

# STOREY COUNTY COMMISSION MEETING MINUTES

TUESDAY, MARCH 15, 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

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

**PRESENT:** Chairman Kershaw, Vice Chairman Flanagan and Greg Hess, Commissioner, Maggie Lowther, Recorder/Auditor, Doreen Bacus, Clerk/Treasurer, Richard Bacus, Public Works, Dean Hymore, Building/Planning, Sheriff Whitten, District Attorney Harold Swafford, and Marilou Walling Administrative Officer.

PLEDGE OF ALLEGIANCE

WELCOME/CONGRATULATIONS VIRGINIA CITY MUCKERS --2004/05  
HIGHSCHOOL BASKETBALL 1-A STATE CHAMPS " THE BEST OF THE BEST"

Commissioner Hess advised the board part of team is taking exams today and will not be able to come to the meeting and moved that this item is continued to April 5, 2005. Seconded by Flanagan and carried.

-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 MARCH 15, 2005.** Chairman Kershaw recommended that the TRI Audit be moved up on the agenda to right after the consent agenda.

Commissioner Hess moved that the agenda is approved as amended, seconded by Flanagan and carried.

**APPROVAL OF MINUTES FOR MARCH 1, 2005.** Commissioner Hess moved to correct the minutes at page five under Financial Official first paragraph to read full time basis instead of part time basis, seconded by Flanagan and carried.

Lorraine advised the board that the Minutes of March 8, 2005 have been delivered but she forgot to put it on this agenda and asked that they be considered for action at the April 5, 2005 meeting.

### **-CORRESPONDENCE**

Chairman Kershaw read a letter from Susan Sutton regarding the parking on G Street and vandalism of her home at 275 South G Street.

Commissioner Flanagan advised the board that he, Sheriff Whitten and Rich Bacus went down and looked at the problem. They located survey stakes for the property and there are large trees and power poles in the middle of the street. He further suggested that the least expensive way to solve the problem is put "no parking" signs on the lower street, people could park there to unload their cars but the would need to moved them off the lower portion of the street and park elsewhere.

Bacus said he could put up no parking signs if that is what the board wants him to do.

Harold Swafford advised the board that Bacus has the authority under his job to put up the signs but that the other residents should be allowed to comment.

The board directed the clerk to place the "no parking" signs on South G Street on the Agenda for April 5, 2005.

Sheriff Whitten advised the board that he would go chat with the other residents on the street and give them a chance to comment.

Chairman Kershaw read the resignation of Pat Whitten from the VCCTA citing his reason he has sold the RV Park and no longer is eligible to sit on that board.

The board directed Marilou to advertise for a replacement and place the appointment on the agenda for April 5, 2005.

Sheriff Whitten informed the board that the new owners of the RV Park are working on a temporary license until compliance with all inspections.

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

Dean presented two parcel maps submitted by TRI for approval (see file for details of maps)

### **DISCUSSION/ACTION: SPECIAL EVENTS (none)**

#### **LICENSING BOARD:**

#### **FIRST READINGS:**

1. Virginia City R.V. & Market submitted by Bruce Rawhouse of Virginia

Citry, general and liquor license application.

2. Village Realty, submitted by Tom Clydesdale of Reno out of county real estate license application.

3. Town and Country Electric, Inc. submitted by Robert Mueller of Sparks, contractor license, electrical contractor.

4. Orius Telecommunication Services Inc. submitted by Joseph Huss of Villa Ridge, MO, contractors license placing fiber for Sierra Pacific Power.

5. Steven Roberts, of Sparks, building contractor.

6. Gold Hill Historical Society, submitted by Kim Fegert of Gold Hill, non-profit, preservation, restoration, conservation of historical resources. (Off site work)

7. Elkhorn Construction Inc. of Evanston WY submitted by Lisa M. McLean, General Engineering, electrical contractor's license.

8. A Charmed Life, submitted by Leanne M. Smith of Vallecito, CA for a retail shop located at 164 S. C Street Virginia City.

9. Joys Pride, Inc. submitted by Jaci L. Rubin of Rainbow Bend, home business, sell natural body care products through catalogs, internet and traveling to others homes for classes.

**DISCUSSION/ACTION:** PLANNING COMMISSION MINUTES of February 16,2005.

Crystal Canyon Properties, LLC - 2005-366 - Abandonment - Request an abandonment to redefine a portion of Six Mile Canyon road to reflect the existing road/right-of-way path. Crystal Canyon Properties will deed to Storey County all that portion of the currently improved 60' wide right-of-way known as Six Mile Canyon Road in exchange.

George Georgenson representing Crystal Canyon explained that the original site for the bridge was washed out years ago and the bridge was built 60' to the north. Crystal Canyon is willing to Quit Claim the bridge road portion to Storey County in exchange for the original road to Crystal Canyon Properties.

Bucchianeri moved to approve the request with the stipulation that Crystal Canyon Properties quit claim the bridge road portion to Storey County, seconded by Hammack and carried.

**BOARD OF COMMISSIONERS COMMENTS AND ACTION:**

Dean explained that the approval by the planning commission with the stipulations attached to the motion to approve require Ms. Larson to deed the area where the road is to the County and the County abandon that portion of where the road should be.

George Georgenson representing Crystal Canyon Properties presented a description and map of the area for the board to consider.

Bacus said if the road had to be moved it would run right in the drainage ditch and this proposal is a better way to go.

TRI - 2005-371 Resolution Determining Similar Uses in the I-2 Heavy Industrial Zone.

Bret Tyler moved to approve the resolution, seconded by Brookins with the stipulation changes to clarify parking be included in the final draft. Approved.

Commissioner Hess stated that the Resolution needs to be reviewed by the DA

prior to the board approving it.

The lot line adjustment and variance request from Gary L Green was continued because there was no representative present.

Dean presented this map to the board for review and advised them there are some technical adjustments to be made by Kathy Weeks, County Assessor before it can be signed and recorded and added the property is in escrow and that he would like to have the board tentatively approve the map on the conditions that the adjustments by Weeks are done before it is recorded.

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:** Review and approval of TRI Audits for 2002 and 2003.

The board reviewed the audits submitted by Kohn Colodny LLP with recommendations. that each county department review the respective general ledger detail each month to ensure that recorded amounts agree with their deposit detail and other supporting document.

Dean stated that he did not think the county is charging enough for the equipment being used to service TRI, vehicles being used are wearing out faster because of all the trips down and back for his department.

Flanagan asked for an explanation of the increase in Fire Department charges from 2002 to 2003.

Gary explained that his department does track what is spent on TRI and that the stations were converted to the county from NDF.

Dean stated further that TRI owns 65% of the open space in the county and perhaps this should be considered at the work shop on the budget.

Maggie advised the board that the vouchers do not always reflect charges to TRI.

Commissioner Hess moved to approve the 2002/2003 TRI audit is approved, seconded by Flanagan and carried.

**DISCUSSION/ACTION:** Appointment by the board of person to fill the newly created position of Director of Administration and Budget for Storey County.

Commissioner Hess stated that several months ago it looked like the county would need someone to oversee the budget and track what is going on down at TRI, something like a comptroller and recommended Pat Whitten be appointed to the position of Director of Administration and Budget adding that he feels comfortable with the job description submitted by Commissioner Flanagan at the meeting of March 8, 2005. Hess further stated that the salary should be somewhere around \$70,000. and include six weeks annual leave and twelve days sick leave. Commissioner Hess read the resume submitted by Pat Whitten.

Commissioner Flanagan advised the board that he has met with Pat Whitten on

several occasions and discussed the position and feels that Pat is qualified for the position and understands the workings of the county.

Hess suggested that they contact Beller and Associates to establish a grade level, sick leave and annual leave, adding that it is budget time and crunch time to get this done.

Flanagan stated that a letter of understanding between the county and Whitten would work better than a contract.

Chairman Kershaw read a letter from Maggie Lowther (same not on file with clerk) and added that Pat will be dealing with negotiations with the unions, tracking TRI revenues and services and suggested that salary and benefits be discussed after he gets his feet wet.

Pat informed those present that he was both shocked and flattered when a few months back he was approached by Hess and Flanagan to consider this position and added that he felt it would be best for the county for him to step down as sheriff and take the job as described. Commissioner Hess moved to appoint Pat Whitten to the newly created position of Director of Administration and Budget, with a salary of seventy thousand per year, six weeks vacation, and twelve days of sick leave, seconded by Commissioner Flanagan and carried.

The board scheduled a special meeting for March 22, at 2:00 p.m. to appoint a sheriff to fill the unexpired term of Whitten and directed Marilou to advertise in the local paper, qualifications will be discussed under staff today.

There was considerable discussion regarding the salary for the appointed sheriff, and it was determined that the salary is established by legislature for all elected officers, so the incoming sheriff will be paid the same as Whitten.

Discussion of duties for Marilou's position will be discussed after Pat has had time to get his feet wet in the new position.

At this time 10:55 a.m. Kershaw called a five minute recess.

The meeting was reconvened at 10:10 a.m. with all present as before.

**DISCUSSION/ACTION:** Storey County relocation of Water System tanks due to archeological survey results at proposed location. Report by George Georgenson of survey for relocation site.

George Georgenson presented a map depicting the location of the proposed Virginia City Raw Water Storage Tank and explained in order to stay out of the significant cultural resource areas designated by the archaeologist report there can only be one tank located in the area adjacent to the treatment plant. George further explained that Greg Hess has staked the area and that he has taken pictures and appears only a 1.2 million gallon tank will fit with a hefty foundation and retaining wall. George asked permission to meet with BLM next week and hire the archaeologist again for further study if necessary.

Commissioner Flanagan asked if the additional smaller tank would serve as sand filter for the raw water? George answered as a filtration tank and fire.

Dean advised the board the earth quack zone has been changed from a three to four.

George advised the board with the change in the earth quake zone the tank can

be higher than originally planned.

Rich Bacus suggested that a tank be buried at Five Mile to be used as a filtration tank.

Commissioner Hess advised the board he would abstain from voting on this matter because his father is recommended for the project director.

Commissioner Flanagan moved to allow George to meet with BLM and rehire the archaeologist for the proposed water tank, seconded by Kershaw 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.

Commissioner Hess moved to place Ordinance 04-195 on the agenda for a second reading April 5, 2005, seconded by Flanagan and carried.

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

Commissioner Hess moved to approve Ordinance 04-194, seconded by Commissioner

Flanagan and carried, said ordinance will be effective after publication as required by statute.

**DISCUSSION/ACTION:** Programmatic Agreement between U.S. Army Corps of Engineers, and State Historic Preservation regarding the Truckee Meadows Flood Control Project.

Chairman Kershaw advised the board he met with Washoe County Commission and suggested that a one day retreat be scheduled with Washoe County and added that if this board signs the agreement as it is written it may come back to bite us.

Commissioner Hess stated that the Corps of Engineers should not be able to go onto anyone property without permission from the property owner. Hess further recommended that this agreement should be re drafted to include what this board wants in it and moved that the board not sign the agreement as submitted but have it rewritten, seconded by Flanagan and carried.

**DISCUSSION/ACTION:** Home Health Care Services agreement.

Marilou explained this program is very good for the county for the services they provide at a cost of \$2016.00 per year.

Commissioner Flanagan moved that the agreement is approved as submitted, seconded by Hess and carried.

**DISCUSSION/ACTION:** Richard Bacus grease traps Virginia City businesses.

Bacus explained to the board that the grease traps in use are causing havoc with

the sewer treatment plant and all food establishments are going to have to install 60 pound grease interceptors and they cost about \$4000.00 adding that the only way he can see to fix the problem is to hold the business license renewal approval until they comply.

Dean advised the board his department could check traps for compliance and suggested there may be a grant out there to help with the cost for these people.

Commissioner Hess suggested that the county talk to these people and see if they can comply and check the business license ordinance and see what remedies are available, and place the matter on the agenda for April 5, 2005.

Bacus also informed the board that photo shops are dumping their chemicals down the drain and that also raises problems with the treatment plant.

### **APPROVAL OF CLAIMS**

Claims were submitted for approval, Commissioner Flanagan moved to approve payroll in the amount of \$103,451.94 and warrants in the amount of \$184,087.53, seconded by Hess and carried.

### **BUDGET AND FINANCE:**

#### **Treasurer's request for direction of delinquent tax sale with descriptions of properties.**

Commissioner Hess moved to continue this matter until after he talks with Doreen regarding the parcels being put up for auction, seconded by Flanagan and carried.

### **LICENSING BOARD**

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

1. A-Livewire submitted by Bryon Kish of Gardnerville, electrical contractor. Approved.
2. Miller Organ Co. submitted by Robert Miller of Virginia City, organ-musical instruments-sales/service/restoration/ computer repair and service. Continued.
3. Acertion Connect, Inc. submitted by Brandt Peterson of Huntington Beach, California CLEC telephone company - voice & data. Approved.
4. Craftsman Homes, Inc. submitted by Leo Poggione, of Reno manufactured home set ups, Rainbow Bend. Approved.
5. Gore Painting, Inc. submitted by Suzanne Zaccone of Reno, painting and wall covering installation. Approved.
6. J & L Contracting, Inc. submitted by Milan Swilor of Sandy Utah drywall contractor. Approved.
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. Continued.
8. Seven Mile Canyon Ranch, submitted by Peter Sorensen of Virginia City for bed and breakfast. Continued.
9. Eltey Enterprises, submitted by C. Scott Taylor of Reno, fire and safety

equipment sales and service. Approved.

10. 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.

11. 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 those licenses as noted and continue those as noted, seconded by Commissioner Hess and carried.

Sheriff Whitten advised the board that Integrity Fire Protection Services was omitted from the second readings and it should be continued.

A member of the audience informed the board the Time Share sales will be located at the Delta Saloon and not at the Bucket of Blood.

#### -PUBLIC COMMENT

Bradly Bryant informed the board of the meeting regarding flood control at Rainbow Bend on March 29, 2005.

#### -STAFF REVIEW/COMMITTEE REPORTS

Sean Gamble, presented a legislative update report.

SB 118 provides an additional \$1 fee to be charged for a certified copy of death certificate and such fees deposited in the county general fund for use by the county coroner to support youth programs.

AB 31 confidential records of person to use recreational facility of the local government.

AB 39 & AB 179 deals with purchasing 39, to deal with bidders on contracts, and 179 public works to purchase the best safety equipment without having to go to the cheapest bid.

SB 107 to create an inventory log of local government's uses of capital improvement dollars.

AB 58 industrial insurance allows injured employees to take time off work without using up sick leave.

AB 49 Marlette Lake Water System Improvements issue general obligation bonds to finance repairs of the Marlette Water System. The board indicated that they will watch this bill to make sure that it has to do with repairs and not taking water for other areas.

SB 146 changes concerning requirements for subsurface installation of utilities.

SB 114 hiring practices must be applied by both contractors and public bodies that employ persons in the construction of public works, to include all honorably discharged military personnel.

AB 148 Revises provisions to change limit for public works projects subject to prevailing wage, counties with populations of 100,000 or less payment of prevailing wage only if the cost of public works project exceeds \$300,000.

AB 156 revises provisions governing public works contracts requiring general liability insurance rather than the broad term of "insurance".

PERS Contribution increases the assumed maximum wage of volunteer firefighter from \$750 to \$2000. This bill only affects fire departments who allow the

volunteer firefighters to participate in the PERS program.

SB 122 employees who served on active military duty can purchase additional years of service in PERS and setting qualifications for the purchase.

SB 125 elections revises qualifications for eligibility for public office regarding residency of the district for at least one year before the last day to file.

AB 128 requires expands the information that must be provided by the county assessor and county treasurer to property owners. The county may need to determine the fiscal impact this bill would have.

AB 22 expands the authority of appointed trustees of a city library to include sale, exchange, transfer, assignment or other disposal of any real or personal property owned by the library.

Both Sheriff Whitten and Fire Chief Hames thanked Sean for all of the hard work she has done on keeping them informed on all the bills that may impact their departments.

Dean Haymore informed the board he will be on vacation starting March 29 for two weeks. Maps may be held up because Kathy Weeks is also on vacation.

Gary advised the board he will put an addition of 24 x 36 feet on the Highlands Firehouse to use as a garage and meeting room. He further advised the board he will purchase a voluptuous mannequin for paramedic level training. Also that the siding is falling off of the Station #4 firehouse and will need to be repaired. His department will be burning slash out in the Highlands, so if anyone sees smoke in that area they should call the department first.

Marilou advised the board that Marshall McBride had brought to her attention that waste management is charging the chamber for garbage pick up on C Street and the franchise agreement only allows for charges for special events. The board directed staff to check this charge out and get it taken off if it is not a legal charge in accordance with the agreement.

Marilou also advised the board the population numbers generated by the state demographer do not appear to be correct. Dean said he had called about this and they explained that due to the age of the residents of the county they have adjusted it down.

The board stated that these numbers affect taxes due the county that are based on population and directed staff to file a challenge to the numbers.

Sheriff Whitten informed the board that Public Works did a fantastic job for the ground work for the installation of the generator at the jail.

Commissioner Hess directed staff to advertise for the appointment of Sheriff to fill the unexpired term of Pat Whitten, with the following criteria. Must be Storey County resident, submit resume, financial disclosure statement, bonding eligibility required. The appointment will take place at the meeting of March 22, 2005 at 2:00 p.m.

Chairman Kershaw said he met with members of the Washoe County Commission and it is the cities of Sparks and Reno pushing for the Pyramid Link Road, not Washoe County. He also suggested that a one day work shop be set up with Washoe County Commission around the end of March.

Gary requested a closed session to discuss union questions on April 5, 2005. The clerk was instructed to put the matter on the agenda for 9:00 a.m. April 5, 2005.

There being no further business before the board the meeting was adjourned at the call of the chair at 12:30 p.m.

Respectfully submitted,

By  
Lorraine DuFresne