

STOREY COUNTY COMMISSION MEETING  
TUESDAY, NOVEMBER 17, 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

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Roll Call.

Present: Administrative Officer Holli Kiechler, Chairman Greg Hess, Commissioner John Flanagan, Comptroller Hugh Gallagher, County Manager Pat Whitten, District Attorney Harold Swafford, Land Use Planner Austin Osborne, Sheriff James Miller, Vice Chairman Bob Kershaw, Assistant Sheriff Gerald Antinoro, Community Services Director Deny Doton.

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

Bradley Bryant stated that the Veterans Day Parade was great with perfect weather. He also said that the Rainbow Bend school had a nice ceremony to honor the Veterans.

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 November 17, 2009  
Approval of Minutes for November 03, 2009

Correspondence

Approval of Claims

Approval of Maps-none

Approval of Assessor corrections to the Tax Roll.- none

Approval of Treasurer's Report

Approval of Planning Commission Minutes

\* **2008-060 Special Use Permit Extension**: NV Energy (formerly Sierra Pacific Power) **MT**

The Applicant has requested a two year extension of Special Use Permit No. 2008-060, approved by the Board of Storey County Commissioners on June 17, 2008, to build and operate an electrical substation, known as the Blackhawk Substation, on APN 004291-04 (PTN S11 T17N R22E), Mark Twain.

Motion: Move to Extend the SUP for two years with all original conditions still viable, **Action:** Approve, Moved by Bret Tyler, **Seconded** by Peter Maholland.

Vote: Motion carried by roll call vote (summary: Yes = 5).

\* **2009-021 Special Use Permit Extension**:LGM Investment, LLC **TRI**

The Applicant has requested a two year extension of Special Use Permit No. 2009-021, approved by the Board of Storey County Commissioners on January 6, 2009, to build and operate a casino, sports book, and bar on APN 005-041-26 (Old APN 004093-06), 470 USA Parkway, Tahoe-Reno Industrial Center, McCarran.

Motion: Move to Extend the SUP for two years with all original conditions still viable, **Action:** Approve, Moved by Lydia Hammack, **Seconded** by Larry Prater.

Vote: Motion carried by roll call vote (summary: Yes = 5).

\* **2010-004 Abandonment**: (Applicants): Christian & Penelope Kiechler; Scott Jolcover; and Matthew & Annie Pruetz. (Property Owners): (Kiechler Family Trust) Christian & Penelope Kiechler; (VC Ventures) Scott Jolcover; and Matthew & Annie Pruetz. **VC**

The Applicants are requesting the Abandonment of portions of Potosi and "F" Streets adjacent to Block 227 (Lots 1 through 4); Block 228 (Lots 1 through 4); Block 208 (Lots 3 through 8); and Block 207 (Lots 2 through 8) for the preservation of the portal to Chollar Mine adit and to facilitate adequate vehicular parking and recreation area for visiting tourists. Physical addresses of involved properties are 620, 510, 645, 615, 550 and 590 South "F" Street, Virginia City, Nevada. APNs of involved properties are 001-121-03, 001-122-01, 001-122-06, 001-124-03, 001-124-04, and 001-125-01.

Motion: Approve the application for abandonment with all conditions from the staff report (See Planning Commission Minutes from 10/15/09 for conditions): **Action:** Approve, Moved by Larry Prater, Seconded by Bret Tyler.

Vote: Motion carried by roll call vote (summary: Yes = 5).

Approve Resolution Consenting to Relinquishment and Land Transfer Agreement from the Nevada Department of Transportation to Storey County representing approximately 0.22 mile in and around the frontage road area adjacent to USA Parkway.

Approve Interlocal Contract between Lyon County Fire Protection District and Storey County Fire Department

#### Revised HR Policies

- 102 - Computing time for Notice/Failure to Receive Notices
- 103 - Employee Change of Address
- 104 - Personnel Files-Contents
- 105 - Personnel Files-Confidential Information
- 106 - Disposal of Personal Records
- 206 - Drug and Alcohol-Free Workplace
- 207 - Reasonable Alcohol & Drug Testing
- 209 - Prohibition of Workplace Violence
- 212 - Code of Ethical Standards
- 305F - Prohibited Topics Interview

#### LICENSING BOARD:

##### FIRST READINGS:

1. CARD CUSTOM HOMES & CONCRETE, LLC- Contractor / 670 E Front St, Fallon

#### END OF 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

Nevada Department of Forestry Captain Bill Moline

1. Advised all of the controlled pile burning in the Virginia City Highlands. The work will stop in December and resume in early spring. He thanked the homeowners for their proactive efforts in defensible space. He also thanked the Commissioners for the funds to purchase equipment.

Administrative Officer Holli Kiechler

1. A Historic Preservation Grant for Tunnel 6 to fund engineering and preliminary paperwork is almost complete.

VCCTA Executive Director Susan Sutton

1. Reported that the National Tour Operators are in town. Virginia City is well respected for what it has to offer to visitors. She then presented Pat Whitten with a plate thanking him for helping "sell Virginia City".

DISCUSSION/ACTION: Possible approval of settlement agreement between Nevada Uplands, LLC (fka Virginia Highlands, LLC) and Storey County regarding denial of their Master Plan Amendment Application dated February 26, 2007 on 8600 +/- acres commonly known as "Cordevista".

County Manager Pat Whitten commended Mark Gunderson for his representation of Storey County in the matter. This settlement will eliminate any possible Supreme Court appeals and will end ongoing litigation expenses. The property can only be used as it is currently zoned; Heavy Industrial and Special Industrial. The entire property could be used for certain exclusive commercial purposes such as green energy. Residential uses are prohibited except for minimal use of one resident per 40 acres. Mr. Whitten turned the discussion over to Special Counsel Mark Gunderson who briefly explained how Cordevista attacked the planning and master plan process. The focus now will be to find a feasible use for the land that will benefit both Cordevista and Storey County. Mr. Gunderson suggested that the document be executed. Chairman Hess thanked Mr. Gunderson and all staff for their efforts in the matter.

Motion: Approval of settlement agreement between Nevada Uplands, LLC (fka Virginia Highlands, LLC) and Storey County regarding denial of their Master Plan Amendment Application dated February 26, 2007 on 8600 +/- acres commonly known as "Cordevista", 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 09-227 Amending Storey County Code Chapter 5.16 by updating various provisions pertaining to prostitution, brothel licensing and operation.

Mr. Whitten stated that the original ordinance was revised in 1999-2000 and is continually under scrutiny. He briefly touched on a few of the key changes such as a pre-approved trustee for re-licensing issues, a provision for Escort Services (still under revision), topless exhibitions and gaming in brothels (subject to the appropriate State approval). The new ordinance excludes any additional brothels in the McCarran Ranch area. A provision was added for new owners to obtain any needed easements from the BLM before beginning the application process with Storey County. Any party with 5% or more interest in a brothel, (land, building or finances) must have a background check. The brothels are currently charged quarterly for licensing which will now it will be monthly. Mr. Whitten clarified that the business licenses automatically renew unless there are issues. The ordinance updates health requirements and examinations. Lastly, there are currently 2 operating brothels and the County will accept up to 5. Employees can work at more than one brothel as long as the Sheriff is notified. Commissioner Flanagan asked to add a provision that room tax is also due monthly in which Mr. Whitten agreed to tie that in with the monthly licensing fees clause.

First Reading Only, No Action Required

RECESS TO CONVENE AS THE STOREY COUNTY BOARD OF HEALTH

Storey County Commission recessed at 2:25 P.M. and reconvened as the Storey County Board of Health

Roll Call.

Present: Chairman Greg Hess, Commissioner John Flanagan, Sheriff James Miller, Vice-Chairman Bob Kershaw, County Health Officer Dr. Eric Liwanag.

Mr. Whitten introduced Vicki Baupre, LPN who provided the immunization schedule. Dr. Liwanag announced that he has reviewed the schedule which is up to date and meets all regulations.

DISCUSSION/ACTION: Adopt immunization schedule for children in our public schools and child care facilities pursuant to NRS 439.550.

Motion: Adopt immunization schedule for children in our public schools and child care facilities pursuant to NRS 439.550 Action: Approve, Moved by Commissioner John Flanagan, Seconded by Chairman Bob Kershaw.

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

DISCUSSION: Public Comment pertaining to health matters.

Chairman Hess asked if there is enough vaccine available for the H1N1 virus to the residents of Storey County. Dr. Liwanag said that there is not but more is arriving each week. Sheriff Miller asked if the rumor was true about baby boomers who had been screened in the past not being affected. Dr. Liwanag stated that in 1970 the swine flu vaccine came through worldwide. The CDC reported the median age of people hospitalized by the flu are young adults in their mid-20's while people 65 years and older seem to be avoiding complications. Sheriff Miller asked if there are procedures to follow if you think you have H1N1. Dr. Liwanag suggested visiting your primary care provider to be tested and to avoid the emergency room. Sheriff Miller how long the swine flu takes to run its course in which the doctor answered anywhere from 46 weeks. Mr. Whitten stated that all the departments in the county have been advised to stay home if they suspect they have the flu

ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS

Storey County Board of Health Adjourned at 2:33 P.M. and reconvened as the Storey County Commission.

DISCUSSION/ACTION: Approve request for allocation of funds from the Nevada Commission for the Reconstruction of the V & T Railway to Storey County to provide for V & T related enhancement projects in Virginia City and Gold Hill

Mr. Whitten stated that over the last several months, Commissioner John Flanagan has been working hard to represent Storey County's interests in making Tunnel 6 a priority as well as the acquisition of the historic freight depot in Virginia City. He was pleased to announce that Storey County may receive \$250,000 from the V&T Rail Commission. Commissioner Flanagan stressed the dire need for the depot because it is not conducive to bring tourists in and leave them stuck on F Street. Chairman Hess mentioned that the golf carts can only haul about 15 people at a time. The train is currently brings in about 140 people which is projected to be up to 210

Motion: Approve request for allocation of funds from the Nevada Commission for the Reconstruction of the V & T Railway to Storey County to provide for V & T related enhancement projects in Virginia City and Gold Hill  
Action: Approve, Moved by Commissioner John Flanagan, Seconded by Chairman Bob Kershaw.

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

DISCUSSION/ACTION: First Reading, Utility License: IGI Resources, Inc., Natural Gas Sales, Heather Sanchez

Land Use Planner Austin Osborne briefly explained that IGI will sell natural gas to Kal-Kan and a proposed steel facility out in the TRI center.

First Reading Only, No Action Required

DISCUSSION: Edwin James – Carson Water Subconservancy District General Manager: Update on programs and projects occurring in the Carson River Watershed including upgrades to the Marlette Water System.

Ed James stated that it is nice to be working with Austin Osborne. This is the first presentation to Storey County although they attempt to do them every 18 months. In 2003, the Subconservancy received a grant to upgrade the Marlette Water System. They improved the system's effectiveness and designed it to be more environmentally friendly. Now their focus will be on future water supply and demand needs. Churchill County had believed that groundwater used upstream was impacting the flow to Lahontan Reservoir. Studies disproved this theory and pointed more toward climate change and irrigation as the culprit. The Subconservancy is looking at conservation as a means to reduce waste without changing lifestyles. Chairman Hess asked how Marlette Lake was doing in which Mr. James stated that only the top 3 feet will ever be drawn off so the lake is full.

Discussion Only, No Action Required

DISCUSSION: Genie Azad – Carson Water Subconservancy District Watershed Program Manager: Update on Carson River Coalition programs and projects occurring in the Carson River Watershed including Noxious Weed efforts involving Storey County.

Genie Azad briefly explained how the Carson Watershed group works together with many counties as well as homeowners. Projects include flood plain management, storm water management and noxious weed control. FEMA is providing funding for research. Stimulus funds were received for the current noxious weeds project that includes Storey County and provided jobs. Chairman Hess thanked Ms. Azad. Commissioner Flanagan asked Mr. James if he thought we were experiencing global warming. Mr. James responded that changes have been detected in runoff and flow patterns.

Discussion Only, No Action Required

LICENSING BOARD:

SECOND READINGS:

1. **A & A TOWING, Inc**– Transportation / 1395 East 4<sup>th</sup> St, Reno
2. **ADKINS GRADING & EXCAVATION, Inc.**– Home/Contractor / **390 Panamint Rd, VCH**
3. **ALLISON, MACKENZIE, et al**– Out of County / 402 N Division St, Carson City
4. **ANDERSON HEATING & AC**– Contractor / 2578 S Curry St, Carson City
5. **COMMUNICATIONS INSTALLATION SRVCS, Inc.**– Contractor / 4591 Longley Ln, Reno
6. **FRAZIER PARK GROUP, LLC**– General / **56 North C St, VC**
7. **JIM DOBBAS**– Contractor / 300 Taylor Rd, Newcastle CA
8. **LITE ELECTRIC, Inc.**– Contractor / 8695 Eagle Nest Rd, Sparks
9. **ROCKY MOUNTAIN BUILDERS & SUPPLY**– Contractor / 1531 Pittman Ave, Sparks
10. **SHUMWAY MOBILE HOME SETTERS**– Contractor / 5309 Torobie Cr, Sun Valley NV
11. **STEEL ELECTRIC, Inc.**– Contractor / 6469 Adobe Springs Rd, Sparks
12. **VIRGINIA CITY T-SHIRTS** – General / **56 North C St, VC**
13. **CHART, Inc.**– General / **1995 Peru Drive, TRI**
14. **NOBLE TECHNOLOGIES CORP**– General / **1280 Alexandria Court, TRI**

Mr. Osborne mentioned that Item #6 and Item #12 are in the same building with Frazier Park Group, LLC being the corporate office headquarters and Virginia City T-Shirts as the retail business. Due to inspections Item #13 and Item #14 need to be continued.

Motion: Continue Licensing Board Second Readings Item #13 and Item #14,  
Action: Continue, Moved by Commissioner John Flanagan, Seconded by Chairman Bob Kershaw.

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

Motion: Approve Licensing Board Second Readings Item #1 through Item #12,  
Action: Approve, Moved by Vice Chairman Bob Kershaw, Seconded by Commissioner John Flanagan.

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

BOARD COMMENT

Vice-Chairman Bob Kershaw mentioned that an economic workshop with Lyon County and Washoe County has been moved to the beginning of the New Year.

ADJOURNMENT

The meeting was adjourned by call of The Chair at 3:0 P.M.

Respectfully submitted by:

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Jessie Fain, Deputy Clerk-Treasurer