of the public.

ABSENT: Sheriff Miller.

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: Connie Butts thanked all departments for their help with the New Year's Eve flood at the Truckee River area.

Mrs. Cudworth representing the Lockwood Trailer Park advising the board that they would like to stay the same way they are and requested to have a Regulatory Agreement placed on the agenda for the first meeting in February.

Larry Prater, representing the Storey County Democratic Central Committee, Nevada Campaign to Defeat the Patriot Act (NCDPA) and ACLU. Prater addressed the board indicating that there have been over four hundred jurisdictions that have passed similar resolutions opposing the overreaching provisions of the USA PATRIOT ACT, an acronym for the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act. Prater went on to say there are flaws in the act and requested the board to consider adoption of the resolution, thereby sending a message to congress that terrorism needs to be addressed but not at the expense of violation of people's constitutional rights.

Commissioner Hess stated that he was not in favor of doing anything that will reduce the

effects of the 9-11 terrorist attacks on the World Trade Center or our troops in Iraq.

Commissioner Kershaw stated that he will review the packet as presented by Prater.

Chairman Flanagan read into the record an E-Mail from Juanita Cox of McCarran, NV giving her support to any resolution limiting the P.A.T.R.I.O.T Act which will get it into a more Constitutionally legal mode. (said E-Mail on file in the Clerk's office)

Lora (a representative of the ACLU) urged the board to favorably consider the adoption of the proposed resolution to send a message to Washington that the board will support the opposition of the overreaching powers of the USA PATRIOT act.

Commissioner Kershaw stated he would like to look over the packet before making any comment at this time.

**DISCUSSION/ACTION:** Draft Memorandum of Understanding regarding new Tracy generating facility, Sierra Pacific Power.

Pat Whitten advised the board that outside counsel, Bob Sadar and Norm Azevedo, have reviewed the MOU and recommend approval by the board. He added that when you are dealing with tax issues things could be changed in legislature or by the Tax Commission and that SPPCO has indicated they would work as partners with the county to insure that the benefits of the new power plant stay with Storey County.

Commissioner Hess moved to approve the MOU, with the condition that as much of the revenues stay within Storey County as possible.

A representative of SPPCO advised the board if there were any legislature changes SPPCO would help Storey County push for revenues to remain within the county.

Pat stated that the MOU is specific on sales and use tax, centrally assessed tax and air quality.

Dean advised the board that fees and conditions will be set out in the Special Use Permit.

Commissioner Kershaw seconded the motion made by Hess and it was carried.

### 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 FOR JANUARY 17, 2006.**

**APPROVAL OF MINUTES FOR JANUARY 3, 2006**

#### **SPECIAL EVENTS:**

**DISCUSSION/ACTION:** Silver Run, submitted by Sue Moulden, downtown C Street and nearby trails August 26, from 6:00 a.m. to 10:00 a.m. fund raiser for Hugh Gallagher Elementary School.

**DISCUSSION/ACTION:** Grand Prix motorcycle race scheduled for April 29, & 30, 2006 9:00 a.m. to 4:00 p.m. both days. Insurance and permits applied for.

**PLANNING COMMISSION MINUTES DECEMBER 1, 2005 SIERRA PACIFIC POWER #2006-029 SPECIAL USE PERMIT - SPPCO REQUESTS APPROVAL TO CONSTRUCT THE**

“Tracy Plant Combined Cycle (Addition) corrected by Dean to read NEW) in order to meet customer energy requirements and to reduce their dependence upon volatile external power market.

Bret Tyler voiced his concerns regarding air quality in the Rainbow Bend/ Lockwood area. He wants to look at the NDEPA model and advised Pat Whitten he would like to attend those meetings. This proposed project already has EPA approval. Dean has already issued permits for tearing down portions of the old plant.

Dean informed the board that the new plant will have to have it's own parcel number from other SPPCO property.

**LICENSING BOARD:**

**FIRST READINGS:**

1. Gore Plumbing, Inc. Submitted by Paul Gore of Minden, plumbing contractor.
2. RD Edwards, Inc., submitted by Diane Edwards of Bentonville, AR, contractor.
3. ABC-Nevada LLC submitted by Wilbur Manning of Crooked Stick, WY general contractor.
4. Schweitzer Building & Remodeling, submitted by Brent Schweitzer of Zephyr Cove, NV, building and remodeling residential.
5. Alvah L. Chapple, home business located at 4570 Tybo Rd. VCH, snow removal and other odd jobs on a part time basis, (no excavation).
6. Elite Desert Tours, submitted by Chad J. Merritt, of Gardnerville, NV out back guided tours.
7. Big Hog Plumbing Inc. submitted by Corey Lampert of Carson City, 80% residential, 10% commercial and 10% service, plumbing and heating contractor.
8. Anthony B. Wojcicki, of Reno caretaker for TRW property and logistical support to visitors.
9. Ridge Partners, LLC, home business submitted by John W. Hayes at 1960 Lousetown RD, VCH, business and technical consulting.
10. Krazan & Associates, Inc. submitted by Linda Perryment of Clovis CA, consulting engineering.
11. Danielle's Mix, submitted by Danielle R. Myers of Reno, retail business, located at 54 North C Street, Virginia City.

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

**END OF CONSENT AGENDA**

**STAFF REVIEW/COMMITTEE REPORTS**

Maggie advised the board that the federal mileage has been reduced to 44.5 cents per gallon for private vehicles used for government business, therefore the county will need to also reduce that mileage from 48.5 cents to 44.5 cents.

Gary advised the board his department will go pick up the water tender this week or next.

Rich advised the board he has contacted four companies to submit bids on the repairs to flood damage to the road in Six Mile Canyon and asked the board which direction they want him to go, he does not have the time nor the personnel to make the necessary repairs at this time, adding that hopefully FEMA will kick in some funds to help pay for the job.

The board directed Rich to go ahead with the bid process.

Marilou reported that the Community Block Grants have been delivered and they should make a determination in mid March.

Dean reported that he had spent last week with FEMA personnel and Joe Curtis assessing the damage from the New Year's Eve flood. He also requested a new truck for Mel, his truck lost the four wheel drive and it is too old to make that kind of repairs.

Commissioner Hess said that there is no reason to put that much money into repairs on a truck that old.

Dean will get bids for another one and bring it back before the board.

Dean further reported that one bridge at the Truckee is gone but that all the railroad bridges held up and temporary culverts have been installed. The Senior Center is ready for insulation and sheet rock. Contracts for power are in the works and Rich will put in water and sewer when he has the time. There will not be a kitchen put in until the design can be approved, but he will need help with that. Marilou suggested he meet with Janice Ayers from RSVP for standards needed for the kitchen design. Dean further advised the board that a crane will need to be brought in to set the building on the foundation, and he will contact the landfill people to see if they can help.

Dean explained that he has a log going for people to call in the damage to their private property and people can also call dispatch to submit a claim for FEMA assistance.

Gary advised the board that the private damage goes into one lump sum fund and is distributed out of that.

Commissioner Kershaw said he has talked to Lyon County and they will help with repairs on Six Mile Canyon road, and asked Rich to talk to Lyon County about putting up a "Road Closed" sign further down the canyon so people will know it is closed before they get so far up.

**DISCUSSION/ACTION: NDOT REPORT OF PROJECTS SUBMITTED FOR CONSIDERATION:**

1. SR 341 LANE DELINEATION
2. LOCKWOOD EXIT 22 IMPROVEMENTS
3. SIX MILE CANYON IMPROVEMENTS

Pat Whitten presented a copy of the project submittal form he prepared for NDOT and explained the request had to be submitted by January 3, 2006.

Commissioner Hess moved to approve the project request as submitted, seconded by Kershaw and carried.

**TIME SENSITIVE SCHEDULED FOR 3:00 P.M. PLANNING COMMISSION APPEAL:**

Calwell and Rawhuser #2006-26 Special use permit to construct a storage facility located at South "C" Street by the telephone and state highway department buildings. The unit entrances are to face north and south.

The Planning Commission denied this application at their regular meeting of December

1, 2005. The applicants are exercising their right of appeal to the board of commissioners as provided in Storey County Code.

Lydia Hammack was present to represent the Planning Commission and explained that the zoning ordinance as adopted did not allow for all commercial uses in the Commercial Residential areas, non compliance in such areas were allowed until June 2002. Mr Rawhuser did not own the property in June 2002, therefore the storage unit does not qualify as an approved use.

Mr. Rawhuser argued that his interpretation of the zoning ordinance does allow for storage unit use, and that the ordinance leaves it open to interpretation.

Lydia then read the permitted uses in the commercial zone.

Dean Haymore suggested that Rawhuser could apply for a zone change, the board could waive the \$1000. fee, and the whole process could start over again with the Planning Commission.

John Schafer, a resident within three hundred feet, stated that he did not object to the Storage Units at this location adding that it would produce less traffic than apartments or duplexes.

Hess said that the redesign of the Units looks good.

Commissioner Kershaw moved to deny the appeal and waive the fee for a zone change and have Mr., Rawhuser go ahead with his application for a zone change, seconded by Hess and carried.

**THE MEETING IS RECESSED TO THE WATER BOARD:**

Board members of the Water Board are the same as the County Commission.

**DISCUSSION/ACTION:** ORDINANCE 06-199 AN ORDINANCE AMENDING THE STOREY COUNTY CODE BY AMENDING PORTIONS OF CHAPTER 13: RELATING TO WATER AND SEWER CONNECTIONS.

Commissioner Hess moved to publish the first reading and public hearing for the changes in the water/sewer ordinance

**DISCUSSION/ACTION:** Request by Brian Bills for commercial water and sewer connection to construct a four-plex at Lot 10 Block 146 Range D, 291 South D Street, Virginia City.

Commissioner Kershaw moved to deny the application for a commercial water and sewer connection until Brian Bills comes before the board, seconded by Hess and carried.

**THE REGULAR MEETING IS REOPENED:**

**DISCUSSION/ACTION:** Kathy Weeks, Storey County Assessor, correction for over assessment on parcel number 003-295-03.

Mrs. Piirto asked if the over assessment would include interest? Commissioner Kershaw moved to approve the correction with the treasurer making the adjustments as requested, seconded by Commissioner Hess and carried.

**DISCUSSION/ACTION:** Larry Prater discussion regarding USA Patriot Act.

Pat Whitten referred to his memorandum to the board regarding this agenda item. Staff will review supporting documentation and submit recommendations to the board.

**DISCUSSION/ACTION:** Connie Butts, appoint commissioner to the Flood Project Coordinating

Committee and update on the flood in the north part of the county.

Connie advised the board that it was not necessary to appoint a board member at this time and gave an updated report on the progress of the committee.

**DISCUSSION/ACTION:** Approve contract with Storey County employee's Association, State of Nevada Employee's Association, American Federation of State, County, and Municipal Employees Local 4041

Commissioner Hess moved to approve the contract, seconded by Kershaw and carried.

**DISCUSSION/ACTION:** Approval of Claims

Commissioner Kershaw moved to approve claims in the amount of \$197,838.65 for warrants and \$243,594.46 for payroll, seconded by Hess and carried.

**DISCUSSION/ACTION:** Statement of Apportionment 2006/06 Fiscal Year 2<sup>nd</sup> Quarter.

Commissioner Hess moved to approve the apportionment as submitted, seconded by Kershaw and carried.

**LICENSING BOARD:**

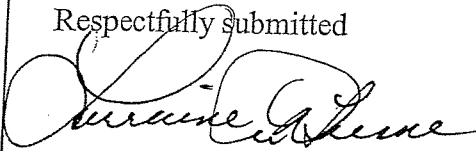
**SECOND READINGS:**

1. Wild Bunch Gifts, submitted by Paul R. Greenlease, Jr. of Virginia city, retail located at 74 South C Street, Virginia City. Continued.
  2. First National Collection Bureau, Inc. submitted by David A. Imburgia of Reno, NV, collection agency located at 610 Waltham Way, McCarran, NV. Continued.
  3. Providence Electric Inc., submitted by Allan V. Sisia of Reno, NV, electrical design constructing, service and repair. Approved.
  4. Connect 2 Wireless Inc., submitted by Lonny Boe Cunningham of Woodland CA, communication construction. Approved.
  5. RAW Enterprises LLC, submitted by Ronald D. Cockayne of Sparks, general contractor,, commercial/spec residential. Approved.
  6. Tahoeblues Ltd., submitted by Julia Mitchell, of Reno, out of county photography, graphic arts. Approved.
  7. Kelly Rogers, Virginia City Highlands, snow removal, home occupation. Approved.
  8. Comstock Art, submitted by Sally Mitchell of Virginia City Highlands, home business 90% internet/studio business, art prints note cards, stained glass, 10% hypnosis (certified), by appointment. Continued.
  9. Lambertson Industries, submitted by Theodore Lambertson of Sparks, located at TRI, stainless steel kitchen equipment. Continued.
  10. Mahogany Red's Catering and Bar-B-Q, submitted by Jamie S. Killeen of Reno, mobile catering. Approved on the condition that the mobile unit is removed from the park every evening.
  11. Rivers End Holdings, LLC, submitted by Gigi D. Trende of Hopkins, MN. General, wholesale distributor of imprintable sportswear. Continued.
  12. Comstock Real Estate Services, change of location. Continued.
- Commissioner Hess moved to continue those business license applications as noted, seconded

by Kershaw and carried. Commissioner Kershaw moved to approve those business license applications as noted seconded by Hess and carried.

There being no further business before the board the meeting was adjourned at 3:46 p.m. at the call of the Chair.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Lorraine DuFresne".

Lorraine DuFresne  
Clerk to the board