

STOREY COUNTY COMMISSION MEETING

TUESDAY, APRIL 21, 2009 2:00 P.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

GREG "BUM" HESS
CHAIRMAN

HAROLD SWAFFORD
DISTRICT ATTORNEY

BOB KERSHAW
VICE-CHAIRMAN

JAMES G. MILLER
SHERIFF

JOHN FLANAGAN
COMMISSIONER

VANESSA DIXON
CLERK-TREASURER

Roll Call.

Present: Administrative Officer Marilou Walling, Administrative Officer Holli Kiechler, Chairman Greg Hess, Clerk-Treasurer Vanessa Dixon, Commissioner John Flanagan, Comptroller Hugh Gallagher, County Manager Pat Whitten, Director of Public Works Mike Nevin, District Attorney Harold Swafford, Land Use Planner Austin Osborne, Under Sheriff Chris Parsons, Vice-Chairman Bob Kershaw.

CALL TO ORDER AT 2:00 P.M.

The meeting was called to order by The Chair at 2:00 P.M.

PLEDGE OF ALLEGIANCE

The Chair led those present in the Pledge of Allegiance.

PUBLIC COMMENT

Mark Joseph Phillips, a resident of Virginia City for 16 years, requested again that Public Comment be reinstated at the end of the Agenda just before adjournment. Mr. Phillips stated that on August 5th, 2008 the Public Comment section was removed from the end of the Agenda and has not been available since.

Brad Bryant from the River District stated that on Thursday, April 16th, there was a medical emergency but there were no people at the Fire Station. County Manager Whitten explained that in the event of a medical emergency, 911 should be called as opposed to people travelling to the Fire Station for assistance. If the fire personnel on duty are called out to an emergency, it is possible that there will not be anyone left in the station during that call.

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. The Commission Chair reserves the right to limit the time allotted for each individual to speak.)

Approval of Agenda for April 21, 2009

Approval of Budget Hearing Minutes for April 06, 2009

Approval of Minutes for April 07, 2009

Correspondence

Approval of Claims

Approval of Maps

Approval of Planning Commission Minutes

Planner Austin Osborne explained that when Planning Commission approved the 2009-039 Special Use Permit for BLM/The Nature Conservancy, they were not aware of specific FEMA requirements. One condition was added and read in to record.

2009-039 Special Use Permit: By BLM/The Nature Conservancy LW

The applicant is requesting a Special Use Permit for the Mustang Ranch Restoration Project on APN 004-111-033 and 004-111-34 (formerly 004-111-004) which is on BLM land in Storey County.

Bret Tyler made a motion to approve the application with the list of conditions from the staff report. The motion was seconded by Lydia Hammack and with no further discussion, all voted aye and the motion carried. (See Minutes from Planning Commission Meeting of March 19, 2009)

Approval of Third Quarter Secured Tax Apportionment Statement

Authorize County Manger to provide letter of support to the Nevada Legislature regard Senate Bill No. 175.

LICENSING BOARD:

FIRST READINGS:

1. D-TECH, Inc. – Contractor / 11570 Juniper St, Reno
2. EC CRUSHING COMPANY, LLC – Out of County / 22 State Rte 208, Yerington

3. HOWARD TAYLOR REMODELING & RESTORATION- Contractor / 780 Freeport #8, Sparks
4. HOLLISTER HOLDINGS, LLC- Home Business / 219 Wagon Wheel Way, MT
5. PRIMROSE LANE- General /182 South C Street, VC
6. SUGAR LOAF MOUNTAIN MOTEL & MARKET, LLC- General / 430 South C Street, VC
7. VAULT CORPORATION- General / 1280 Alexandria Ct, TRI

END OF CONSENT AGENDA

Vice-Chairman Kershaw moved for Discussion/Action Item regarding Sexual Awareness to be addressed first after Consent Agenda.

Motion: Approve Consent Agenda, Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Committee/Staff Reports

Land Use Planner Austin Osborne

1. An ordinance regulating outdoor lighting for residential and commercial structures has been in the works for the past 6 months. A seven minute presentation will be brought to the next Commission meeting. Vice-Chairman Kershaw asked if any input has been given from associations on the residential side in regards to existing regulations. Mr. Osborne replied that the new ordinance provides that in those instances the strictest ordinance would have to be followed. Vice-Chairman Kershaw also asked if the Chamber of Commerce had any issues with the proposed ordinance in which Mr. Osborne was glad to approach them for input.

Public Works Director Mike Nevin

1. Last Sunday there was some vandalism at the Ball Field, Park and Swimming pool. Mr. Nevin suggested sending a letter to Community Chest regarding the cleanup of the skate park as they lease it from the County. This might be a breeding ground for undesirables. Chairman Hess suggested a park closing time of 6P.M. or closing it completely.

County Manager Pat Whitten

1. The schools, Fire Department, Sheriff's Office, District Attorney and Judge Russell will be joining together towards the end of the school year to promote the national program "Every 15 Minutes". The program reenacts the reality of a minor being killed every 15 minutes in a drug or alcohol related incident.

2. The County is working with the Fire Safe Council and the NDF to complete mastication, (removing brush without “moonscaping” the land) as part of the fuels reduction program.

DISCUSSION/ACTION: Approval of National Sexual Assault Awareness Month, 2009. Representatives from Virginia City High School will ask the Storey County Board of Commissioners to proclaim April 2009 as National Sexual Assault Awareness Month

Eileen Herrington, Victim Services Coordinator with the Storey County District Attorney’s Office, announced that the County is the recipient of a \$23,000 grant to be used towards prosecuting domestic violence and sexual assault cases and educating the public on the subject. Mrs. Herrington went on to introduce two high school students wishing to speak on behalf of the proclamation. Dana Biederman explained how bringing awareness will help prevent domestic violence now and in the future. Arrel White read several domestic violence facts and asked that the proclamation be approved.

Motion: Approve National Sexual Assault Awareness Month, 2009
Representatives from Virginia City High School will ask the Storey County Board of Commissioners to proclaim April 2009 as National Sexual Assault Awareness Month, Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Nevada Commission on Economic Development regarding consideration and acknowledgement of economic development abatements for Fulcrum Sierra Bio Fuels, LLC. Fulcrum has applied to the Nevada Commission on Economic Development for Sales & Use Tax Abatement as well as a Recycling Abatement which includes both real and personal property tax abatement.

Tim Rubald, representing Northern Nevada Development Authority introduced Jeanne Benedetti of Fulcrum Sierra Bio Fuels, LLC. They are looking to locate their facility at TRI. They have filed an application with the Nevada Commission on Economic Development for tax abatements as an incentive. Fulcrum takes municipal solid waste and converts it to ethanol which is then blended with gasoline to be used as a motor fuel. Commissioner Flanagan commented on the massive \$171 million to be spent on equipment. Mr. Rubald agreed that the estimate may be high but the abatement will ONLY be on the actual amount of money spent in a specific 2 year timeframe.

Motion: Approve Nevada Commission on Economic Development regarding consideration and acknowledgement of economic development abatements for Fulcrum Sierra Bio Fuels, LLC. Fulcrum has applied to the Nevada Commission on Economic Development for Sales & Use Tax Abatement as well as a Recycling Abatement which includes both real and personal property tax abatement, Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Following presentation of the maps from Tahoe Reno Industrial Center, LLC and DP Operating Partnership, L.P. as evidence of compliance with the terms and conditions of the Development Agreement with Storey County.

Vince Griffith of Reno Engineering Corporation explained that master plan maps were presented at a previous Commission meeting. Per Section 8.1 of the development agreement, approval is now needed to keep both parties in conformance.

Motion: Approve Following presentation of the maps from Tahoe Reno Industrial Center, LLC and DP Operating Partnership, L.P. as evidence of compliance with the terms and conditions of the Development Agreement with Storey County, Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Presentation of proposed Grants for consideration the second round for Community Development Block Grants.

Administrative Officer Walling reported that only one grant proposal was received. Mr. Nevin presented the Waste Water project that has been ongoing with a previous CDGB grant for preliminary engineering and videowork of existing lines Brett Farr, the engineer of record, has been a great help in moving this project along. Through the Water Resources Development Act (WRDA), we may be able to acquire 75% of funding, leaving the remaining 25% to be found by other means. Mr. Nevin would like to request \$200,000 for cash match for design work that is an estimated total of 1,700,000. Brent Farr, of Farr West Engineering spoke of the money available for rural water and wastewater projects. He has worked on a similar project in Yerington. Replacing engines and the plant is a \$16 million project that will need to be tackled in phases Chairman Hess asked why there is a second round of grant money available to which Mr Farr responded it

was from stimulus money. Mrs. Walling suggested that this particular grant request be submitted since no others were received.

Motion: Approve Presentation of proposed Grants in the amount of \$200,000 to match WRDA funding for consideration in the second round for Community Development Block Grants., Action: Approve, Moved by Commissioner John Flanagan, Seconded by Vice-Chairman Bob Kershaw

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Move commission meeting from May 19th to May 18th for final budget hearings. This is required by the Department of Taxation.

Motion: Move commission meeting from May 19th to May 18th for final budget hearings, Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: First Reading: OffSale Liquor License, Sugarloaf Mountain Motel and Market, LLC.

Under Sheriff Chris Parsons stated that all needed paperwork has been received and they are currently operating with a temporary permit. Approval was recommended.

Motion: Approve First Reading: OffSale Liquor License, Sugarloaf Mountain Motel and Market, LLC Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Approval of Special Event: Mugrosos/Dead End Cruisers Car Show May 22 – May 24, 2009

The Mugrosos representative explained that the event is pre-1965 cars, not necessarily sports cars. This is their first year in which they have a conservative estimate of 20-50 cars. Under Sheriff Parsons approved he scheduled band on Saturday from 2-9 P.M. which is within reasonable hours There is no fee to public to attend and the “pinup girls” will be dressed in 40’s– 50’s attire. Rooms have been booked at the Ramada

Motion: Approval of Special Event: Mugosos/Dead End Cruisers Car Show May 22 – May 24, 2009, Action: Approve, Moved by Commissioner John Flanagan, Seconded by Vice-Chairman Bob Kershaw.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Approval of Special Event: 1st Nevada Cavalry Western States Cavalry Competition June 5- 7, 2009

Under Sheriff Parsons spoke of the event looking rather exciting. The competition will be held on horseback in the arena below the Ramada. Insurance requirements have been met, they have addressed the firing of blanks in the arena only during the event no canons, and a safety officer will be checking the guns before and after use This event is also open to the public with no admission fee.

Motion: Approval of Special Event: 1st Nevada Cavalry Western States Cavalry Competition June 5 - 7, 2009, Action: Approve, Moved by Commissioner John Flanagan, Seconded by Vice-Chairman Bob Kershaw.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Approval of Special Event: 2009 Virginia City Muster August 14-16, 2009

Under Sheriff Parsons promoted this event as a great fun for the whole family. Chairman Hess mentioned that it's been about 9 years since the last muster. This type of event brings in people and there is also a scheduled dance in the Delta parking lot that Saturday night.

Motion: Approval of Special Event: 2009 Virginia City Muster August 14-16, 2009, Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Accept Interlocal Agreement with Washoe County for the Senior Meal Program for the North County Senior Center

Mrs. Walling reported that this agreement is usually renewed each year. She thanked Maggie Lowther for handling the agreement which does not have any increases and now is a 2 year contract.

Motion: Accept Interlocal Agreement with Washoe County for the Senior Meal Program for the North County Senior Center, Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Approve Interlocal Agreement with Carson City to provide mutual law enforcement and or search and rescue assistance.

Under Sheriff Parsons explained that the 2 year agreement is a basic mutual aid pact. Either party can cancel with 30 days notice.

Motion: Approve Interlocal Agreement with Carson City to provide mutual law enforcement and or search and rescue assistance, Action: Approve, Moved by Commissioner John Flanagan, Seconded by Vice-Chairman Bob Kershaw.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

BREAK

The Chair called for a recess at 2:45 P.M

CONTINUED

The meeting was reconvened by the call of the Chair at 2:55 P.M.

DISCUSSION/ACTION: Approval to submit on behalf Storey County an Economic Development Administration (EDA) grant application for the Comstock Valley Water and Sewer Improvements for TRI-GID

Ron Radil, Executive Director of Western Nevada Development District, stated that he has been preparing an application that includes a 14" water main, fire hydrants, manholes, a storage tank, wells and well houses along with testing and inspecting. Total project cost is \$2, 73,2425. The normal grant rate was 50%, but based on county job loss and employment rate, maybe the grant rate will change from 50% to 80%. TRI will provide the matching funds.

Motion: Approval to submit on behalf Storey County an Economic Development Administration (EDA) grant application for the Comstock Valley Water and Sewer Improvements for TRI-GID, Action: Approve, Moved by Vice-Chairman Bob Kershaw, Seconded by Commissioner John Flanagan

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Approval to submit on behalf Storey County an Economic Development Administration (EDA) grant application for the V&T (Virginia & Truckee) Tunnel No. 6 Reconstruction Project

Ron Radil, Executive Director of Western Nevada Development District explained that this application is for conducting an environmental assessment, an archaeological survey and design for Tunnel #6. The design process will address whether to reconstruct the tunnel as it was or have an open trench. Total project cost is estimated at \$1,800,000. Again, the usual grant rate is 50% but may also go up to as much as 80%. Chairman Hess mentioned that we are moving faster on this project now than we have in the last 20 years. We do not want to disturb the church we are working so hard on either.

Mike Quilici, Project Manager for Saint Mary's in the Mountains, and Paul Ferrari, Civil Engineer and President of Ferrari Shields Structural Engineers stated that they are in no way opposed to Tunnel #6 and actually support it. Mr. Quilici did note a few concerns such as needing a comprehensive scientific feasibility study as well as vibration issues. Mr. Ferrari stated that he has worked on Pipers Opera House, the 4th Ward School, St. Mary's Church as well as stabilizing a couple of mine shaft collapses. He is familiar with historic construction on the Comstock and voiced concerns such as Tunnel #6 being within 15 feet from the church foundation.

Motion: Approval to submit on behalf Storey County an Economic Development Administration (EDA) grant application for the V&T (Virginia & Truckee) Tunnel No. 6 Reconstruction Project
Action: Approve, Moved by Commissioner John Flanagan, Seconded by Vice-Chairman Bob Kershaw.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Appoint member to vacancy on the Storey County Planning Commission.

Two applications were received for the position, John Mitchell and John Herrington, both of Virginia City. Mrs. Walling mentioned that Mr. Mitchell applied the last time there was a vacancy and has been attending the Planning Commission meetings. Mr. Herrington is a contractor.

Motion: Appoint John Herrington as member to vacancy on the Storey County Planning Commission. , Action: Approve, Moved by Commissioner John Flanagan, Seconded by Vice-Chairman Bob Kershaw.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Approval of Order for Street Abandonment– Portion of Denmark Drive

District Attorney Swafford clarified that the orders were prepared by his office. Mr. Osborne offered explanation if needed. Chairman Hess asked if Public Works Director Mike Nevin was in agreement with the abandonment. Mr. Osborne added that Mr. Nevin and Fire Chief Gary Hames wanted this abandonment of a half circle in the cul-de-sac to ensure fire truck turnaround space. Vice-Chairman Kershaw suggested approval on the condition that Mr. Nevin approves.

Motion: Approval of Order for Street Abandonment– Portion of Denmark Drive with the condition that the Public Works Director agrees., Action: Approve, Moved by, Vice-Chairman Bob Kershaw Seconded by Commissioner John Flanagan.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: Approval of Order for Street Abandonment– Portion of USA Parkway

Mr. Osborne explained that when the road was built, it was slightly misaligned. The abandonment will allow adjustment to straighten it out to the county line. Vice-Chairman Kershaw suggested approving with the condition that Mr. Nevin is in agreement.

Motion: Approval of Order for Street Abandonment– Portion of USA Parkway with the condition that the Public Works Director agrees. Action: Approve, Moved by, Vice-Chairman Bob Kershaw Seconded by Commissioner John Flanagan.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

DISCUSSION/ACTION: First Reading of Ordinance 09-223: An Ordinance adding a Chapter to Storey County Code Title 3, Revenue and Finance, to provide for the collection and distribution of fees and designation of a forensic laboratory to conduct and oversee genetic marker testing upon certain criminal defendants.

District Attorney Swafford read Ordinance 09-223 into record.
First Reading, no action required

LICENSING BOARD:

Mr. Osborne reported that Director of Community Development is requesting that Item #13, All-in-One Truck, be continued and Item #23, Mustang River RV Resort, be removed until construction is moved along further and taxes are paid current. Commissioner Flanagan inquired as to what kind of business Items #17 and # 20 were. Mr. Whitten clarified Item #17 as a lobbyist group for the Legislature but # 20, Private Guardian Group, was unclear.

SECOND READINGS:

Out of County

1. ADVANCED HOME TECHNOLOGIES- Contractor / 4227 Pheasant Dr, Carson City
2. BEST HANDLING SYSTEMS, Inc.- Contractor / 595 Spice Islands Dr, Sparks
3. DUKDOG CONSULTING- Out-of-County / 600 Lemmon Dr, Reno
4. FRONTIER FENCE, LLC- Contractor / 500 Dermody Way, Sparks
5. HIGH SIERRA PAINTING & DECORATING- Contractor / 1901 Victorian Ave, Sparks
6. INDEPENDENT CONCRETE, INC.- Contractor / 335 Sunshine Way, Reno
7. INDEPENDENT TIRES, LLC- Out of County/17690 Papa Bear Ct, Reno
8. J V LAWN / A SIERRA SCAPE- Contractor/1350 Geiger Grade, Reno
9. MATRIX TRAINING CENTER, LLC- Out-of-County / 1116 Potomac Pl, Carson City
10. ROOT INDUSTRIES- Contractor / 976 United Cr, Sparks
11. SE DRYWALL- Contractor / 3590 Gordon St, Carson City
12. VERIZON WIRELESS- Out of County / 180 Washington Valley Rd, Bedminster, NJ

In-County

13. ALL-in-ONE TRUCK & EQUIPMENT, INC- General /3033-B Waltham Way, TRI
14. DANIELLE's ARCADE- General / 56 North C St, VC
15. EXIT 28 - General / 5 Wild Horse Canyon Dr, RD
16. FOOD SAFETY SUCCESS, Inc.- Home Business/408 North A St, VC
17. GILMAN MURPHY GROUP (The)- General /5 Wild Horse Canyon Dr, RD
18. HISTORIC INSIGHT- General /1700 Main Street #A, GH
19. KEEPING NEVADA GREEN- General /320 E Mustang Rd, RD
20. PRIVATE GUARDIAN GROUP- General /5 Wild Horse Canyon Dr, RD
21. RED DOG SALOON- General /76 North C St, VC
22. RED LANTERN TRADING CO.- General /107 South C St, VC
23. MUSTANG RIVER RV RESORT- General /5199 Peri Ranch Rd, RD

24. TRIPLE A CARPET, Inc. – General/Contractor/ 88 Megabyte Dr, TRI

Motion: Approval of Licensing Board Second Readings, Items #1#12, Items #14-#22 and #24, with Item #20 on condition of clarification by County

Manager Action: Approve, Moved by, Vice-Chairman Bob Kershaw Seconded by Commissioner John Flanagan

Vote: Motion carried by unanimous vote (summary: Yes = 2).

Motion: Approval Licensing Board Second Readings, Items #13#23, Action: Continue, Moved by, Vice-Chairman Bob Kershaw Seconded by Commissioner John Flanagan.

Vote: Motion carried by unanimous vote (summary: Yes = 2).

BOARD COMMENT

Vice-Chairman Kershaw reported that the Nevada Attorney General, Catherine Cortez-Masto, had a good visit and enjoyed Virginia City. She addressed Internet and phone scams targeted at the senior community. He also mentioned that the River District is having an issue with obtaining flood insurance in regards to the cost because FEMA doesn't properly recognize the addresses. Resident Brad Bryant asked if flood insurance was mandatory in which Vice-Chairman Kershaw responded that it is if financing is involved.

Commissioner Flanagan announced a ribbon cutting ceremony has been scheduled in August for the V&T Railroad where it passes over Hwy 50 with trains running. A turnout of 1,000 people is expected.

ADJOURNMENT

The meeting was adjourned by call of The Chair at 3:26 P.M.

Respectfully submitted by:

Jessie Fain
Storey County Deputy Clerk-Treasurer