



STOREY COUNTY COMMISSION MEETING

TUESDAY, JANUARY 15th, 2013 1:15 P.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

BILL SJOVANGEN
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

MARSHALL MCBRIDE
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA DU FRESNE
CLERK-TREASURER

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1. **CALL TO ORDER 474 FIRE DISTRICT BOARD CLOSED SESSION AT 1:15 PM** (Closed meeting pursuant to NRS 288.220(4) for the purpose of conferring with the County's management regarding labor negotiations.)
 2. **RECESS TO CONVENE AS BOARD OF COUNTY COMMISSIONERS**
 3. **CALL TO ORDER AT 2:00 P.M.**
The meeting was called to order by the Chair at 2:25 p.m.
 4. **PLEDGE OF ALLEGIANCE**
The Chair led those present in the Pledge of Allegiance
 5. **PUBLIC COMMENT (No Action)**
Chairman Sjovangen established ground rules for the meeting, advising that if anyone is out of order the Sheriff will deal with them. He added that when he says "Thank You" you are to stop speaking and sit down.

Mark Joseph Phillips addressed that at the last meeting it was announced that Bum Hess was going to be a lobbyist for Storey County; he is unable to find any record of Mr. Hess registering as a lobbyist at the state level. Chairman Sjovangen stated that Mr. Hess has been acting as lobbyist on the county's behalf for several years and there are reasons he is not registered. Mr. Phillips inquired if he should look at the federal level. Chairman Sjovangen said that he did not need to keep looking. Mr. Phillips said that there will be more public comment here today and he resents the unfinished business of the previous board, including minutes and a treasurer report. He is asking that the consent agenda be opened for public comment.

Dale Beach reported that the Mark Twain Estates advisory board is up and running, he would like a little more cooperation with their surveys. He thinks there is a cheaper way to do the surveys than printing cards, possibly using the county's phone books or email list. The advisory board has a finance and management subcommittee which would like to interface with the county on the upcoming budget. He provided a map that shows what each county spends per person. Chairman Sjovangen asked what he thought about the three commissioners and possibly a couple staff members coming down and setting up in the firehouse and going over the concerns. Mr. Beach turned down the offer, stating they have found it is better to meet with you one at a time. The next time they are going to call the people together will be in May. He would rather the committee meets and get some dialogue going. They feel a little intimidated with formal meetings.

6. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for January 15, 2013

Mr. Phillips stated that when it comes to the Consent Agenda he would like to speak to the claims and the treasurer report. Chairman Sjovangen asked him which numbers he would like to move. Mr. Phillips stated it was the pleasure of the board if the items were moved or discussed under the consent agenda. Chairman Sjovangen stated that Mr. Phillips may speak to the items during the consent agenda.

Motion: Approve agenda for January 15, 2013, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

7. **DISCUSSION/POSSIBLE ACTION:** Approval of minutes for November 13, 2012

Mr. Whitten stated that we have consulted with legal counsel; it's a chicken and the egg situation. At some point the new board will have to approve minutes from the previous board. Counsel's advice is that if you are comfortable with the minutes, as both of you were present at the meeting, make the motion to approve with the statement that while you weren't a member of the commission at the time of the meeting you were present at the meeting and feel the minutes capture the essences of the meeting.

Mr. Phillips stated that the county clerk has worked with the public on getting these accurate, however on page 6, there is an error on which organization David Toll was represented. He asked the minutes are corrected to reflect David Toll on behalf of the Comstock Residents Association, not Comstock Mining. Mr. Phillips continued with page 17, line 3 of the minutes. He asked that it be corrected to read County Manager Whitten not Vice-Chairman Hess. Lastly on page 2 he stated that the record does accurately reflect his persistent, month after month, encouraging the commissioners to have a financial statement published. He is hoping that the new board will considered getting the statement published.

Motion: Approve minutes for November 13, 2012 and although not sworn in at the time, he was present at the meeting and finds that the minutes accurately reflect the meeting, and with the corrections presented by Mr. Phillips **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

8. **DISCUSSION/POSSIBLE ACTION:** Approval of minutes for December 4, 2012

Mr. Phillips stated that he tried his darnedest to get the last board to call a special meeting to approve these minutes. They cancelled three out of their four last meetings, for which there is no excuse. Mr. Phillips added that the minutes reveal a conflict of interest with the approval of the parking lot lease. He sees no mention of the exact amount of money involved. It was Mr. Beach who uncovered the issue. Chairman Sjovangen told Mr. Phillips "thank you" repeatedly. Mr. Phillips continued that there is a conflict of interest for Vice-Chairman McBride and Commissioner Gilman. Chairman Sjovangen called for a recess, during which he asked that Chief Deputy Fletcher remove Mr. Phillips from the meeting.

A recess was called by the Chair at 2:43 p.m.

The meeting was called to order at 2:44 p.m.

Motion: Approve minutes for December 4, 2012 and although not sworn in at the time, he was present at the meeting and finds that the minutes accurately reflect the meeting **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

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.)

9. Claims - For possible action approval of Payroll Check date 12/7/2012 for \$455,268.69, 01/04/13 for \$471,407.10 and Accounts Payable date 01/03/13 for \$125,781.78
10. For possible action approval of the September 2012 Treasurer Report
11. For possible action approval of the December 2012 Treasurer Report
12. For possible action approval of Justice Court Quarterly Report
13. For possible action approval of Licensing Board First Readings:
 - A. Rod Hall Licensed Product, LLC - General/175 Wildhorse Canyon MCC

END OF CONSENT AGENDA

Motion: Approve consent agenda as posted **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

14. DISCUSSION (No Action): Committee/Staff Reports

Administrative Officer Holli Kiechler:

1. She will have salaries for the previous year posted on the website next week.
2. Her position opening has been posted. She added that it has been great working with them hopes to see everyone real soon.

Community Services & Tourism Director Deny Dotson:

1. Provided the first release of the event calendar to the Board. Will reprint once a couple additional events are finalized.
2. He also provided a flyer for a social media workshop that will be held on January 31, 2013. Everyone is welcome to attend.
3. Meet with Isabella Hunt, she has coordinated a cooperative agreement with the University of Nevada to do an archeological dig under the Crystal Bar. He will update the Board once the details are finalized.

Fire Chief Gary Hames:

1. Continue to work with Farr West engineering to redo the insurance organization map. This year the insurance organization will be accepting the data electronically which means we will no longer need to flow hydrants annually.
2. Took a road trip to Davis, California, they use the same dispatch system as us and are comparable by call volume. They contract with the University with Davis, offering some models for agreements for our contracting with Lyon County.
3. Ran into one little hiccup with the updated substance control policy; will be working with the Sheriff's office for the disposal of expired narcotics.
4. Received and OTS grant for a little over \$27,000 to purchase new auto extrication equipment for the Mark Twain station. An additional grant allowed for the purchase of two auto load gurneys and training adjuncts.

Emergency Management Direct Joe Curtis:

1. Have two focus points that we have embarked on over the last couple of weeks. The first is updating our hazard mitigation plan for the county. Which involves the five primary areas of concern for potential disaster; earthquake, wild land fire, flood, winter storm and wind storm. The second point is quarterly exercises, which will include an evacuation of the Highlands and cyanide disaster involving the mine. The exercise at the mine will include several local agencies and mining personal.

Recorder Jen Chapman:

1. Gave an overview of the services her office affords the county and citizens. The office provides a single location in which records of "real rights" are recorded and may be researched, including deeds, mortgages, liens, plats and maps. She emphasized the importance of the records and their preservation. Without access to localized property ownership information, other freedoms would soon be affected, especially those freedoms that allow us to borrow money, invest, or purchase new properties. The office continues to increase the records available to the public online, back indexing several years and

integrating recorded maps into the existing system. The office continues to actively write and seek grants. She thanked the State Historic Records Advisory Board for their communication and support in helping to get one of our projects up and going. It is a digitization project that allows access to a variety of different documents.

2. Announced that Marney Hansen has been hired, filling a vacancy in the office.

Public Works Director Mike Nevin:

1. An internal job posting went out today for the position being vacated by Steve Fate.
2. For many years this county has enjoyed a subsidy for NDOT for salt and sand we utilize during the winter. He was informed that from this point forward they will no longer be in the position to offer this subsidy. We will be able to buy the materials on their contract.
3. Did experience some equipment trouble recently, was down to one plow and sander on the hill. Should be repaired by next week.
4. Had some propane issues with the new vendor, experienced outages here in the Courthouse and Piper's Opera House. These older buildings suck up the propane rapidly during the cold weather. The issue was fixed within an hour and a half. He has been assured that they won't let this happen again. We will be taking a proactive approach on our end as well.
5. With the cold weather there have been some issues with frozen pipes and meters, nothing that couldn't be remedied.
6. Currently there is a vendor with wireless equipment mounted some of the vent openings of the water tanks. The equipment is causing some of the vents to pop loose. Mr. Nevin has notified the vendor that he may use the site but the equipment needs to be moved.

Commissioner Gilman asked who the point of contact should be in the event of a broken pipe. Mr. Nevin said that it is best to call dispatch; they will be directed to the right person.

Senior Planner Austin Osborne:

1. Gave an update on the workforce development in the TRI area. Some of the challenges he is seeing is that the people that are receptive to the endeavor continue to be receptive, those who are not continue to not be. He is looking for new ideas, something outside of the box, to connect with the companies in the TRI. He is seeing it slowly pick and is working closely with surrounding agencies. He is working to get the schools involved, will be taking a couple of students through an entire special use permit process.
2. He will be giving a presentation at the next planning commission meeting on population trends and where things are headed in the 20 years.

Deputy Chief Tad Fletcher:

1. Now working out of the Lockwood substation, Jobcorp is currently there working on some of the handicap ramps.
2. Bringing on Samantha Loper next week as the new part time admin assistance.
3. Continued contact on the BIA regarding the contract to house prisoners. Recently received an emergency request for some beds, the request is on hold until the contract is finalized.
4. Ken Quirk will be the new school liaison, was scheduled to start last week. Mr. Fletcher will be working with him to get him brought up to speed.
5. Working with the DEA on a permanent drop box for prescription drugs, the box will be placed in the lobby of the jail.

Community Development Director Dean Haymore:

1. He has been working with the new companies in the park, they have all passed inspections and been approved.
2. Mr. Haymore reported he has received some inquiries for new businesses, hope to have them before the board in March.
3. Kicked off with economic development committee, they will be sending invite outs to the team. The committee will have monthly meetings. The first meeting will involve setting goals and developing a mission statement. The committee will work to represent the entire county.
4. His office has started looking at changing the business licenses fees. There has not been a change in the fee structure since 1996. The goal is to bring in funds to aid in the promotion of businesses in the county. In comparison with surrounding counties we are far lower in fees. His office will continue to gather information and review possible options.

Clerk & Treasurer Vanessa DuFresne:

1. Reminded the board that financial disclosure and ethics statements are due today to the state.

District Attorney Bill Maddox:

1. Explained the bandage on his head was nothing serious, will heal quickly.

County Manager Pat Whitten:

1. Recognized and thanked Ron James for his help and his work over the years and wished him a very happy retirement.
2. Mr. Whitten thanked Holli Kiechler; in a few short years she has done a great job and made her mark. He is proud to announce that we have prevailed in every adverse action through her great leadership on the human resources side. In the interim Cherie Nevin will help with grant attainment and compliance. In the meantime while we look for a replacement and strategy for replacement the position will be distributed as it has for the past 90 days.
3. Looking at the possibility of holding a joint workshop with VCTC and planning commission boards in February or March. Will need to be structured with Mr. Maddox to ensure that we comply with the open meeting law.
4. The legislative session is conveying early next month, the government affairs director will be registering and attending the same ethics class as Mr. Whitten will be attending. There is a reception scheduled for the evening of February 5th at the High Sierra Brewery. Asked that if you say you are going to attend please attend, trying to limit the cost impact.
5. On Friday IT will be doing an email cut over, will take several days to a week or two to bring fully back up. There are close to 250 users to transfer over.
6. Everyone is trying to spend a little more time giving more background, great to hear about departments that are working to maximize employee costs.

Commissioner Gilman thanked everyone for getting up and sharing, there is a large learning curve. There are a lot of things going on here in the county. He personally thanks you for your time and reports.

15. **DISCUSSION (No Action):** Presentation from BLM to explain their 30-day public scoping period beginning January 17, 2013 to solicit public input regarding Comstock Mining's proposal to use the Lucerne haul road which includes several public land segments.

Leon Thomas, Field Manager for the Sierra Front Field Office for Carson City BLM, explained that this presentation is regarding the American Flat Lucerne access right of way application submitted by Comstock Mining Inc. Mr. Thomas introduced his staff to the Board; Planning and Environmental Coordinator Brain Buttazoni, Realty Specialist Erik Pignata, Archaeologist Rachel Crews, and Public Relations Lisa Ross. Mr. Thomas provided a quick background on the events leading up to this application. Beginning with Comstock Mining, Inc. (CMI) receiving a cease and desist order from BLM regarding the use of public road segments and public land in May of 2012. CMI is currently doing some mining under a special use permit on their land. A right of way was issued in July 2012 by the BLM allowing CMI use of the public land segments along the American Flat road as a haul road between the pit area and heap-leach mill. August 29, 2012 CMI submitted to the BLM a Plan of Development/Right of Way application to amend the existing right of way to include the Lucerne Haul road that crosses several segments of public lands. There real question before BLM is whether they can authorize through analysis the right of way requested by CMI to access their pit. Mr. Thomas clarified that no request for mining has been submitted, the issue is access to the haul pit. BLM has determined that an environmental statement will not be needed only an environmental assessment. BLM and CMI have reached an agreement of the process to move forward and held a kick off meeting and site visit on December 5, 2012. December 18, 2012 Cultural Resource Staff met with State Historic Preservation Officer staff to discuss the project and how to meet National Historic Preservation Act requirements for consultation.

Mr. Buttazoni provided a project briefing of the assessment process. Last Monday this presentation was provided to Lyon County Commissioner with official notification provided to the media tomorrow. A mailing list has compiled and notices have been sent out to all residents and business surrounding the project. Mr. Buttazoni stated that BLM is in the preliminary stages of this process with a duplication briefing being provided to the planning commission on Thursday. The 30-day public scoping period is from January 17, 2013 to February 16, 2013. During the period additional maps and information will be provided on the website along with a comment form for the public. Two public workshops will be held at the BLM's Carson City District Office on January 22, 2013 and at the Piper's Opera House in Virginia City. The workshops will not be held in a hearing format. During the assessment we will be looking at effects to the resources and the biological and cultural resources, with a draft document available mid-2013. Mr. Buttazoni stated the process will include consultation, to meet the requirements of the National Historic Preservation Act, with tribal groups, State Historic Preservation Officer and other agencies. Mr. Buttazoni is the primary contact for this project.

Mr. Whitten stated that we will need the website to include in publications from the County. Chairman Sjovangen commented that it goes without saying that from the county staff to CRA and CMI our goal and focus is to get the haul trucks off the state highway as quickly as possible. It is a paramount thing that we need to do and the process needs to move along quickly. We are interested in the jobs and the economic development.

Commissioner Gilman clarified the timeline of events and the process with Mr. Thomas and Mr. Buttazoni. Mr. Buttazoni illustrated on a map, via power point, the section of road and public land segments that are involved in the analysis. A timeline of a decision cannot be projected, there are interim discussions being held regarding temporary solutions.

Chairman Sjovangen said he would like to hear some alternative solutions as a year out is not acceptable.

Mr. Thomas said a color of title application has been submitted by CMI for lot 51. Once the application is processed the color of title issue may be resolved. In the interim he may be given the authority to allow access across lot 51 until all the applications can be fully processed.

Chairman Sjovangen said he is working with state and federal leadership; we need to get this working right away because this is jobs, jobs, jobs and economic development.

Mr. Buttazoni said they will be working very hard over the next couple of weeks to very clearly define to the public what the scope of this is. Comments regarding mining are not relevant to this project. They are ramping up and ready to facilitate this operation.

Mr. Thomas said that a draft letter of acceptance regarding the color of title application has been sent to their solicitor for review once approved it will go to the state for final approval. They meet with CMI yesterday and talked through some of the possibilities, CMI will provide presentation to BLM regarding the different type of trucks. He will move this along as fast as he can to get the trucks off of the highway.

Gail Sherman with the Comstock Residents Association (CRA) clarified their position. They are not happy with the trucks on 342, but there is a longer view of the situation. The national historical land mark is being degraded. CRA's position is the BLM is stewards of public land and they applaud their effort to ensure the environment and historic lands are protected. Chairman Sjovangen responded that they will be.

Clay Mitchell, Gold Hill property owner, asked if there is a way to account for the time between when this transpired in the summer and where we are now, was there some type of delay. Chairman Sjovangen stated that was our concern was well and Mr. Thomas has answered that. He wishes he could say it would be done in 30 days.

Mr. Thomas stated that he did not receive a completed application until August, been working with CMI to get all of the pieces together. Keep in mind we are working the color of title application at the same time.

Mr. Mitchell asked when a county road crosses public lands are the restrictions on usage because it is mining activity. The cease and desist order seems to be because of the mining use on American Flat Road, the road has been used for years in the past with no restrictions. Mr. Thomas stated the cease and desist was mostly because of the activity going on without authorization. Mr. Mitchell asked when there is a question of ownership is it normal to assume

that the private ownership is not there. He is concerned that he is trying to do something with his land to create economic activity and at any time the BLM could come in and issue a cease and desist. Chairman Sjovangen advised that this is off of the original topic, however he is aware of the situation and will talk with Mr. Mitchell.

Mr. Buttazoni clarified the time frame from the time the application was submitted. It took about three months to get it ripe enough to determine what level of an assessment was needed and another two months to get the financial agreement worked out. It may seem like things are stretching out but things have been happening in the background. Chairman Sjovangen asked if there is anything the county can do proactively that we can do to expedite the process. Mr. Thomas said the county has been very helpful, keeping the lines of communication open is important.

Chairman Sjovangen stated that even if we had the authority we would not shut down CMI, it is going to continue. We need to be in a position to mitigate as many of the concerns as possible. Whatever we can do that is legal and right and expeditious we will do.

A recess was called by the Chair at 4:03 p.m.

The meeting was called to order at 4:12 p.m.

16. RECESS TO RECONVENE AS THE NRS 474 STOREY COUNTY FIRE PROTECTION DISTRICT BOARD

Chairman Sjovangen called to order the NRS 474 Storey County Fire Protection District Board

17. DISCUSSION/POSSIBLE ACTION: Adoption of updated Quad County Hazardous Materials Inter-local Agreement to include North Lyon County Fire Protection District and Smith Valley Fire Protection District

Chief Hames stated this is a very simple update. Smith Valley Fire Protection District and North Lyon County were not included in the original agreement; this update will admit them to the group.

Motion: Approve updating the Quad County Hazardous Materials Inter-local agreement to include North Lyon County Fire Protection District and Smith Valley Fire Protection District
Action: Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

18. DISCUSSION/POSSIBLE ACTION: Approval of collective bargaining agreement between Storey County Fire District (Employer) and International Association of Fire Fighters Local 4227 (Union)

Mr. Whitten stated that as you are aware, there were some very questions asked in an early session. It is staff's recommendation that this item be continue to a special meeting on January 23rd at 9:00am.

Motion: Continue approval of collective bargaining agreement between Storey County Fire District (Employer) and International Association of Fire Fighters Local 4227 (Union) to January 23, 2013 at 9:00 a.m. **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

19. **ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS**
Chairman Sjovangen called to order the Board of County Commissioners

COMMUNITY DEVELOPMENT AND PLANNING

20. **FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:**

- A. R Nelson Builders – Contractor/316 California Avenue #403, Reno
- B. Terra Contracting – Contractor/5980 West Cougar Avenue, Las Vegas
- C. Silver State Fence & Stain – Contracor/920 Lepori Way, Sparks
- D. Jacobson Companies – General/725 Waltham Way, TRI
- E. Dynarex Corporation – General/725 Waltham Way, TRI
- F. US Ordnance, Inc. – General/224 East Sydney Dr. Unit A and B, TRI

Mr. Whitten asked on behalf of Community Development that all second readings be approved.

Motion: Approve second readings for items A-F **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

BOARD COMMENT

Commissioner Gilman asked if the watermark could be removed from the agenda. The copy at the post office is unreadable.

ADJOURNMENT

The meeting was adjourned by the call of the Chairman at 4:18 p.m.

Respectfully submitted,

By _____
Vanessa DuFresne, Clerk-Treasurer