

STOREY COUNTY COMMISSION MEETING MINUTES

TUESDAY, MARCH 1, 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

The meeting was called to order by Chairman Kershaw at 10:00 a.m.

PRESENT: Chairman Kershaw, Vice Chairman Flanagan, Commissioner Hess, Sheriff Whitten, District Attorney Swafford, Clerk/Treasurer Doreen Bacus, Recorder/Auditor Maggie Lowther, Fire Chief Gary Hames, Public Works Director Richard Bacus, Building Official Dan Haymore, and Marilou Walling Administrative Officer.

PLEDGE OF ALLEGIANCE

-PUBLIC COMMENT- George Georgeson advised the board Geotech Sciences, Inc. has submitted a report regarding the site for the Virginia City Water Tanks Project on BLM land located near the water treatment plant indicating identification of numerous building remains in the project area. Due to the large number of cultural features and artifacts encountered the project area BLM will be defining the "area of potential effect" and the tanks may have to be relocated.

George requested that Greg Hess be retained to survey the area to locate property lines for possible relocation on the Bullion or Potosi mining claims.

The board directed the clerk to place the matter on the agenda for the March 15, 2005 meeting.

Phil Wasack said he was here just to listen to the bikeway presentation.

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 MARCH 1, 2005. Marilou asked that the presentation by Janet Carson be moved up on the agenda too just after James Hardie presentation. Commissioner Hess moved that the agenda is changed, seconded by Flanagan and carried.

APPROVAL OF MINUTES FOR FEBRUARY 15, 2005. Commissioner Flanagan moved to correct two clerical errors on page two, seconded by Hess and carried.

-CORRESPONDENCE

Chairman Kershaw advised the board he had received a request from legislature for historic photographs of former legislators from 1866 forward and suggested that the letter be given to Joe Curtis. Kershaw also received a request for a digital file of the Storey County Flag from legislature publications.

Dean Haymore informed the board there will be an update of the Flood Control mitigation on March 29, 2005 at Rainbow Bend with the Army Corps of Engineers and requested that a county representative attend as he will be out of town, both Hess and Kershaw said they would attend the meeting.

DISCUSSION/ACTION: MAP APPROVAL FOR MAPS TO BE RECORDED

Dean presented a record of survey map submitted by TRI describing a split in parcel 4-151-39 into one seven-acre parcel and one 5.41 acre parcel, upon motion duly made seconded and carried the map was approved as submitted.

DISCUSSION/ACTION: SPECIAL EVENTS Anita Curtis, special events' coordinator advised the board the Chili Cook-off has been set for May 7, 2005 from 7:00 a.m. to 6:00 p.m. in the parking lots of the Bucket of Blood and Firehouse. Sheriff Whitten advised the board this is an ongoing event and will not require any additional services by his department.

LICENSING BOARD:

FIRST READINGS:

1. A-Livewire submitted by Bryon Kish of Gardnerville, electrical contractor.
2. Miller Organ Co. submitted by Robert Miller of Virginia City, organ-musical instruments-sales/service/restoration/ computer repair and service.
3. Acertion Connect, Inc. submitted by Brandt Peterson of Hunington Beach, California CLEC telephone company - voice & data.
4. Craftsman Homes, Inc. submitted by Leo Poggione, of Reno manufactured home set ups, Rainbow Bend.
5. Gore Painting, Inc. submitted by Suzanne Zaccone of Reno, painting and wall covering installation.
6. J & L Contracting, Inc. submitted by Milan Swilor of Sandy Utah drywall

contractor.

7. Tahoe Activities submitted by Tracy Reinhard of South Lake Tahoe, enlisting Virginia City Tourist and Bucket of Blood patrons to attend 90 minute vacation home ownership presentation.

8. Seven Mile Canyon Ranch, submitted by Peter Sorensen of Virginia City for bed and breakfast.

9. Eltey Enterprises, submitted by C. Scott Taylor of Reno, fire and safety equipment sales and service.

DISCUSSION/ACTION: PLANNING COMMISSION MINUTES of February 16, 2005 will not be approved by the commission until their meeting of March 3, 2005.

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

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

DISCUSSION/ACTION: James Hardie, manufacture of building materials, Letter of acknowledgment regarding tax abatements for personal property and sales and use tax.

Commissioner Hess reviewed his meeting with Hardie last week and moved that the tax abatements are approved as requested, seconded by Flanagan and carried.

DISCUSSION/ACTION: First Reading Ordinance 04-195, amending portions of Storey County Code Chapter 8.08, regarding refuse and trash. Clarifications of responsibilities of hearing officer, definitions of certain trash and vehicles procedures and policies for clean up. Ordinance 04-191 adopted by the board July 6, 2004, effective November 18, 2004 will be repealed.

Lorraine asked for clarification on procedures for cleanup. If the county can go in and cleanup the trash if the adversary does not clean it up within the specified time and place a lien on the property for the cost of cleanup? D.A. Swafford stated the adversary will have to be given due process for such action, by way of hearings and notices of complaints before any action can be taken by the county to cleanup the trash.

Commissioner Hess said he would work with Eileen and Lorraine and get the wording right and continue the first reading until March 15, 2005, seconded by Flanagan and carried.

DISCUSSION: Janet Carson, Project Manager Tahoe-Pyramid Bikeway, proposing to follow the emigrant trail from Clean Water Way along the south bank of the Truckee River for 2 miles, and build a pedestrian/bike bridge to the north side.

Janet Carson explained that the Tahoe Pyramid Bikeway is a non-profit endeavor under the auspices of the Nevada Land Conservancy and a volunteer effort. She presented a slide show of the area of the proposed route and bridge that will be part in Storey County and part in Washoe County. She further advised the board their endorsement of the project is required to comply with the grant application, and further explained the benefits to the county by having the bikeway in the county.

Sheriff Whitten and Gary Hames both voiced concerns with access for services

that will be required by their departments.

Ms. Carson advised the board the trail has been changed to not go through Rainbow Bend or the Lockwood Trailer Park.

Dennis Miller stated that people are still not going to change their minds about the bike trail.

Commissioner Hess stated that the board will not endorse or approve any part of the proposal until the people along the corridor are happy with the proposal.

DISCUSSION/ACTION: First Reading Ordinance 04-194 amending portions of Storey County Code by adding Section 10.20.035 which expands snow parking restrictions.

There was some discussion regarding emergency vehicle access at intersections being included in this ordinance. D.A. Swafford pointed out that would be a matter for the parking ordinance. Sheriff Whitten suggested that it be referred to the RTC board for recommendations.

Commissioner Hess moved to set a second reading of Ordinance 04-194 for March 15, 2005, seconded by Flanagan and carried.

DISCUSSION/ACTION: Contract with Virgil Bucchianeri. There was considerable discussion regarding the possible conflict of interest with Virgil acting as defense attorney and prosecuting attorney, and if the contract should be terminated or the contract should be suspended. D.A. Swafford advised the board that Virgil mostly takes care of civil cases out of the D.A.'s office and not criminal matters, also, he is a contract attorney not a Deputy District Attorney. Swafford went on to say that Virgil is available on a moment's notice to set in for him if he is called away from the office.

There was some discussion regarding Virgil being able to set in for Harold if he is out of town. Should the contract be terminated or suspended?

Commissioner Flanagan moved to terminate the contract with Virgil Bucchianeri.

There was more discussion for termination or suspension of the contract.

Commissioner Flanagan withdrew his motion to terminate the contract.

At this time 11:10 a.m. a ten minute recess was called by the chair.

Reconvene at 11:30 a.m. With all present as before.

Commissioner Hess moved to terminate the contract with Virgil Bucchianeri, seconded by Commissioner Flanagan and carried.

DISCUSSION/ACTION: Information received from U.S. Army Corps of Engineers regarding Truckee Meadows Flood Control Project located along the Truckee River in Nevada.

A programmatic Agreement between the U.S. Army Corps of Engineers and the Nevada State Historic Preservation Officer Regarding the Truckee Meadows Flood Control Project was reviewed.

Dean advised the board the tribe has put in a dam on the river which is causing water to back up to residences at Wadsworth and that the retention basins at Mustang have been eliminated.

Phil Wasack representing Far West Engineering advised the board the sewer

treatment plant and wells at Lockwood and Rainbow Bend will have to be relocated if the Corps of Engineers plan is followed and that the Corps should have to pay for the relocation.

Mark Edwards of Painted Rock stated that the residents at Painted Rock had shown the Army Corps of Engineers what the problems are and still they are conducting flood relocation not a flood control project.

Chairman Kershaw stated he doesn't see any answers for down stream water and board may participate in the program but will not accept any more water flow.

Commissioner Hess suggested the Programmatic Agreement be given to Bob Sadar for review considering TRI most likely will be affected.

DISCUSSION/ACTION: Request by Stephen Musser for (880 South C Street, Virginia City, quit claim of west part of Lot 5 Block 244 Range A this portion of Mr. Musser's request was not addressed by the board, pending a Quiet Title Action of the above described property in District Court). Abandonment 2005-359 request on South E Street and Silver Street. An Order for Abandonment and Quit Claim Deed were presented on this portion of Mr. Musser's request.

The Order for abandonment with Exhibit A describing, the portion for abandonment being about 1491.80 square feet of South E Street. A Quit Claim Deed from Musser to the County was presented for the asphalt area within the Northwest Corner of Parcel as described in Exhibit A attached to the Quit Claim Deed.

Pierre' Bares objected to the abandonment of the street and/or the construction of a house at this location.

Commissioner Hess moved to approve the abandonment and quit claim deed as submitted, seconded by Flanagan and carried.

DISCUSSION/ACTION: Resolution 05-200 request from District Attorney for Attorney General's Office to prosecute criminal matter.

Commissioner Hess moved to approve Resolution 05-200, seconded by Commissioner Flanagan and carried.

DISCUSSION/ACTION: Request by Commissioner Hess regarding financial official tracking of sales tax and other duties.

Commissioner Hess explained that there is a need to start tracking sales tax from TRI and to streamline county financial issues. Marilou has her plate full with all the other duties she has and suggested that the board consider hiring someone on a part time basis to track the tax collection issues and budget.

Marilou advised the board she is on a deadline with the budget, hearings have to be set and the tentative budget has to be in by April 15, 2005, deadlines for grants, etc.

Commissioner Flanagan suggested the board have a meeting next week to discuss the possibilities of a part time financial officer.

Commissioner Hess moved a meeting is set for next Tuesday, Chairman Kershaw requested the meeting be set in the afternoon, upon motion duly made by Hess, seconded and carried the meeting was set for March 8, 2005 at 1:00 p.m.

APPROVAL OF CLAIMS

Warrants \$70,197.79 and payroll \$205,630.30.

Claims were approved upon motion by Hess, seconded by Flanagan and carried.

***BUDGET AND FINANCE:**

Treasurers' request for direction of delinquent tax sale with descriptions of properties.

Commissioner Hess suggested the properties listed in the tax sale be investigated for possible use by the county to trade for ground the county may need for water tank expansion and/or sewer treatment facility expansion. Commissioner Flanagan moved to continue the approval of the tax sale until March 15, 2005, seconded by Hess and carried.

Treasurers report of January 2005.

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

***LICENSING BOARD**

SECOND READINGS:

1. Technical Expertise & Management in Communications, LLC, submitted by Michael S. Nelson of Gilbert, AZ construction of cellular towers. Approved.
2. Sierra Building Systems, Inc. Submitted by Gerald R. Lange, of Reno General Contractor. Approved.
3. Advanced Asphalt, submitted by Jerry T. Bellon of Truckee, CA asphalt and paving contractor. Approved.
4. Tahoe Experience, Inc. Submitted by Darlene Sweeney of Reno, destination management services, tours, transportation, team building, special events, theme parties, entertainment, decor. Approved.
5. Integrity Fire Protection Services, submitted by David Mahar of Sparks, fire hood systems, fire extinguishers and services. Approved.
6. Sherry A. O'Mahony, Virginia Range Wildlife Proc. Assoc., non profit liquor license application. Approved.
7. 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
8. 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.

Commissioner Flanagan moved to approve the licenses as noted above and continue those as noted, seconded by Hess and carried.

-PUBLIC COMMENT (none)

-STAFF REVIEW/COMMITTEE REPORTS

Dean advised the board he has received bids of \$21,500. to \$23,500. for a new car from three dealers and asked if he should negotiate for a lease or purchase agreement. The board directed Dean to obtain the cost of a lease vs. lease purchase.

Dean also advised the board the VCH one acre homeowner's association is holding a special meeting to adjust their CC&Rs. The proposal is to increase

application fees to \$1.00 a square foot for new construction. Dean informed the board he has advised the VCH property owners board that the county is not responsible for enforcing their CC&Rs.

Gary Hames reported the VCH one acre homeowners have submitted a revamped 400 page document outlining their proposed CC&Rs. He further advised the board he has applied for a grant to redo the ventilation systems at the fire stations. Gary also advised the board all of the paperwork is in on FEMA for the storm damage.

Gary advised the board there is a bill in legislature to add volunteer firemen to PERS. He added this is an unfunded mandate and could cost the county as much as \$7,000. per volunteer fireman. He has alerted Mary Walker Lobbyist to keep track of the bill. Chairman Kershaw advised Gary to contact Shaw Gamble, Storey County's lobbyist to get on this bill, she is supposed to make these bills known to the county department heads.

Public Works Director Rich Bacus advised the board the VC sewer treatment plant will have to be expanded, there is not enough room for the hotel and the seventy hook up applications that are on the books now.

Marilou advised the board budget hearings will be set for March 28, 2005.

Sheriff Whitten advised the board the Hummer event has been very successful, the people easy to work with and invited the board to go down and meet with them.

Whitten further advised the board that there is a problem with property ownership at the dog kennel.

Commissioner Hess advised the board that the Virginia City Highschool State Champion Basketball team will be at the next meeting.

The board directed the clerk to put waste management on the agenda for the first meeting in April.

Commissioner Flanagan informed the board there is a problem on South G Street off of Washington with vehicles blocking the street.

Rich, Pat and John to go talk to the people prior to issuing a citation.

Chairman Kershaw reminded the board about the work shop with TRI at 2:00 p.m. this afternoon. He also advised the board that he met with Andrew List regarding a bill for improvement of the Marlette Water system, he told List that the county would support the bill to improve the system but he will have Shawn keep an eye on the bill. Bob further advised the board he had talked to David Turner of the tax commission and he suggested that the zip code problem be attacked through Senator Reid's office.

There being no further business before the board at this time a recess was called until 2:00 p.m. for a work shop with TRI.

*Recess to 2:00 p.m. for a workshop with TRI and Board of commissioners

The board recessed at 1:00 p.m. to 2:00 p.m. at the call of the chair for a workshop with TRI.

Respectfully submitted,

By
Lorraine DuFresne