

STOREY COUNTY COMMISSION MEETING

TUESDAY, DECEMBER 15, 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 Holli Kiechler, Commissioner John Flanagan, Comptroller Hugh Gallagher, County Manager Pat Whitten, Director of Community Development Dean Haymore, District Attorney Harold Swafford, Emergency Management Director Joe Curtis, Sheriff James Miller, Vice-Chairman Bob Kershaw, Community Services Director Deny Dotson.

Absent: Chairman Greg Hess

CALL TO ORDER AT 2:00 P.M.

The meeting was called to order by Vice-Chairman Kershaw at 2:02 P.M.

PLEDGE OF ALLEGIANCE

The Vice-Chairman led those present in the Pledge of Allegiance.

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

Approval of Agenda for December 15, 2009
Approval of Minutes for December 01, 2009

Correspondence

Approval of Claims

Approval of Maps-none

Approval of Assessor corrections to the Tax Roll. 2 submitted: APN #003-141-21 and 001-062-04.

Approval of Treasurer's Report

Approval of Planning Commission Minutes-none

Approve General Information Technology Policies #020 to #028.

Approve formal approval of Resolution 09-293.

Approve Revised HR Policies: none

LICENSING BOARD:

FIRST READINGS:

1. **CANNON HOME IMPROVEMENTS, LLC**– Contractor / 1460 Locksley Way, Reno
2. **HELIOPOWER, INC.**– Contractor / 25767 Jefferson Ave, Murietta CA
3. **GA ENGINEERING & PLANNING**– Professional / 280 Greg St #8, Reno
4. **MERCURY STEEL & PLACING, Inc.** – Contractor / 2451 Monte Verde Way,. Sparks
5. **HAUS PLUMBING & MECHANICAL CORP.** – Contractor / 377 S Nevada St, Carson City
6. **BP CONCRETE CUTTING** – Contractor / 5755 Jim Denning Way, Sparks
7. **BLACK ROCK SOLAR, Inc.** – Non-Profit / 3450 Third St Bldg 2A, San Francisco CA
8. **CURTIS & SONS** – Contractor / 1201 South Orchard Road, Minden
9. **ADVANCED REFINING CONCEPTS, LLC**– General / 611 Peru Drive, TRI

END OF CONSENT AGENDA

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

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

DISCUSSION/ACTION: Committee/Staff Reports

Director of Community Development Dean Haymore

1. This cold snap resulted in 3 water line breaks with a couple being back flow preventer valves and one main line. Public Works is doing a great job clearing roads.
2. At 6 P.M. on Thursday, Community Development will be hosting a “meet your Planning Commissioners” party and invited all to come meet the Building, Planning, and GIS Departments.

County Manager Pat Whitten

1. Mr. Haymore and Land Use Planner Austin Osborne are reaching out to the Nevada Rural Housing for foreclosure help. They are working on a program where foreclosure property could be purchased for \$1 and sold to county teachers, cops and fire fighters.
2. Reported that for every one complaint that has been received on snow removal, there have been 100 positive “thank you for doing a great job” calls in regards to the efforts of NDOT, Public Works and the Highland Ranches Association.

DISCUSSION/ACTION: Bonnie Weber and Jeff Fontaine – Annual update from the Nevada Association of Counties (NACO).

Jeff Fontaine, Executive Director of NACO, thanked Storey County for supporting NACO and extended a special thanks to Commissioner Flanagan for his service on the board. All 17 counties are members and the 75 Commissioners are strength to the state. Mr. Fontaine listed the federal issues that NACO has been focused on such as public lands issues, PILT expiring soon and renewable energy. The lease revenue from geothermal activity was taken from the counties but they are fighting to get it back as well as solar and wind. Other topics include the Clean Water Act, wild horse management, listing of the sage grouse as an endangered species, rights of way on public lands and stimulus funding. A total of \$235 million in revenue was diverted from the counties to the state last year. NACO is working on strategies to stop revenue diversion and mandates. Vice-Chairman Kershaw asked if the diversions have sunsets similar to those that Senator Raggio insisted on for tax increases in which Mr. Fontaine confirmed.

The discussion was then turned over to NACO President/Washoe County Commissioner Bonnie Weber who began by praising Mike Nevin and the Public Works crew for doing a much better job on clearing the roads than Washoe County. She stated that Nevada had great representation this year in the Legislature because every county participates in NACO. Since we are a 100% State, Nevada holds 2 seats on the National Board of Directors. The National Conference will be in Reno on July 16-20, 2010. She is asking every county to

attend as this is the 75th Anniversary. They are anticipating 4,000 attendees plus they hope to bring back some alumni. She is trying to get one of the off-site trainings to be at the Industrial Park in Storey County. The goal to raise \$1.4 but they are nowhere near that. Starting in January, there will be a meeting every 3rd Wednesday at the Commission Office in Reno to work on sponsorship ideas. Vice-Chairman Kershaw commented that the Conference exposure is extremely valuable.

Discussion Only, no action needed.

DISCUSSION/ACTION: Accept bid for Storey County Justice Facility Mass Grading Phase 1 & 2 awarded to the low bidder, Marv McQueary Excavating, Inc.

Mr. Whitten stated that the Miles Construction contract was approved in September along with the Justice Complex plan. Earthwork bids were opened on December 4th, 2009 as Phase I with an option for Phase II. The high bid came in at \$255,943 and the low bid came in from Marv McQueary Excavating at \$92,084 for Phase I. The Phase II high bid was around \$175,000 with Marv McQueary coming in as the low at 46,947. By awarding both phases to one contractor, we will save the cost of mobilizing and demobilizing equipment.

Motion: Award bid for Storey County Justice Facility Mass Grading Phase 1 & 2 awarded to the low bidder, Marv McQueary Excavating, Inc., **Action:** Approve, **Moved by** Commissioner John Flanagan , **Seconded by** Vice-Chairman Bob Kershaw.

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

DISCUSSION/ACTION: Second Reading of Ordinance 09-227 Amending Storey County Code Chapter 5.16 by updating various provisions pertaining to prostitution, brothel licensing and operation.

Mr. Whitten stated that during the first reading on November 17th, 2009 a few questions were raised on specific modifications. The need and desire for escort service licensing has been validated. County obligations such as licensing and taxing will follow the same conditions as other businesses and must be maintained current. With the help of counsel, minor terminology on the various structures of ownership was clarified. The 5% benchmark on subjecting ownership interests to background requirements was removed as it was arbitrary and will now be across the board. Mr. Whitten read the prepared summary of the Ordinance into record in which he noted the 5% benchmark removal.

Troy Regas, owner of Peri Farm, voiced two concerns with the first being in section 5.16.060. Mr. Regas questioned the proposed amendment requiring

police enforcement which does not fall in the scope of police powers. Mr. Regas stated that Item 6 regarding primary ingress/egress across BLM controlled property should be a civil matter that does not involve the County and creates a monopoly for the Wild Horse. He stated that if the Ordinance is passed, the validity of the amendment will be challenged which will be costly to the County. Brief comments were made regarding Item 1 premise location with the 1 mile clause. Vice-Chairman Kershaw spoke of the past issue with Mustang Ranch being taken over by the IRS and then turned over to BLM. Mr. Whitten clarified that the intent of written permission from BLM is to make terms clear, not to single out a party. Mr. Whitten recommended passing the ordinance and Mr. Regas's concerns would be addressed through counsel. Mr. Regas argued that any easement issues are civil matters between BLM and the private party and should be removed from this ordinance. Mr. Whitten disagreed on the basis that the County Codes need to address any and all questions in regards to new brothel licensing. Mr. Regas voiced a concern that the Gunderson Law Firm that Storey County uses has a conflict of interest as they represent Lance Gilman too. Mr. Whitten introduced Attorney Kerry Kolvet, CPA, Esq., of the Drinkwater Law Offices who represents the Wild Horse Saloon, Mustang Ranch and Lance Gilman.

Motion: Approve Second Reading of Ordinance 09-227 Amending Storey County Code Chapter 5.16 by updating various provisions pertaining to prostitution, brothel licensing and operation subject to a few changes. **Action:** Approve, **Moved by** Commissioner John Flanagan, **Seconded by** Vice-Chairman Bob Kershaw.

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

BREAK

The Vice-Chair called for a recess at 2:53 P.M

CONTINUED

The meeting was reconvened by the call of the Vice-Chair at 2:58 P.M.

DISCUSSION: Presentation by Holli Kiechler on the 2010 CDBG Application process. Request for public comment regarding eligible projects for the 2010 application.

Administrative Officer Holli Kiechler gave a brief summary of the Community Development Block Grant Application process. Each program must meet one of three national objectives:

1. Benefits low to moderate income citizens
2. Addresses slums and blight on an area or spot basis
3. Urgent need

Mrs. Kiechler read many eligible activities into record. The public is invited to make suggestions. The Commission will be asked to choose a project to go forward with in January 2010. Storey County currently has four open grants that are receiving funding. Mr. Whitten stated that the County was able to take advantage of some "second-chance" funds last year. Out of the five possible projects pending thus far, the Countywide Flood Plan seems like the one that would have the best chance of being funded under CDBG.

Discussion Only, no action needed.

DISCUSSION/ACTION: Approval of Resolution 09-294 adopting the Storey County Hazard Mitigation Plan addressing hazard mitigation strategies and maintenance procedures for Storey County.

Emergency Management Director Joe Curtis gave a quick overview of the plan. Since 2007, Storey County has been working with a contractor and FEMA to develop the first ever All Hazard Mitigation Plan. The County received a grant to hire a consultant to help develop this plan. Hazard Mitigation is defined as "any action taken to reduce or eliminate the long-term risk to human life and property from natural hazards". Mr. Curtis explained the 5 step process of the plan which helped define the top 3 hazards for Storey County which are fire, flood and earthquake. The Plan is currently being approved by FEMA. Once approved, we will be eligible for further grant monies to be used for mitigation purposes. FEMA requires that this plan be reviewed annually. Storey County currently has a grant pending to help improve the drainage on 6 Mile Canyon.

Motion: Approval of Resolution 09-294 adopting the Storey County Hazard Mitigation Plan addressing hazard mitigation strategies and maintenance procedures for Storey County. **Action:** Approve, **Moved by** Commissioner John Flanagan, **Seconded by** Vice-Chairman Bob Kershaw.

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

LICENSING BOARD:

SECOND READINGS:

1. **ALLEN EXCAVATING, Inc.**– Contractor / 355 Imperial Road, Dayton
2. **ANTHONY’S PLUMBING SERVICE**– Contractor / 8650 Rancho Ave, Stagecoach
3. **ANVIL RECYCLING CORP (Office)** – General / **50 Ave of the Colors, RB**
4. **ANVIL RECYCLING CORP (Yard)** – General / **2700 Waltham Way, TRI**
5. **IRA HANSEN & SONS DISASTER CLEANUP**– Out-of-County / 58 Hardy Drive, Sparks
6. **IRA HANSEN & SONS PLUMBING**– Contractor / 58 Hardy Drive, Sparks
7. **JUST MOVE IT**– Home Business (In-State Moving)/**172 Cercle da la Ceres, RB**

8. **TAG ELECTRIC, Inc.**– Contractor / 654 Beldon Way, Reno
9. **THE METAL COMPANY, LLC** – Contractor / 625 Spice Island Dr #F, Sparks
10. **WALTER & WALTER CONSTRUCTION, Ltd**– Contractor / 770 Buckskin Ln, Gardnerville
11. **CHART, Inc.**– General / **1995 Peru Drive, TRI**
12. **NOBLE TECHNOLOGIES CORP**– General / **1280 Alexandria Court, TRI**

On behalf of Mr. Haymore’s recommendations, Mr. Whitten asked to approve Items #1 and #2 and Items #5 thru #10. He asked to continue Anvil Recycling Office and Anvil Recycling Yard as well as continue Chart and Noble Technologies.

Motion: Approve Licensing Board Second Readings Item #1 and 2 and #5 thru #10, **Action:** Approve, **Moved by** Commissioner John Flanagan, **Seconded by** Chairman Bob Kershaw.

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

Motion: Continue Licensing Board Second Readings Items #3, #4, #11 and Item #12, **Action:** Continue, **Moved by** Commissioner John Flanagan, **Seconded by** Chairman Bob Kershaw.

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

BOARD COMMENT

Vice-Chairman Kershaw thanked Holli Kiechler for coordinating the Christmas Party.

ADJOURNMENT

The meeting was adjourned by call of The Vice-Chairman at 3:12 P.M.

Respectfully submitted by:

Jessie Fain, Deputy Clerk-Treasurer