

# **STOREY COUNTY COMMISSION MEETING**

**TUESDAY, February 20, 2007 2:00 P.M.**

**STOREY COUNTY DISTRICT COURTROOM  
26 SOUTH B STREET, VIRGINIA CITY, NEVADA**

## **MINUTES**

**JOHN FLANAGAN**  
*CHAIRMAN*

**HAROLD SWAFFORD**  
*DISTRICT ATTORNEY*

**GREG "BUM" HESS**  
*VICE-CHAIRMAN*

**JAMES G. MILLER**  
*SHERIFF*

**BOB KERSHAW**  
*COMMISSIONER*

**LORRAINE DuFRESNE**  
*CLERK-TREASURER*

**SARAH S. JENSEN**  
*RECORDER-AUDITOR*

---

PRESENT: Chairman John Flanagan, Vice-Chairman Greg "Bum" Hess, Commissioner Bob Kershaw, District Attorney Harold Swafford, Sheriff James G. Miller, Recorder-Auditor Sarah S. Jensen, Assessor Kathy Weeks, Director of Budget and Finance Pat Whitten, Budget Officer Marilou Walling, Building Inspector Dean Haymore, and Fire Chief Gary Hames

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

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC COMMENT**

Valerie Lebel-Flatley was present to discuss the possibility of deputizing Jeff Engle; he currently doesn't have the jurisdiction to enforce the Nevada Revised Statutes (NRS) regarding animal cruelty. She has been also working District Attorney Swafford on the County ordinance currently in affect and a possible amendment. She would also like to know what the status of an animal shelter for Storey County. Ms. Lebel-Flatley added that she was originally on the Agenda and was then removed.

Sheriff Miller stated that he wasn't aware that there was going to be someone deputized at today's meeting. He explained that the Sheriff office handles the deputizing of individuals; this is not something that needs to be done in a Commission meeting. Sheriff Miller said that several options are being looked at in regards to an animal shelter from a temporary shelter to a permanent shelter. Currently there is an agreement with Washoe County for the housing of Storey County animals.

Mr. Whitten informed the Board that he was the responsible for the item being removed from the Agenda; he said the current procedures in place had not been followed.

Vice-Chairman Hess stated that the goal of the County is to have several shelters county wide.

## 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 in item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

**Approval of Agenda for February 20, 2007**

**Approval of Minutes for January 16, 2007**

**Approval of Minutes for February 6, 2007**

### **Correspondence**

#### **Approval of Maps to be Recorded**

1. Location: West ½ Section 11 T19N R22E East of Pery and West of USA Parkway.

From 2006-69 31.97 Acres

To: 2007-29 20.59 Acres and 2007-30 11.38 Acres

2. Location: Portion of Section 32 T20N R23E TRI's Eagle Valley

From 99-13 241.95 Acres

To: 2007-35 91.28 Acres, 2007-36 140.66 Acres, 2007-37 5.00 Acres, and 2007.38 5.01 Acres

3. Location: 675, 775, & (1023/1075) Waltham Way

From 99-24D 55.19 Acres

To: 2007-24 13.48 Acres, 2007-24 13.78 Acres, and 2007-26 25.93 Acres

4. Location: West of Peru Drive in Section 3, Section 10, and Section 11 T19N R22E

From 2006-59 913.27 Acres

To: 2007-20 49.99 Acres, 2007-21 221.48 Acres, 2007-22 19.36 Acres, and 2007-23 622.44 Acres

### **DISCUSSION / ACTION:**

ACCEPTANCE OF ROAD DEDICATION: Frosdick Easement:

The 60 +/- feet wide and 479.56 +/- feet long roadway to be dedicated to Storey County as shown on Record of Survey for Henry O. Weaver - Trustee, file #65077 Recorded on the 28<sup>th</sup> day of February 1990 in the Office of the Recorders of Storey County, Nevada. A Portion of Sections 13,14, & 23 T20 N, R23E, M.D.B.&M.( in Parcel # 2, being a portion of the NW ¼ of the NE ¼ of the section 23 T 20 N R 23 E.Virginia City, Storey County, Nevada.

Dean Haymore informed the Board that Frosdicks asked that this item be removed from the Agenda pending a meeting with Vice -Chairman Hess and Dean Haymore.

ORDER OF ABANDONMENT:

RECORD OF SURVEY AND STREET ABANDONMENT – for Carol R. John, The Gladding Family Trust, Bradley & Brenda Shell, Mark R. & Lou Holt Williams, Laura R. & Karen K. Wells of a portion of Stewart Street, Blok 21 Range “Summit” and Block 22

Range "Stewart" in the NW and NE ¼ of Section 29 T.17N., R.21E., M.D.B.& M. Virginia City, Storey County, Nevada.

This item was removed from the Consent Agenda, and will be addressed at a later date.

**Approval of Planning Commission Minutes**

**DISCUSSION/ACTION:** Appeal of Planning Commission decision denying street abandonment request by Brenda Shell and John Bullock for 453' +/- x 60 feet of Stewart Street between Blocks 21 and 22 between Carson and North Street. Commissioner Hess informed the board that this portion of Stewart Street poses an erosion problem and that the property owners are allowed to plant the slope to control the erosion with the understanding those abutting property owners will not be allowed to build on the street and that the counties maintain easements and rights-of-way and if the need arises that the county will regain control of the street. DA Swafford asked if that meant the street would not really be abandoned. There was considerable discussion regarding deeds, abandonment, and recommendations by Prater on the Planning Commission. Commissioner Hess moved to abandon the unimproved portion of Stewart Street between Blocks 21 and 22 between Carson and North Streets, with deed restrictions as stated, 1) any easements required by Public Works Department stay with the roadway; 2) 6 abutting property owners will not construct any buildings on subject right-of-way; 3) if in the future the county needs the street opened it will do so; 4) stipulation and/or restrictions are incorporated into the deeds of land being deeded to the property owners, seconded by Flanagan and carried. DA Swafford advised the board the area will need to be surveyed with descriptions prior to the order and deeds being drawn up

**APPROVAL of Planning Minutes – February 1, 2006**

**UNOFFICIAL MINUTES OF 1 FEBRUARY 2007**

**Approval of Agenda for 1 February 2007.**

Austin Osborne made a motion to approve. Lydia Hammack seconded the motion; and with no further discussion, all voted aye and the motion carried.

**Approval of Unofficial Minutes for 18 January 2007.**

Austin Osborne made a motion to approve the minutes. Lee Letts seconded the motion, and with no further discussion, all voted aye and the motion carried.

**DISCUSSION/ACTION: 2007 Legislative Session Update**

Maggie Lowther gave a brief overview of her time at the Legislative session and highlighted on the following Senate Bills (SB) and Assembly Bills (AB) ; SB 84, SB 66, AB 105 and 10, SB 96, AB 122, SB 144, SB 13, AB 113, AB 111, and SB 74. Ms. Lowther noted that the Bills have been very slow coming out. She was told that things will really start moving in the next couple of weeks. Out of 1100 Bill Draft Requests (BDR's) only 125 have been seen in Bill form.

Vice-Chairman Hess asked Ms. Walling what our plan is regarding the Public Employees Benefit Program. Ms. Walling explained that if it were to go into effect it would require the County to set up retirement as a liability. It is very difficult to project the future cost that the County may incur.

Mr. Whitten added that this program came from the Federal level and not the state.

**LICENSING BOARD**

**FIRST READINGS:**

1. **JULIA B's EMPORIUM & ODDITIES** – General / Retail  
54 North 'C' Street – Virginia City NV

2. **ASSOCIATED CONCRETE PUMPING** – General / Concrete Pumping Service  
230 East Sydney, McCarran
3. **A2Z SECURITY** – Home Business / Mobile Locksmith Services  
5 Wild Horse Canyon Drive, McCarran
4. **CAPITAL GLASS, INC.** – Contractor / Glazing  
2951 N. Deer Run road #1, Carson City
5. **AFFORDABLE BUSINESS APPRAISER** – Home / Appraise Privately Owned Businesses  
21565 Dortort Drive, Virginia City Highlands
6. **WEST COAST SACKING, INC.** – Contractor / Patch & Sack Concrete Tilt-Up Panels  
418 South rock Blvd, Sparks
7. **COMSTOCK REAL ESTATE SERVICES** – General / Change in Location  
158 South ‘B’ Street, Virginia City
8. **LOVETT LANDSCAPING, INC.** – Contractor / Out of County  
7705 Security Circle, Reno
9. **DREAMTIME HEALING ARTS** – Massage / Therapeutic / Massage & Exec. Coaching Srves  
11220 Stallion Springs, Stagecoach
10. **BIGHORN GLASS, INC.** – Contractor / Glazing  
5 Cal Lane Ste ‘A’, Sparks
11. **COMSTOCK CONCRETE, LLC** – Contractor / Out of County  
3025 Mill Street, Reno
12. **INNOVATIVE IMPRESSIONS** – Home Business / Printing, Silk Screening, Embroidery, etc.  
3840 Palisade Road, High land Ranches
13. **HARDER MECHANICAL CONTRACTORS, INC.** – Contractor / Out of County  
2148 NE ML King Blvd, Portland OR
14. **ABOVE ALL ROOFING** – Contractor / Out of County  
355 Gleeson Way, Sparks
15. **JOHN LONGO CONSTRUCTION CO, INC.** – Contractor / Out of County  
4790 Caughlin Pky #327, Reno
16. **COMSTOCK CHRONICLE** – General / Newspaper Publication  
158 South ‘B’ Street, Virginia City

**END OF CONSENT AGENDA**

Vice-Chairman Hess stated that he would like to keep all of the restrictions originally agreed to on the abandonment of a portion of Stewart Street. He doesn’t see any way that a building can be placed on the land. The main issue is erosion control and flooding.

District Attorney Swafford pointed out that the property should be deeded over rather than ordered.

Vice-Chairman Hess moved to approve the Consent Agenda with both Street Abandonment issues removed; motion seconded by Commissioner Kershaw and carried.

**DISCUSSION/ACTION:** Staff Review/Committee Reports

Mr. Whitten:

1. Updated the Board on "Tourism Cares," which will be in town during mid -May. The project will help with the clean up of several popular tourism stops. He would like to see a County-wide cleanup done at the same time. A meeting will be scheduled regarding the County-wide cleanup and nuisance complaint process.

2. Mr. Whitten has received an email from Doug Ford of Sunny Hills asking for a pre-application meeting. Mr. Whitten asked for some guidance from the Board on how to proceed with the request.

Chairman Flanagan asked if the Board had met with this gentleman in the past. Mr. Whitten and Mr. Haymore said that the Board had and they were under the impression that it was a dead topic. Vice-Chairman Hess said that it may be best for these large developments to be voted on by the people of the County in a special election. A vote may help decrease liability issues. The Board directed Mr. Whitten to respond to the email and find out what Mr. Ford has to present.

Sheriff Miller:

1. Six Mile Canyon, Gold Hill, State Route 341, and the Truck Route are all high traffic areas. As of January 1<sup>st</sup>, 2007 a total of 174 citations have been issued on the previously mentioned roads, 35 of those citations have been on Six Mile Canyon alone. Sheriff Miller feels that his department has done everything that can be done to deter speeding on the road.

Commissioner Kershaw asked if the County currently has an ordinance addressing trapping and, if not, it is something the County needs to look into.

Sheriff Miller explained that Fish and Game is conducting an investigation into the trapping issues, and that it is his understanding that a trapper must have permission to place traps on private property.

Mr. Haymore:

1. Commissioner Kershaw asked Mr. Haymore what the status was of the Gooseberry Mine. Mr. Haymore explained that 2 tenants have moved out and 1 gentleman remains. He claims that he is the caretaker for the property. It is possible to have him evicted if the Board would like. The Board agreed to have him evicted. Mr. Whitten added that the bankruptcy issue with Palace Resources should be looked into as well.

2. Mr. Haymore has canvassed the area looking at all of the local abandonment's and is looking into the best approach to resolve any issues.

3. He brought the Board's attention to an issue involving a lot owned by Jim Collins. Mr. Collins would like to trade a small piece of his lot for a piece of the County's neighboring property in order to make his lot useable. Vice-Chairman Hess said that it is something that can be looked into.

4. Mr. Haymore has received multiple complaints regarding construction waste containers. A company by the name of Castaway would like to start offering construction waste services. This company would recycle as much of the waste as

possible and take the remainder to the landfill. This may require revisiting the waste management ordinance.

**DISCUSSION/ACTION:** Approval of Claims

Warrants \$347,593.61, Payroll #2 \$288,092.67, Total \$635,686.28

Commissioner Kershaw moved to approve claims; the motion was seconded by Vice-Chairman Hess and carried.

**DISCUSSION/ACTION:** Street Issues (Bowers and Petrini/Union Street)

Parcel 001-258-08

Mr. Whitten explained that Public Works Director Mike Nevin has met with Tri State and he and Mr. Whitten would like to engage them for a possible survey. He has asked Tri State for an estimate on surveying of Union Street.

Vice-Chairman Hess moved to continue with the surveying of Union Street and to give Mr. Whitten the authority to accept or deny the estimate from Tri State; the motion was seconded by Commissioner Kershaw and carried.

**DISCUSSION/ACTION:** Hafed Bridge Issue - Pat Whitten

Mr. Whitten has received an email from Steve Bird at the Nevada Department of Transportation (NDOT) inquiring on the status of the Hafed Bridge.

Mr. Haymore stated that the plans and surveys are complete and call for a relocated easement. Mr. Haymore has scheduled a meeting with Mickey Hazelwood regarding the easement and the Nature Conservancy's position on it. Mr. Haymore added that the reason there is such a push to complete the project is due to the fact that when it does close the County has to pay the remaining 20%.

**DISCUSSION/ACTION:** Mike Klug, Nevada Division of Forestry, overview of the past fire season and NDF's activities in Storey County.

Mike Klug updated the Board on the 2006 Fire Season. In the State of Nevada 1.3 million acres burned of that 1.3 million acres 10,000 acres of it was in Storey County at a cost of \$500,000.00. Nevada Division of Forestry (NDF) does much more than fight fire. When the fires are out NDF begins the process of reseeded. They plant vegetation that is less flammable than the cheat grass that is quick to grow back and robs water from other vegetation. They are currently using a new spray that kills the cheat grass before it starts to grow; this is used in residential areas and communities in an effort to create a buffer zone.

**DISCUSSION/ACTION:** Aglaee DelCarlo with the VCMC, Grand Prix to be held April 28-29, 2007

This item was approved in the Commission meeting on February 6, 2007.

**DISCUSSION/ACTION:** Eric W. Lerude, 3<sup>rd</sup> Annual Reno-Tahoe Odyssey Relay Run Adventure

Eric Lerude informed the board that he has met all of the requirements. Sheriff Miller stated that there have been no issues in the past and he has no objections to the event.

Commissioner Kershaw moved to approve the Reno-Tahoe Odyssey Relay Run Adventure; the motion was seconded by Vice-Chairman Hess and carried.

**DISCUSSION/ACTION:** Order for Street Abandonment, portion of North Stewart Street

This item was continued to a later date.

**DISCUSSION/ACTION:** Request to Nevada Tax Commission to remain on guaranteed status for Supplemental City-County Relief Tax (SCCRT) payments

Mr. Whitten explained that SCCRT is money that is guaranteed income to the County on a monthly basis. If the County chooses not to receive the money and come off the list, it can never go back on the list. It doesn't matter if we come under financial hardship or not, the County cannot ever receive the money again. Mr. Whitten has spoken with the Department heads involved in finance and it is their recommendation that we ask to remain on the list.

Vice-Chairman Hess suggested that it may be wise to stay on the list this year but plan in the future to come off of the list and rely on the County's sales.

Commissioner Kershaw moved to remain on the SCCRT guaranteed monthly income; seconded by Vice-Chairman Hess and carried.

## **LICENSING BOARD**

### **SECOND READINGS:**

1. **GREAT BASIN GUARDIANSHIP SERVICE** – Home Business / Court Appointed Guardianship  
140 South 'Q' Street – Virginia City NV
2. **FERRELL CONSTRUCTION**. – Contractor / Out of County  
745 Hwy 95a, Fernley
3. **BOB BENKOVICH, LLC**. – Home Business / Computer-Based Financial Services  
2105 Silverado Rd, VCH
4. **WE'LL GET THAT PARTY PLANNING**. – General / Catering  
5051 S Virginia Street, Reno.
5. **LUCKY CONCRETE, INC** – Contractor / Out of County  
2255 Byars Lane, Sparks.
6. **MOUNTAIN MILLWORKS, LLC** – Home Business Office / Contractor  
1910 Castlepeak Road, VCH
7. **MARLA R. GOOD** – Massage / Therapy - Mobile  
260 Como Lane, Dayton
8. **THIESSEN CONSTRUCTION** – Contractor / Out of County  
5250 Canton Drive, Reno
9. **ABC PAINTING & DECORATING** – Contractor / Out of County  
1366 Dortmund Drive, Sparks
10. **BRAMCO CONSTRUCTION CORP.** – Professional / Civil Engineering & Design  
500 Damonte Ranch Pky, Ste 1056, Reno NV
11. **INTERSTATE PLUMBING & AIR CONDITIONING** – Contractor / Out of County  
1380 Greg Street, Reno

**12. TEC 1, INC.– Contractor / Out of County**

500 Damonte Ranch Pky, Reno

Vice-Chairman Hess moved to approve all second readings; the motion was seconded by Commissioner Kershaw and carried.

**PUBLIC COMMENT**

Recorder-Auditor Sarah S. Jensen asked the Board for some clarification of the payment of \$3,217.73 for repairs to an employee's vehicle while on County business.

Mr. Whitten stated that he believed that at the Commission meeting on February 6, 2007 it was decided that the bill would be paid pending a legal opinion from District Attorney Swafford.

It was the opinion of District Attorney Swafford that it was legal to pay the bill. The Board directed that bill be paid by the County.

**BOARD COMMENT**

Commissioner Kershaw:

1. He recently attended a Comstock Historic meeting and would like to see the vacancy filled with a Virginia City voice in the near future.
2. Have the possibility of a countywide flood plan placed on the March Agenda.

**ADJOURNMENT**

The meeting was adjourned at the call of the Chair at 3:20 P.M.

By \_\_\_\_\_  
Deputy Clerk-Treasurer