

# STOREY COUNTY COMMISSION MEETING MINUTES

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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The meeting was called to order at 10:00 A.M. by Chairman Kershaw.

PRESENT: Chairman Kershaw, Commissioner Flanagan, Commissioner Hess, Sheriff Whitten, District Attorney Harold Swafford, Clerk/Treasurer Doreen Bacus, Recorder/Auditor Maggie Lowther, Building Official Dean Haymore, Fire Chief Gary Hames, Marilou Walling, Administrative Assistant to the Board.

ABSENT: Rich Bacus, Public Works Director

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT: Troy Regis representing David Burgess of the Mustang Ranch Brothel read in part the order from U.S. District Court directing Lance Gilman to immediately stop the use of the Mustang Ranch mark. Further, that such usage includes but is not limited to the use of the mark on signs and the use of the mark to represent the brothel in anyway, and to provide to the court an accounting of the use of the Mustang Ranch mark and the date upon which each use was ceased.

## 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:** Chairman Kershaw read a declaration of an emergency signed by Governor Guinn for Storey and Washoe County due to the recent snow storms.

Chairman Kershaw read a letter from the Department of Taxation by Charles E. Chinnock, Executive Director to Marilou Walling, regarding a request by Senator Mark Amodei for a meeting in his office on Wednesday, February 2, 2005 at 9:00 a.m. This meeting will focus on the comprehensive report prepared by the Department of Taxation regarding the various issues surrounding the imposition and distribution of sales and use taxes resulting from business activity at the TRI Park. Also this same report will be presented to the Tax Commission on February 8, 2005, at which time representatives from Washoe County be there for their input.

Marilou requested that Commissioner Hess and Dean Haymore also attend these meetings with Senator Amodei.

Marilou informed the board that she had attended a meeting with the Tax Commission last week and they praised Storey County for their fiscal responsibility and that the county's finances are in much better shape this year than they were at this time last year.

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

**DISCUSSION/ACTION: SPECIAL EVENTS:** Sheriff Whitten advised the board Anita Curtis, Special Events Coordinator for VCCTA has met with the Hummer Event people and they are moving toward an agreement for that event. Whitten also advised the board he had informed Brandi Lee that the Mountain Oyster cook off will be taken up at the next meeting, being an ongoing event it will not need much special consideration and could be handled administratively.

#### **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 contractors.

**\*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 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 onto the D.A. and County Commission regarding a land swap versus street abandonment.

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

***Dean Haymore informed the board he had talked with the applicant and he is willing to do a land swap for the same square foot area at the other end of this property instead of street abandonment.***

The board instructed Dean to go forward with the necessary procedures for the proposed land swap and meet with Public Works Director Richard Bacus to work out the details.

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 onto the County Commissioners, seconded by Brookins and carried.

Commissioner Flanagan moved to approve the Planning Commission Minutes, seconded by Hess and carried.

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

Commissioner Flanagan moved to approve the Consent Agenda, seconded by Hess and carried.

**DISCUSSION/ACTION:** Complaint from Wesley J. Neighbors regarding dog nuisance at 187 South L Street, Virginia City. Continued until after a court decision out of Justice Court.

D.A. Swafford informed the board that Ms. Bacus had been arraigned in Justice Court on Wednesday following the last Commissioner's meeting at which time she entered a plea of not guilty and will have a Pre Trial Conference with Ms. Bacuss' attorney Virgil Bucchianeri, and set the matter for trial. He had informed her at that time, she will either have to build a suitable dog run or get rid of the dogs, presently the dogs are chained up in the front yard and perhaps that is the reason they bark. The dogs are also getting vicious and have attacked Mr. Neighbors and his dogs. He further added that the neighbors have a right to peace and quiet in the neighborhood. He stated he was not sure that he was not sure if the law will allow for euthanasia of the animals, but most people are responsible and will work with his office when there are such complaints, but this is a bad situation and she has taken the position she can do as she pleases.

Sheriff Whitten stated that a kennel would solve part of the problem but that the barking problem may continue and perhaps some mechanical device or surgery could be required to mitigate the barking problem.

Commissioner Hess moved that this matter is continued until after the court has made a decision, seconded by Flanagan and carried.

### **APPROVAL OF CLAIMS**

Warrants in the amount of \$205,774.58 were tentatively approved upon review by Maggie Lowther, Payroll in the amount of \$237,264.99 was approved upon motion by Commissioner Flanagan, seconded by Hess and carried.

### **BUDGET AND FINANCE: Statement of Apportionment fiscal year 2004/2005 Treasurers' report for November 2004**

Commissioner Flanagan moved to approve the apportionment and treasurer's report as submitted, seconded by Hess and carried.

**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.

Commissioner Flanagan moved to approve the change in valuation as recommended by Assessor Weeks, seconded by Hess and carried.

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

After a brief discussion regarding the addition Commissioner Hess moved that this matter is continued to February 1, 2005, seconded by Flanagan and carried. Dean was directed to get a clarification from Hardie prior to that time.

**DISCUSSION/ACTION:** Tax incentives for Franklin Group. Dean explained that this business is to be located adjacent to a rail spur over the hill toward USA Today Highway at TRI. Commissioner Hess explained it is a bottling business of certain alcoholic beverages, etc., the goods will be brought in by rail and bottled at that location and shipped out by rail.

**At this time the regular meeting was recessed to the Water Board.**

### **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)

Commissioner Hess advised the board he had talked at length with Public Works Director Richard Bacus and the real crisis right now is the Gold Hill sewer system, it is at capacity and there is no room to enlarge the system and recommended that future building in Gold Hill be required to install upland septic systems. He further stated that the Sewer System in Six Mile is at 95% capacity but that there is room there for

expansion plus updated treatment options that could be used. Hess further recommended that the number of permits be set at 13 for Virginia City, three for Gold Hill and three for Silver City.

It was questioned if there needed to be an amendment to the ordinance setting the number of water hookups, because Gold Hill is not addressed in the current ordinance, and further the limits are set in the building permit limits Storey County Code 15.12.050 and not the water at SCC Title 13, Public Services 13.04 through 13.68.

Tamara Bernnett, realtor asked if a builder would be counted for in the thirteen, three and three permit limits?

Commissioner Hess answered yes.

Mr. Johnson asked if the sewer would be able to handle the available thirteen water hookup permits for Virginia City.

Commissioner Hess answered that the sewer could handle the thirteen permits but that those permits are most likely three to five years out, considering there are fifty-one permits already on the books with thirty-one paid for at this time. The projection for the sewer max out is the big issue but there is room for the permits already paid for at this time.

A gentleman in the audience addressed the board stating he had just purchased two lots in Virginia City, escrow has just closed and now he is looking at five years or longer for a water hookup. He asked if he could get a hookup for gardening?

The board explained that the relator should have advised him of the water situation at the time of sale, they should be making a full disclosure to prospective buyers. Commissioner Hess said that was stopped five or ten years ago.

Commissioner Hess moved to reinstate the thirteen, three and three water hookup limit, require upland sewer systems for Gold Hill on lots qualifying by minimum square feet required. That fees not be increased at this time but keep the water and sewer hookup fees as they are, seconded by Flanagan and carried.

**The water board was closed and the regular meeting reopened with all present as before.**

**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.

Commissioner Hess advised the board that Lorraine DuFresne has volunteered to act as hearing officer in compliance with Ordinance 04-191 and moved that she be appointed at this time, seconded by Flanagan and carried.

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

Sheriff Whitten informed the board that he had ridden around with Bacus and removed some thirty-six vehicles off the street and had only one towed. He further stated that the 72-hour parking does not work for snow removal purposes, all anyone has to do is move the car fifteen or twenty feet and they have complied with the 72-hour parking law.

The board directed the DA to draft an ordinance for the first meeting in February addressing mandatory towing for snow removal, Commissioner Hess so moved, Flanagan seconded and the motion carried.

Fire Chief Gary Hames requested that the ordinance address trailers and campers parked in such a way as to impede emergency vehicle access to buildings and/or streets, driveways or alleys with access to structures. Commissioner Hess amended his motion to include emergency vehicle access to the ordinance, seconded by Flanagan and carried.

DA Swafford asked if other entities have such ordinances, as he would like a clear definition of snow condition, does it mean one inch, three inches, or one foot?

Sheriff Whitten stated that people should just pay attention to the weather and if heavy snows are predicted, get their vehicles out of the way for snow plows.

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

Commissioner Hess informed the board that Vandenberg has indicated an interest in moving the bridge and relocating it, but nothing has been confirmed yet. He moved to continue this matter on the agenda and notify NDOT that the county is working on moving the bridge, seconded by Flanagan and carried.

#### **LICENSING BOARD**

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

1. Snelling Construction submitted by Scott T. Snelling of Dayton, general contractor.

**APPROVED.**

2. KFC Building Concepts, submitted by John King of VCH, general contractor.

**APPROVED.**

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. **CONTINUED FOR INSPECTIONS. SHERIFF WHITTEN INFORMED THE BOARD THAT NEITHER CASH PROCESSING NOR BURGESS HAS FILED THE HOLD HARMLESS AGREEMENT AS AGREED FOR THE NAME DISPUTE. COMMISSIONER HESS STATED THAT THEY CAN BOTH USE THE NAME.**

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, McCarran, NV **CONTINUED FOR INSPECTIONS. SHERIFF WHITTEN INFORMED THE BOARD THAT NEITHER CASH PROCESSING NOR BURGESS HAS FILED THE HOLD HARMLESS AGREEMENT AS AGREED FOR THE NAME DISPUTE. COMMISSIONER HESS STATED THAT THEY CAN BOTH USE THE NAME.**

5. Almost Heaven, submitted by Mickey J. Melton, home business located at 700 Saddleback Rd. VCH, snow removal, spreading gravel & sand, no excavation.

**APPROVED.**

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

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).

**CONTINUED FOR INSPECTIONS.**

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

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. **CONTINUED.**

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

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

-PUBLIC COMMENT (none)

**-STAFF REVIEW/COMMITTEE REPORTS**

Gary Hames reported that the heating system at Station One will be completed soon. The GIS mapping has been done and is available for use by other departments. There have been nine new volunteer graduates from Fire Fighter #one academy. The snow has ruined the phone lines at Station One and they will try and bring in the line underground.

Marilou reported that the snow and branches have crushed the Gazebo on the south side of the courthouse and she has submitted the claim to the insurance company.

Chairman Kershaw reported that he has met with the new Chairman of the Washoe County Commission, Bonnie Webber and Bob Larkin Washoe County Commissioner for the Truckee River District.

Kershaw further reported that the Lockwood Trailer Park has applied for grant money to install a leach system for the entire park at the site of the old apartment buildings, presently there are several leach fields in the area and that problem needs to be solved.

Gary asked if they were going to be a part of the CGID?

Bob stated that they are very independent and do not want to be apart of the CGID.

There being no further business before the board the meeting was adjourned at the call of the Chair at 11:45 a.m.

Respectfully submitted

By Lorraine DuFresne,  
Clerk to the Board

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