

STOREY COUNTY COMMISSION MEETING

TUESDAY, JUNE 19TH, 2012 2:00 P.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

BOB KERSHAW
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

GREG "BUM" HESS
VICE-CHAIRMAN

BILL SJOVANGEN
COMMISSIONER

VANESSA DU FRESNE
CLERK-TREASURER

Roll Call

Present: Chairman Bob Kershaw, Commissioner Bill Sjovangen, District Attorney Bill Maddox, County Manager Pat Whitten, Administrative Office Holli Kiechler, Sheriff Gerald Antinoro, and Justice of the Peace Jack McGuffey.

Absent: Vice-Chairman Bum Hess.

CALL TO ORDER AT 2:00 P.M.

The meeting was called to order by the Chair at 2:00pm

PLEDGE OF ALLEGIANCE

The Chair led those present in the Pledge of Allegiance.

PUBLIC COMMENT

Jed Magolin, Virginia City Highland, Storey County Resident, inquired about the Pool Pact Contract that was requested, as was the new contract. To date he had not received the contracts and feels if the contract is approved the Board will be violating the open meeting law.

Mark Joseph Phillips, Storey County Resident, wanted the record to reflect the absence of Deny Dotson; four of the Resolutions pertain to his new job description. Mark asked for resolution 12-343, 12-347 and 12-348, be removed from the consent agenda, placed on the agenda for discussion.

Janet Houts, Mark Twain, Storey County Resident, in her review of the financial reports submitted by the Storey County Treasurer had questions. Bank

statements show an average of \$400.00 monthly bank fee, should it not earn interest to offset the service charge. She asked what supports the General Fund.

Mr. Whitten asked the Board to respond to Ms. Houts since this is not an Agenda item. Mr. Whitten stated that Bank of America is the only bank in the County. If the County was to move large funds to another bank to save bank fees, the bank might leave the County as was discussed approximately seven years ago. There are County monies that are in interest bearing accounts. Clerk Treasurer, Vanessa DuFresne has worked diligently to reduce the amount of fees which had been in the thousands. The General fund is supported by several County Departments.

Patrick Flanagan, Virginia City Highland, Storey County Resident, concerned with employees getting raises when the County has no money for the Library. It was urged the Commissioners implement a wage freeze.

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 June 19, 2012

Correspondence – None

Approval of Claims – Accounts payable for June 15, 2012 \$309,255.33. Payroll for June 3, 2012 \$504,820.10

Approval of Maps – Three Tahoe Reno Industrial Center maps submitted for drainage.

Approval of Assessor corrections to the Tax Roll – None

Approval of Treasurer's Report – March 2012, April 2012 and May 2012

Approve New and/or Revised County Policies – None

Approval for the lease of the #13 Bullion Car located at 131 South C Street to the V&T Railroad

Approval of Resolution 12-344 to augment the 2011/2012 budget of Storey County Town of Gold Hill Fund

Approval of Resolution 12-345 to augment the 2011/2012 budget of Storey County Technology Fund

Cancel Commissioners Meeting on July 17, 2012 due to participation at the National Association of Counties Annual Conference

LICENSING BOARD

FIRST READINGS:

- 1. ALTITUDE PROPERTIES, LLC - General/55 North C Street, VC**
- 2. GATEWAY TO RELAXATION, LLC - General/11536 Deodar Way, Reno**
- 3. RENO SNAX - General/800 Stillwell Road, Suite 40, Reno**

END OF CONSENT AGENDA

Motion: Resolution 12-343, 12-347 and 12-348 moved after Resolution 12-350 of the Agenda, motion to approve remaining items on Consent Agenda, **Action:** Approve **Moved by** Commissioner Sjovangen **by** Chairman Kershaw

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

DISCUSSION: Committee/Staff Reports

Senior Planner, Austin Osborne

New zoning chapter updates are available on the County website, under the planning section, until July 19, 2012 for review. Suggestions and comments are welcomed by the public until July 19th or by submission at the July 19th Planning Commission meeting.

Justice of the Peace, Jack McGuffey

Update on the installation of the Nevada Criminal Justice Information System. This will allow access to the communication network to issue and clear warrants. The office has been secured awaiting inspection.

Sheriff, Gerald Antinoro

Update on the parking lot, dirt work and retaining walls are complete. Public Works to bring in asphalt grindings in the next few days. The HVAC system has been installed in the District Attorney Office and should be completed in the Sheriff Office by the end of the week. He asked the Board to consider a proclamation for senior awareness for the next agenda.

District Attorney, Bill Maddox

Received notice from Labor Commissioners on the fact finding hearing for Northern Nevada Trade Counsel vs. Storey County and Tahoe Reno Industrial (TRI). The case alleges the County was not complying with Chapter 338 (Public Works). There was a two year investigation conducted by the District Attorney's Office. In the conclusion of the hearings, it is anticipated the work conducted in TRI that is reimbursed for, is a Public Work and in the future the County will have to comply with Chapter 338.

County Manager, Pat Whitten

Mr. Whitten followed up on Mr. Phillips requests for three items at the June 6, 2012 meeting. Two of which were asked to be an agenda item on the present agenda. The Treasurer reports for March, April, May were approved in the consent agenda. The quarterly reports for revenues and disbursements are ready to post on the website before the next meeting. Mr. Maddox has been working on purchasing the law books for the public which are necessary with the closing of the Storey County Library.

DISCUSSION/POSSIBLE ACTION: Approval of Resolution 12-350 honoring Cindy Wiley

Cindy Wiley, with her husband Rick, who was here to witness the presentation of the Resolution honoring Cindy's 28 years or service.

Motion: Approve Resolution 12-350 Honoring Cindy Wiley, **Action:** Approve
Moved by Commissioner Sjovangen **by** Chairman Kershaw

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

Approval of Resolution 12-343, A Resolution to amend provisions of the membership and budget approval of the Storey County Fair and Recreation Board (VCTC)

Mr. Whitten reminded the Board that during the budget hearings there had been procedural difficulties with the Nevada Department of Taxation. The Department was asked to buy off the county stepping in on several services in the County where there is already county infrastructure. This is to allow more money to be freed up to go directly into tourism. The modifications to the prior resolution comply with statute of Fair and Recreation and will continue to collect the quarter percent tax as a separate County Government. The Storey County Fair and Recreation Board will continue on and be known also as the VCTC. Because this is a separate government, the head of finance informed the County that the Board has the autonomy to disperse all funds for the fiscal year, with the

County Manager to get pre-approval from the commissioners at the annual fiscal budget hearing. Mr. Whitten thanked Mr. Morris for the help on the fundamental changes.

Commissioner Sjovangen thanked staff for all the hard work in the last year and a half.

Mark Joseph Phillips, Storey County Resident, informed the Board that he had taken the resolution to the State Controller's office for review, to see if the special revenue fund was set up properly. Mr. Dotson has an arbitrary job description not set by statute or ordinance. He called the Counties meeting with the Department of Taxation, hearsay with no correspondence to support the meeting.

Mr. Whitten responded that Mr. Gallagher had accompanied Mr. Whitten to the Department of Taxation. Ms. Holli Kiechler has been working with Mr. Deny Dotson in updating his job description.

Ms. Kiechler informed the Board that job descriptions are not defined in statute. Mr. Phillips was informed that the current job description is available for review.

Ms. Houts asked the Board if there are limits to what a job description can be responsible for. Deny Dotson has a lot of responsibility to the community; is he qualified?

Mr. Whitten responded that without going into job performance in depth. Mr. Dotson is more than capable and was already handling the job as the counties liaison to the business community and tourism authority. The description has been revised to add specific management oversight of the Tourism Commission.

Motion: Approve Resolution 12-343 amending provisions of the membership and budget approval of the Storey County Fair and Recreation Board (VCTC),

Action: Approve **Moved by** Commissioner Sjovangen **by** Chairman Kershaw

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

Approval of Resolution 12-347 to augment the 2011/2012 budget of Storey County General Fund

Mr. Whitten stated for the record that he was glad these budget items came off the consent agenda. This allows him to explain to the concept of augmentation. Budgets are set in April and May, going into effect on July first. There are so many changes throughout the year, like rising fuel prices. The law allows counties to make changes to the budget through public record to adapt to

unforeseen changes. Attached to the Resolution is a detailed report that explains the \$1,596,848.00 being augmented, only one item impacted the Community Service. Some of the changes are due to legislative changes that were not outlined until after the legislative session had ended and after the budget was already submitted. Other items included Storey County School District, Community Services, Sheriff's Office and the District Attorney's Office. The total for the augmentation is \$395,804.00 to cover the unanticipated expenses. There is a surplus of \$1,596,848.00 remaining. The County has been very conservative looking to sustain a balance to allow operation of the County for twelve months.

Motion: Approve Resolution 12-347 to augment the 2011/2012 budget of Storey County General Fund, **Action:** Approve **Moved by** Commissioner Sjovangen **by** Chairman Kershaw

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

Approval of Resolution 12-348 Setting Salaries

Mr. Pat Whitten clarified the increase for Mr. Phillips; Deny Dotson has been moved up a grade for taking on the responsibility with the Virginia City Tourism Authority (VCTC). This upgrade has no cost to the County; the increase is billed back to the VCTC. Per statute, the Board of County Commissioners has the authority to establish salaries of employees and appointed officials whereas elected officials salaries are set by statute.

Motion: Approve Resolution 12-348 Setting Salaries, **Action:** Approve **Moved by** Commissioner Sjovangen **by** Chairman Kershaw

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

DISCUSSION/POSSIBLE ACTION: Canvass of the Election Results for the Primary Election held in and for Storey County on June 12, 2012

Chairman Kershaw read the results of the 2012 Primary Election into record.

Motion: Approve Canvass of the Election Results for the Primary Election, **Action:** Approve **Moved by** Commissioner Sjovangen **by** Chairman Kershaw

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

DISCUSSION/POSSIBLE ACTION: Acceptance of renewal proposal from the Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2012/2013

Mr. Whitten took opportunity to respond to Mr. Jed Magolin request for documents, stating the 2011/2012 contract is available on the website as of June 15, 2012. The new contract is unavailable at this time.

Ms. Carol Ingalls, of Ingalls & Associates, LLC, in her presentation to the Board stated this is not only an insurance policy it is a program. This program is designed to help all municipalities to keep stability to the rates. This year the rates are stable and the cost of renewal decreased three percent. This year's renewal is \$336,914.52 which includes the premium for Pollution Legal Liability insurance.

Mr. Whitten informed the public that insurance pool provides an incredible array of services.

Mr. Doug Smith, of Ingalls & Associates, LLC, expressed appreciation to the county for their continued support of the pools. The pools were started twenty five years ago when the insurance company would not provide service to public entities.

Motion: Acceptance of renewal proposal from the Nevada Public Agency Insurance Pool (POOL) and approval for payment of \$336,914.52 from fiscal year 2012/2013, **Action:** Approve **Moved by** Commissioner Sjovangen **by** Chairman Kershaw

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

DISCUSSION/POSSIBLE ACTION: Acceptance of bid for Gasoline, Diesel and Furnace Oil vendor for FY 2012/2013.

Mr. Whitten stated for the record that the bids were strictly for county operation. Bids were advertised and to be received by June 15, 2012 and were opened at 2:00p.m. June 18, 2012. A recommendation for Flyers supplying diesel and fuel for a one year contract, this to allow Public Works staff to assess an alternative fuel option.

Motion: Acceptance of bid from Flyers for Gasoline, Diesel and Furnace Oil vendor for FY 2012/2013, **Action:** Approve **Moved by** Commissioner Sjovangen **by** Chairman Kershaw

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

DISCUSSION/POSSIBLE ACTION: Acceptance of bid for Propane vendor for FY 2012/2013

Mr. Whitten stated the one year contract will cover all county and school district facilities.

Motion: Acceptance of bid from Ferrell for Propane vendor for FY 2012/2013,
Action: Approve **Moved by** Commissioner Sjovangen **by** Chairman Kershaw

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

RECESS TO CONVENE AS THE STOREY COUNTY WATER AND SEWER BOARD

- **Board members of the Storey County Water and Sewer Board are the same as the Storey County Commission**

The Storey County Commission recessed at 3:10 P.M. and reconvened as the Storey County Water and Sewer Board.

DISCUSSION/POSSIBLE ACTION: Approve Resolution 12-342 making changes to water rates in Virginia City, Gold Hill and Silver City and sewer rates for service in Virginia City and Gold Hill. This includes increases in monthly flat rates for both commercial and residential water and sewer service consistent with annual step increases recommended in the 2011 Water and Sewer Rate Analysis prepared by Farr West Engineering.

Mr. Whitten stated for the record that this will be an annual programmatic rate increase based on Farr West Engineering's rate analysis in 2011 for annual step increases. The county is facing a significant deferred maintenance in both facilities.

Mr. Kershaw stated that the General Improvement District had undergone the same rate structure when major improvements were needed. USDA will not approve any grants or loans to improve infrastructure until there is a sustainable enterprise.

Motion: Approve Resolution 12-342 making changes to water rates in Virginia City, Gold Hill and Silver City and sewer rates for service in Virginia City and Gold Hill., **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

ADJOURN TO CONVENE AS THE NRS 474 STOREY COUNTY FIRE PROTECTION DISTRICT BOARD

- **Board members of the Storey County NRS 474 Fire Protection District Board are the same as the Storey County Commission**

The Storey County Water and Sewer Board adjourned at 3:14 P.M. and reconvened as the Storey County Fire Protection Board.

DISCUSSION/POSSIBLE ACTION: Approval of Resolution 12-346 to augment the 2011/2012 budget of Storey County Fire Fund

Mr. Whitten informed the board that the unanticipated revenues and expenses for assistance in fighting fires and for use in the fire fund shall require augmenting in \$ 343,702.00.

Motion: Approval of Resolution 12-346 to augment the 2011/2012 budget of Storey County Fire Fund, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS

The Storey County Fire Protection Board adjourned at 3:18 P.M. and reconvened as the Storey County Commission.

Motion: To Adjourn as the Storey County Fire Protection Board and Reconvene as the Storey County Commission, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

DISCUSSION/POSSIBLE ACTION: Approval of Resolution 12-349 abolishing the Storey County Public Library Board as requested by the Storey County Public Library Board at their meeting of June 6, 2012.

Mr. Whitten stated that the Storey County Public Library Board (SCLB) voted at the June 6, 2012 meeting to cease operation and donate the collection to Community Chest. They also voted to request the County Board of Commissioners disband the SCLB effective June 30, 2012.

Mr. Patrick Flanagan urged the Board to suspend this resolution or amend the resolution based on the inventory being a public trust not to be given away. The word "donation" should be changed to "transfer in trust". The library board should not be dissolved until the investigation of the open meeting law complaint is settled.

Mr. Mark Joseph Phillips stated that his concern was that there is to be a list of inventory available as stated at the SCLB meeting on June 6, 2012, there is no

mention of this in the unapproved minutes. It was also stated that the agenda's, minutes and audio tapes of the SCLB were to be available at the meeting today and then be given to the Storey County Clerk for safe keeping.

Mr. Whitten spoke to Trustee Chapman and was assured that continued commitment to some library service will be brought back when it is feasible. Ms. Chapman is working on a list of inventory which the discussion should have been included in the minutes of the SCLB which will never be approved should the Board decide to disband. The SCLB will be collecting and delivering the agenda's, minutes and audio tapes to the County Clerk Office for preservation.

Mr. Maddox responded to Mr. Flanagan concerns of the open meeting law complaint. A response was sent in by the District Attorney to the Attorney General's Office. The County has to follow the revenue numbers provided by the Department of Taxation which then gives the County approximately sixty days to formulate and balance a budget. Based on observations and concerns the idea to transfer to another entity with conditions was rejected by the SCLB based on the District Attorney's opinion.

Ms. Christine Miller stated that it was difficult decision but the best option was to the Community Chest were all of the books could be open to the public.

Mr. Kershaw read Resolution 12-349 for the record.

Mr. Whitten thanked the Storey County Library staff and Board for their outstanding work and commitment over the years.

Motion: Approval of Resolution 12-349 abolishing the Storey County Public Library Board as requested by the Storey County Public Library Board at their meeting of June 6, 2012, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

DISCUSSION/POSSIBLE ACTION: Approval of necessary transfers in the General Fund from contingency account for fiscal budget 2011-2012

Mr. Whitten informed the Board that this is an annual item.

Motion: Approval of necessary transfers in the General Fund from contingency account for fiscal budget 2011-2012, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

COMMUNITY DEVELOPMENT & PLANNING

DISCUSSION / POSSIBLE ACTION: Approve, Amend, Ignore, Reject, or Remand the action recommended by the planning commission on April 5, 2012, and the approval of the Board of Storey County Commissioners on May 21, 2012, in regards to the Application for Special Use Permit (SUP Application No. 2012-014) for Vista Towers proposal to install one “monopine” commercial wireless communications tower on property located in the Virginia City Highlands.

Mr. Austin Osborne, Senior Planner informed the Board that there was a comprehensive review of all finding of facts at the May 21, 2012 meeting and the board recommended unanimously with the facility to carry two wireless providers prior to construction.

Mr. Dan Davis, Program Manager Cortel LLC, understanding that the site has received all entitlements. He is attending this meeting to discuss the condition that was placed on the facility to carry two carriers before construction. AT&T is ready to add the facility to the budgeted site by reallocating funds from other sites that are not ready to build. The tower will be a four carrier tower; the understanding is that Storey County will be utilizing service as well. After the construction of the tower other carriers are more likely to budget dollars for an existing facility.

Motion: Approve the action based on the advisory motion of the Storey County Planning Commission; findings of fact contained in sub section A, Exhibit A; and compliance with all conditions recommended by the planning commission, including amendment to condition number two shown herein, to recommend and approve SUP Application number 2012-014 to construct and operate a commercial wireless communications tower with a carrier, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

DISCUSSION / POSSIBLE ACTION: Approve, Amend, Ignore, Reject, or Remand the action recommended by the planning commission on May 3, 2012, and the approval of the Board of Storey County Commissioners on May 21, 2012, in regards to the Application for Special Use Permit (SUP Application No. 2012-016) by Kerry Lamorey to operate a home occupation business including dog training and grooming, and the keeping of large domestic animals (sheep and goats) beyond the maximum number allowed at 558 Sutro Springs Rd. (APN 003-274-08), Mark Twain.

Mr. Osborne stated that this was a rehearing from the May 21, 2012 meeting. The Applicant called and expressed concerns with several of the conditions. The applicant would like conditions #9 animal limitations, #13 days and hours of operations and #16 the amount of manure management to be amended.

Ms. Kerry Lamorey stated she has successfully owned and operated various home based businesses for over thirty years in Nevada and California. Possesses a current Nevada Business License and is the current owner of K9WAGON in Douglas County. With the purchase of the property in Mark Twain in February 2011 and several improvements later is working toward a business plan in Storey County to find peace and joy. The SUP process is confusing and stressful and seems out of reach for the possibility of business relocation. It was asked of the Board to consider 7 client dogs twenty four hours seven days a week. No "hours of business" rather "appointment only". Allow the use of manure for compost and other gardening needs. Allow the care and to maintain the sheep and goats as she is currently. The SUP that was previously granted does not allow her to make a successful business and maintain her health. Extreme heat and stress are triggers of her disease of Lupus.

Mr. Osborne stated what the applicant is proposing is good for the community not an impact on the neighborhood. Looking at a home based business and special use permit it is not entitle right in a residential neighborhood. County code allows a case by case review and with conditions a special use permit can be allowed in a residential area.

Motion: Approve the action recommended by the planning commission; finding of fact contained in subsection A, Exhibit A; and compliance with all conditions recommended by the planning commission, including amendment to condition #20 as recommended in regard to the Application for Special Use Permit (SUP Application No. 2012-016) by Kerry Lamorey to operate a home occupation business including dog training and grooming, and the keeping of large domestic animals (sheep and goats) beyond the maximum number allowed, including 7 dogs to be on the property Monday through Saturdays from 10a.m. to 4p.m. and Sundays from 11a.m. to 3p.m., **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

LICENSING BOARD

SECOND READINGS:

1. SILVER DOLLAR MINE - General/11 North C Street, VC
2. J&J POOL SERVICE - Home Business/3650 Palisade Rd, VCH
3. LAILA FOODS dba SUBWAY RESTAURANT - General/420 USA Parkway #102, TRI
4. FULCRUM SIERRA BIOFUELS, LLC - General/222A East Sydney, TRI

Mr. Austin Osborne asked that items 3 be continued and items 1, 2 and 4 be approved.

Motion: Approve items 1, 2 and 4, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

Motion: Continue 3, **Action:** Approve, **Moved by** Commissioner Sjovangen, **Seconded by** Chairman Kershaw.

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

BOARD COMMENT

None

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 4:25pm.

By _____
Wendy Bacus, Deputy Clerk-Treasurer