



STOREY COUNTY COMMISSION MEETING

TUESDAY, MAY 7TH, 2013 12:00P.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

Roll Call: Chairman Sjovangen, Vice-Chairman McBride, Commissioner Gilman, District Attorney Maddox, Clerk & Treasurer Vanessa DuFresne, County Manager Pat Whitten, Comptroller Hugh Gallagher, Fire Chief Gary Hames, Community Development Director Dean Haymore, Community Services Director Deny Dotson, Administrative Office Austin Osborne, Sheriff Gerald Antinoro,

1. **CALL TO ORDER AT 12:00 P.M. CALL TO ORDER CLOSED SESSION AT 12:00 P.M.** (Closed meeting pursuant to NRS 288.220(4) for the purpose of conferring with the County's management regarding labor negotiations.)
2. **CALL TO ORDER AT 2:00 P.M.**
The meeting was called to order by the Chair at 2:06pm
3. **PLEDGE OF ALLEGIANCE**
The Chair led those present in the Pledge of Allegiance
4. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for May 7th, 2013

Motion: Approve agenda for May 7, 2013, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

5. **PUBLIC COMMENT (No Action)**

Dale Beach commented on the health coverage that is being offered to employees and the cost that is being passed on to the taxpayers. He believes it is management's fault that we don't get into a larger group. He would like to get things on the agenda, number one being the brothel license fee for the Wild Horse brothel. There are people in town with two businesses and they

pay two license fees. His next item is the retiree benefits that have been purchased for Pat Whitten. We need to cut it off and look into seeing if this all together proper. Mr. Beach referenced Bell, California the members are convicted felons and are sitting waiting to be sentenced. The fire Department and Sheriff department, the law requires us to have a sheriff not a fire department. There are 3 people overlooking 11 people. He wants to find out if we can get our money back. We are just eating it, no one came down and asked him if he wants to cut his taxes in half.

Vice-Chairman McBride commented on the insurance issue as addressed by Mr. Beach. He has been dealing with insurance for years and unfortunately we do not have the luxury to jump in with a larger group. Mr. Whitten added that we participate in POOL and PACT.

Nicole Barde, asked if there is status on the land swap bill that is currently before the legislature. Mr. Whitten commented it has passed out of Senate and has had one committee reading. Chairman Sjovangen added that the committee reviewing the bill is not really in tune with the purpose of the bill. It still has a ways to go to make it out of committee. Mr. Whitten commented we were successful in getting the separation. Both Boards have to approve it and can approve one section of the bill or the other. Chairman Sjovangen added that the owner of the property has been trying this for years; our feeling is to get this out in the open so that the two counties can sit down and have some discussion regarding it. Commissioner Gilman assured her that the residents of the Highlands will control their destiny with what happens in their community.

John Miller is the coordinator of the River District Neighbor Hood Watch; he congratulated the Board and Public Works for the work that has been done at the Peri Park.

Janet Houts, she is glad that Mr. Miller is happy, what about Mark Twain. Mrs. Houts asked several questions of the insurance and the insurance that is provided to the retirees, she would like to know the cost. She asked why none of the Commissioners are at Local Government Finance Committee meetings.

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.)

6. Claims - For possible action approval of Payroll Check date 04/26/13 for \$357,934.95, date 04/26/13 for \$113,623.10 and Accounts Payable date 04/19/13 for \$844,335.48
7. For possible approval DMV Contract Renewal at the request of Assessor Jana Seddon
8. For possible approval March 2013 Treasurer Report
9. For possible action approval of Licensing Board First Reading:
 - a. Capital City Well Drilling – Contractor/20 Kit Kat Drive, Carson City

- b. Sword, International – General/420 USA Parkway, Suite #105, RI
- c. Virginia City Kettle Corn Depot – General/188 South C Street, Virginia City
- d. Hot Pot, LLC – General/420 USA Parkway, Suite #101 TRI
- e. American Arms Delta – General/224 East Sydney Drive, Suite B, TRI
- f. Air Guys, Inc. – General/9732 Pyramid Way, Sparks
- g. Battle Born Munitions, Inc. – General/625 Waltham Way, TRI
- h. Stem, LLC – General/420 South B Street, TRI
- i. PM Services – Contractor/3980 VZ CR 1712, Grand Saline, TX
- j. EB Homes- Contractor/687 Lucas Drive, Carson City

END OF CONSENT AGENDA

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

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

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

Fire Chief Gary Hames:

1. Working to get a RFP out for a Community Wildfire Preparedness Plan update. This is part of a grant received earlier in the year. The last update was done in 2005.
2. The Seasonal Academy started yesterday, should be fully functional by the 20th. There will be seasonal staffing divided equally between Mark Twain, VC Highlands and the TRI area.
3. He is happy to announce that notification was received yesterday that we were awarded \$41000 for a Smoke Detector Program from FEMA.
4. There is currently an engine company in Southern California; hopefully they will be back late tomorrow.
5. Last weekend his department partnered with several agencies to put on a haz-mat drill at the mine site involving cyanide, they identified a few things that need to be tweaked and modified for future responses.
6. Chief Hames explained there are basically two companies that do collections for EMS billings in the area. One of the companies we have been with for many years. Dialogue has been opened with the other company in hopes to receive a better rate.
7. Two of the new hire employees graduated from the Regional Fire Training Academy. They are now on the line and working.
8. He extended a special thanks to our crews. There was a structure fire in Gold Hill with minimal damage.
9. Grand Prix went off without a hitch, not really busy compared to years past, 7 transports directly related to the event.

Community Services Deny Dotson:

1. He reported that Free Dump Days was a huge success. We opened labor and equipment to the elderly and disabled, had over 15 people that called in and asked for assistance. Looking forward to ramping it up for next year.

2. The Chili Cook-off is this weekend, the street will be closed with 20 local vendors and cooks participating, there is a fun zone for kids, live music both days, and beer pong and beer crawl for the adults. Can buy tasting kits online, weather should be great.

Commissioner Gilman added that the Lockwood community got involved in Free Dump Days as well with a great effort and great results.

Comptroller Hugh Gallagher:

1. Since the last meeting he was invited to afternoon tea at the home of Judy Cohen with Nicole Barde present. The annual audited financial statement was the topic of discussion. The statement is very difficult to navigate; he will be conducting some classes on how to look at a financial statement and how to get the information you need. He is asking both of these ladies to sit on a committee of his to review the draft annual audit. Commissioner Gilman complimented Mr. Gallagher on his efforts to be open and providing this level of visual to the community. Ms. Barde added that one of the things she struggles with is while reading these documents is not being too able to ask questions. She thanked Hugh for his willingness to help the public to better understand the numbers and the reports. Commissioner Gilman stated you are going to see regular monthly meetings being held to address issues that are going on within the individual departments. Ms. Barde clarified that she is referring to the having the opportunity to discuss the financial reports with the Comptroller in our individual communities.

Sheriff Gerald Antinoro:

1. Last week was Law Enforcement Memorial Week; the parade was great and very well attended. Some of his folks attended two other memorials as well.
2. From law enforcement perspective Grand Prix went off without a hitch, probably had less complaints this year. His office held a fundraiser for Special Olympics, raised over \$1,000.00.
3. Last week was the Sheriff and Chiefs Association meeting; several topics were addressed including legislative issues and activities on Federal lands. He has been appointed the new secretary/treasurer for the association.

Paul Kvam:

1. His role is to bring natural gas to Virginia City and Gold Hill. People need to be convinced that it can be done. The easiest route would be to go through 6 Mile Canyon; we need a lot of pressure and need to connect to the Piute Line. He will need some data from the local businesses. The task continues and is a chore of coordination. Other entities will need to coordinate, we can share some trenches. He is upbeat and there is reward at the end.
2. Mr. Kvam explained his background; he is not receiving any compensation for his work.

Vice-Chairman McBride commented that he has already received some positive feedback regarding him going around town and interviewing people.

Administrative Office Austin Osborne:

1. Thanked Mr. Kvam for volunteering his time and work.

2. Reminded the Board and those present of the May 16th Planning Commission meeting, flood project will be addressed with focuses on three potential models. He added there will be a master plan workshop after the flood presentation.
3. On June 20th Comstock Mining will do their annual update per the special use permit, applicable only to the exploration permit. The compliance review will be presented to the Planning Commission.

Community Development Director Dean Haymore:

1. He is going to start the process to adopt the 2012 Building Codes; Shannon Gardner has been very busy with the code adoption committees.
2. Stacey is working to get out the business license renewals. With that they will be going down C Street to remind people of the sign ordinance requirements, board walk repair requirements, and grease trap inspections.
3. Mr. Haymore provided a synopsis of the new project starting in TRI area.
4. Shannon Gardner shared the details of one of the current special projects that he is currently working on. Patrick Gilmore applied and was awarded a \$10,000.00 grant with a \$5,000.00 match requirement. Will be using the funds to purchase more interpretative signs and mounts, along with additional trash cans, a dog waste bag receptacle, holders for VCTC brochures and an ore cart to be included with the current mining artifacts. Mr. Haymore added that the donated items can be used as the "in kind" match. Mr. Dotson added that the VCTC was awarded the Grant Award of Excellence for this particular project.

Commissioner Gilman congratulated everyone on all of their work. He wants folks to think about the value and importance of the grants.

Judy Cohen commented that she thinks one of the best things she has seen happen to this town. She asked that the Board not allow the private enterprise to use the rest stop during Street Vibes.

County Manager Pat Whitten:

1. We are watching many bills, particularly a mining bill that would cause us to beef up our Assessor Office. The bill would require assessment of mineral rights.
2. Cherie Nevin is the strongest grant writer in the County. If there are people who find grant sources we are willing to help write successful grants, please do not hesitate to contact us.
3. Mr. Whitten pointed out that Paul is doing a great job, not only is he doing it for free he isn't related to anyone on staff.
4. Deny did a great job staffing the cleanup effort. He also thanked Vice-Chairman McBride for embracing the project and injecting new ideas.
5. Mr. Whitten addressed the Library reopening under the leadership of Shaun Griffin. He thanked Shaun for hanging in there.

11. **DISCUSSION/POSSIBLE ACTION:** Valerie LeBel-Flatley to request the Commission's consideration to direct staff to draft an ordinance amendment to Storey County Code (SCC) 9.16.30 to define and include the Virginia City Highlands and Highlands Ranches as "congested areas".

Chairman Sjovangen stated that we have a pretty good idea of what is going on and the changes that are needed to the current ordinance. He turned the floor over to Ms. LeBel-Flatley.

Ms. LeBel-Flatley, Virginia City Highlands, provided a brief background on the topic and her history in the area. It has come to her attention that someone is trapping in the Highlands; she was originally under the impression that trapping was illegal due to the area being congested. She was informed by a deputy from the Sheriff's Office that the activity was in fact legal. The use of firearms in the area is illegal with 1,000 feet of a home. She has been directed to the District Attorney and Commissioners to have the ordinance changed so that trapping is illegal in the Highlands in addition to the use of firearms. Ms. Lebel-Flatley explained that the Highlands are not included under the County Code as a congested area. She is requesting that all of the Highlands be included in the changes to the code.

Chairman Sjovangen discussed a bill that is currently in the legislature regarding the topic. There will be some pretty heavy restrictions placed on the trappers. He has been asked not to include the 40 acres by some 40 acre residents. He believes we need to change the verbiage to include the 1 acre and 10 acres and leave the 40 acres out.

Ms. Lebel-Flatley disagrees with the 40 acres not being included in the amendments. At some point they will become more developed and we are going to run into the same issue. There are houses on Long Valley; shooting of a firearm is dangerous to the public.

Commissioner Gilman stated that he supports her, trapping in a community with children, pets and loved ones isn't appropriate.

Assessor Jana Seddon provided a map of the Highlands to be used as a reference. Vice-Chairman McBride added that the senate bill tightening up the trapping laws is being heard today.

Mavis Leathley, Highlands resident, stated she understands the importance of trapping, hunting and fishing. In reading the Highlands Blog she became concerned, with rights comes responsibilities. She doesn't want her dogs or grandchildren to get hurt. Ms. Leathley added that there are places where trapping is appropriate in Nevada. Trapping in the Highlands would cause a lot of harm to people, grandchildren and dogs.

Chairman Sjovangen explained that the State addresses the responsibilities of trappers.

Mr. Whitten commented that he and Valerie are in total agreement regarding the 1's and 10's. He respectfully doesn't agree with the 40s. He is assuming that staff will be directed to draft the amendments along with legal counsel. Some of the 40's are improved while others are vacant, we might be able to explore the option of allowing the use of firearms in the 40's while excluding any trapping. He has not received anything in opposition to the changes to the ordinance.

Ms. Lebel-Flatley added that should the 40's not be included it doesn't affect the issue as a whole. She would like to continue with the 1's and 10's.

Chairman Sjovangen added there are a variety of options. He covered the different types of trapping and the current approved methods. The firearms and hunting can be split out from the trapping. Once a mock up is available it will be sent to legal for review and DSW for their approval. This is a grey area for County Commission to get involved in. Ms. Lebel-Flatley stated that despite the regulations that come down the activity is still inappropriate in our community.

Donna, Highlands resident, asked if there was any differentiation made between someone who traps because they have nuisance animals and the people who are trapping for the pelts. She asks because one of the trappers was killing bobcats and selling their pelts so he could buy a new Harley Davidson. She inquired can anything be done when someone is trapping as professional, earning money. Chairman Sjovangen explained that the DSW is concerned with the safety of kids and pets, he isn't sure that they will allow the Board the address the topic a professional trapper. There is a difference between commercial and hobby trapping. There is also a difference if you are over run by skunks and raccoons. Donna added that the senate bill doesn't help with wild horses, kids or dogs, they cannot read signs. She would like to see it addressed by the Board. Mr. Whitten said we will talk with DSW; we have a Battalion Chief that has been issued a predator permit for the animals that are a potential danger to the community.

Chairman Sjovangen clarified that we are not looking at animal rights with these amendments. Donna asked why the Board wasn't looking at the rights of the animals. He explained that certain species that are protected and others that are considered vermin.

Cynthia Kennedy, Highlands resident, stated that the Commissioners have been very cooperative. She disagrees with one of the former speakers regarding the Highlands Blog, she found the majority of the group to be in favor of the changes to the ordinance, and it is only one or two people who post repeatedly that want trapping in the community. She added that she had a conversation with Sheriff Antinoro regarding the nuisance horses in Virginia City. Ms. Kennedy asked why he called the Department of Agriculture to get rid of the horses. He explained to that is what he is supposed to do when they are a nuisance. She asked that he call them and have the wood rats removed that have been chewing up the wiring in her car for the past 25 years. These ties in that the animals don't know boundary lines and these are animals that help keep the vermin under control. If the predatory animals are trapped it allows the smaller vermin to grow in population and damage homes and vehicles. Ms. Kennedy read a paragraph from the letter she submitted to the Board, as follows:

We also want to add that the Virginia Range Wildlife Protection assoc. has tried to protect the animals we all enjoy here in the Highlands for over three decades. It seems rather inconsistent to allow trapping in an area that is widely regarded for its diversity in wildlife, with the assumption that these animals live in area that is "protected." We recall the effort by Mr. Gilman and others, to introduce Desert Sheep to the range, and now that this effort has been so successful, it would be counterproductive to have one of them injured/killed by a trap. This could also be the same fate for a wild horse, deer, mountain lion, bobcat, or even a cherished pet. The absolute worst would be the possible injury of a child. Animals and young children can't read, and no amount of signage or flags could protect the curious or unaware from harm. Thank you very much for considering or request that trapping is eliminated from the Virginia

City Highlands. As Ghandi said, "The greatness of a nation and its moral progress can be judged by the way its animals are treated."

Bonnie Matton, from the Mark Twain area, recalled a situation two weeks ago in which her dog got loose and was caught in a box trap. The dog was missing for two days and returned with a very swollen back leg. Her vet verified that it was a trap. She would like to get a number to talk to someone about the boundaries for traps in her area. Mr. Whitten asked her to call him. Ms. Matton added that nuisance wild horses are only a nuisance because people fed them and it is against the law.

Ramona Patri on behalf of the Virginia Range Wildlife Protection was present to express the organizations support of banning the trapping in the VC Highlands.

Sheriff Antinoro commented that he supports the remarks that have been made today. He grew up trapping and is well versed in how it is done. He has had a conversation with Val and there are a number of things in the ordinance to address. It may be something to consider, the idea of breaking trapping of from the firearms.

Vice-Chairman McBride asked the Sheriff if all of the Highlands were to be listed as a congested area would that prohibit hunting as well. Sheriff Antinoro responded that was correct.

Mr. Whitten said this is where we need to work with the District Attorney. Sheriff Antinoro added that the definition of congested needs to be clarified as well.

Motion: Approve directing staff to draft terminology to amend ordinance regarding trapping and congested areas to work with the wishes of the residence, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

Mr. Whitten stated that drafting an ordinance is going to take a little while, probably 30 days max of research time.

The Chair called for a recess at 3:40pm

The meeting was called back to order at 3:51pm

12. **DISCUSSION/POSSIBLE ACTION:** Regarding possible adjustments to the Sheriff Tentative Budget and reorganization of Community Services Program.

Commissioner Gilman read a prepared statement into the record as follows:

For those of you that followed my Campaign for this office I'm sure that you will remember a significant platform issue was Community Outreach. The balancing of Community programs County wide, a concentration on programs for Seniors, and the development of Community programs, and assets, in all Storey County neighborhoods. The entire Storey County Staff, Administrators and Commissioners have come together and share these same goals, and we

have all joined together to implement improvements to the Lockwood Community assets, The Mark Twain Community with their new Community Center and operational board, along with various contemplated Budget amendments to facilitate supporting these comprehensive Community programs. This Re-organization of the Storey County Community Services Department is yet a further step in this positive direction. I would like to next provide a little background on this important Community issue. The topic here is whether it would be beneficial to all of the residents of Storey County to coordinate and centralize our Services outreach efforts under one Department Manager. I have spoken with a number of Storey County residences in all County neighborhoods, and listened to their ideas and concerns - I see many of you here today - I have received emails and messages from so many which I really appreciate. In total, I have spoken personally with 40 residents from all neighborhoods about this concept. I did this because I have always, always promised to make "people based" decisions - that is decisions which are in concert with the residents of Storey County. I believe we have the Communities support with this Community Services Re- Organization. I want to first dispel a couple myths that have been spread around the county about this proposal.

1. Myth #1 - This proposal is aimed at the Sheriff's Department. Apparently, there have been some folks visiting neighbors claiming this proposal is focused on the Sheriff and his Department programs. This is not true, and never has been true. This proposal came up in discussions looking at ways to expand our Community outreach and our delivery of services to those needing outreach - including seniors - in an efficient but more permanent manner, and at the same time manage and existing budget but in a more cost effective manner. Currently, we have a number of different departments who have outreach as one of their many responsibilities. In fact, the vast majority of the job functions being transferred to this new Department Manager come from departments OTHER than the Sheriff's office. So if anyone is claiming this aimed at the Sheriff's programs, well that's just totally false.
2. Myth #2 - This proposal will take John Michael Mendoza away from the seniors. This is not true either. Nothing in this proposal prohibits Deputy Mendoza from interacting with the seniors or holding programs for them or helping them. If the Sheriff wants John Michael to continue to perform these non-law enforcement functions, that's his prerogative. No one has suggested he can't do that nor would that even be proper. The Sheriff indicated that most of this time is volunteer time anyway, so that will not change one iota. I believe the plan to appoint one Department head to Manage all of the community outreach programs for the County are a very sound concept. Here are my three top reasons why:
 1. Better quality Service outreach for residents. Under our current structure, Community outreach is a secondary responsibility of most of County Departments, but is not the primary responsibility in any one department. Putting one management level person in charge of outreach as the primary job of that office will lead to a more responsive, and focused result. And, by placing outreach responsibilities front and center in one office, those personnel can be trained, educated, and experienced in outreach as a primary job function. Federal and State programs will be more readily identified and implemented. Reports to County Administrative personal and County Commissioners will be implemented on a monthly basis. This will represent a vast improvement in quality Communication and delivery of outreach services to residents, over those of employees spread across all County departments, already overrun with other job duties, and who have very little time to train in outreach skills.
 2. Easier for Residents to coordinate outreach. Currently, if a resident or community organization has a pertinent request or concern, and they need to coordinate for outreach services, they have to identify

and then place separate calls to each department they want to have participate. This re-organized concept would provide "one-stop" coordination. This is an important point - the different departments will still be in complete support when needed at the various tasks, but we will now have a county management level person who will respond and coordinate for everyone in the County. 3. Significant Cost Savings. Much of the outreach now is performed by employees in various departments who may, and have been, paid overtime pay. This contributes to the overtime pay County wide and represents a major problem area for our County. Overtime in the County has bordered on being out of control, even as we sit here today. The overtime numbers are simply staggering. With the direction of the County Manager and Comptroller, we are putting in place strategies to get this back to a reasonable level. This re organization program is one additional strategy in their plan. Let me close by saying I believe this is a great and timely idea. It will absolutely deliver better services and coordination for residents, and will save County money at the same time.

Mr. Dotson addressed the Board regarding his history with the County as Community Services Director and his venture into the tourism.

Sheriff Antinoro addressed to Board regarding the proposal presented by Commissioner Gilman. He said that one aspect of the proposal does sound pretty positive. It would be nice to have a place to go when things aren't getting done. For years he has sat and listened to Commissioners say they are going to fix things and it didn't get done until his office did it. A lot of the programs that are listed on the paper supplied for the meeting are community programs. He explained that one of the programs is Willie's, which she has handled for years and years, his office just helps out. His programs are specifically designed to create rapport between the law enforcement and the community. Sheriff Antinoro stated that he explained in the last meeting that there is nothing budgeted for that. The only cost to the taxpayers is the cost of the deputies. He has sheets of statistics that show that those deputies are consistent in their performance of non-function duties. Deputy Mendoza spends a lot of time working on neighborhood watch, senior program and a number of other things, but when you look at the statistics he is holding his own with the patrol deputies. The same applies to Sargent Quirk. These guys also fill in on patrol shifts. He emphasized that this is preventative and fixing problems. It would be nice if the County did have a place to go when there isn't a response to the issues. It is important to be a part of the community; they will keep working their programs. The things that are being done are done for a purpose they are done efficiently and effectively and they are not taking away from the performance of the deputies.

Commissioner Gilman replied that he applauds Sheriff Antinoro's efforts and he certainly has no problem whatsoever with what the Sheriff is doing and he believes in it. He continued that the Sheriff suggested that he didn't have a responsive program when he first took office and that lead the Sheriff to create some programs that he felt where necessary to the community. Commissioner Gilman said that as you look at this Commission you can point to a number of things that are happening in the community that have not happened in a number of years. He listed several examples. He addressed the importance of grants and the appropriate person to oversee the combined effort. He suggested that the Sheriff's Department as the law enforcement side of the world is not the place to focus all of community outreach, community services and community support. Commissioner Gilman knows of a story in where the Sheriff was not getting

the response he needed to fix an electrical issue so he paid for the repair out of his own pocket, he stated this has to stop. We have to have community services that know when things need repaired and address the issues. He suggested that it is a much larger umbrella that includes all of the departments. He thinks the Sheriff has done a masterful job and commends him on that.

Sheriff Antinoro responded that he is an office and not a department, Deny Dotson is a department. He does agree that there a lot of resources available out there. His fear is that we are still going to point the finger at somebody else, even with one person overseeing the programs they will still need to go to the individual departments and the communities will suffer in return.

Commissioner Gilman said that we can do a better job and let it be everybody's business. This Board is all committed and focused; he cited the library as an example. Deny Dotson is very willing to help share and identify a Community Outreach Director, who will look at all of these programs. He asked what could be wrong with bettering what we are doing now.

Sheriff Antinoro responded there is nothing wrong with bettering what we are doing now; however he doesn't think we need to grow government to do it. We are creating a new position.

Commissioner Gilman said we are not going to add to the budget at all. The Sheriff said that his programs are staying with his office and he will continue to support the other programs.

Mr. Gallagher provided clarification regarding the Sheriff's budget. During the tentative budget hearing there was some cloudiness regarding the actual tentative budget of the Sheriff's Office. He explained that two days prior to the hearing the budget was revised but we were unable to submit the revision for the hearing. As it stands now the Sheriff's budget is \$400,000.00 more than the budget provided at the hearing. He stated that now what has to happen is an additional session between himself and the County Manager and the budget will be presented during the final budget hearing.

Willie Knox from the River District stated she would like to see the Sheriff's Office keep their programs they do along with what John Michael does. Chairman Sjovangen asked her if she was opposed to the Community Outreach Director, she indicated that she was.

Merilee Miller from the Rainbow District shared background information concerning the community projects the Sheriff's Office has presented to the communities. She covered a variety of projects and the purpose. Ms. Miller explained that there is a good group of volunteers that understand the needs of the communities and would seem to contradict the budget restrictions to create another department. Sheriff Antinoro sponsors the Easter Egg Hunt and Spaghetti Feed with his own finances. The trees at the park were provided through a variety of volunteers. She stated that all three communities are involved so that all ideas are included and all needs are satisfied.

Willie Knox clarified that she agrees with what Lance is doing and she wants the Sheriff to keep what he is doing.

Larry Huddleson is a member of the We Care Committee and resident of the River District. He asked what if the new program doesn't work as well as the current program, are there going to be bench marks or tests to see if it is working. Currently the cost for these programs is zero. He is willing to listen but he hopes that if it isn't working we review it and take it out of place or change it. Mr. Huddleson is a big fan of people who watch their money and everybody may not know that the Sheriff moved from a place with \$5,000.00 a month rent to a space with \$500.00 a month rent, saving \$54,000.00 out of his budget. It would be nice if all the other divisions would look at their stuff as well. When the Sheriff moved Deputy Mendoza was put in charge of preparing the new building. A handicap ramp was needed and the lot needed prepared. Deputy Mendoza had the work performed by a job training company. These are the kinds of things that Mr. Huddleson appreciates and likes to see. Deputy Mendoza assists in several other projects in the Lockwood area as well. Mr. Huddleson is willing to listen to the proposal but he doesn't want it to get in the way of what we have right now.

Commissioner Gilman stated that we are all involved in philanthropic endeavors and are all looking to help our communities. He explained that he spent \$15,000.00 last year providing the food for three functions. In addition he funds \$1,000.00 a week out of his own pocket for the food programs in Lockwood in Mark Twain. He is intimately involved and committed and aware of and hungry for community services. He wants to see the community centers and programs involved. If we don't change our course a bit nothing changes, we have to step out of the box. He promises that if given the opportunity you will continue to see growth and enchantment in our communities. Mr. Huddleson thanked him for all of his financial contributions to the communities.

Mr. Whitten commented that the proposal as he understands it is to basically restructure and reposition the existing community services department. This will be continually evaluated for better success and as Commissioner Gilman has said the requirement of monthly reporting.

Chairman Sjovangen asked Mr. Huddleson if he was in favor. Mr. Huddleson replied that he is willing to give it a try if the checks and balances are there.

Shirley Miller the field representative for RSVP in the River District was present. She has been involved with RSVP for about fourteen years and sits on Rainbow Bend Homeowner Board of Directors. Ms. Miller stated that she supports Jerry Antinoro and all of his programs. In addition she supports Deputy Mendoza as he is an advocate for all of the seniors. Ms. Miller added that she also supports Commissioner Gilman's Community Outreach Department. She first read about the proposal in the Comstock Chronicle where it stated this new position would be taking over RSVP; she had a knee jerk reaction as no one would be taking over RSVP. Ms. Miller has since discussed the issue with Commissioner Gilman and asked him to attend the RSVP Advisory Council meeting which he did. At the meeting she was able to explain the history and mission of the organization. She provided the same explanation to the Board. Ms. Miller continued that at the RSVP meeting Commissioner Gilman explained his proposal to the group, at the end of the meeting they were all in favor of his proposal. There are a lot of volunteers throughout the County and when someone gives the idea that they might take over you kind of stand up and take exception to that. She thinks that some of these volunteers might need more

time to discuss the proposed reorganization. Perhaps postponing the decision today and opening a line of discussion with all of these volunteers may get everyone on the same page.

Nicole Barde stated that she wrote down a statement from Commissioner Gilman in which he said "there is a strong possibility this will save money." As a taxpayer she has been hearing that from federal government from day one. She trusts this Board but as a taxpayer she is here to ask you to demonstrate to us "prove it." Ms. Barde explained that she came out of a fortune 500 company and anytime she had a project or suggestion she had to do a cost benefit. She also had to give more than two options. Ms. Barde provided some background on the We Care Committee. The goal was to coordinate the volunteer efforts throughout the community. She continued to discuss the process that she was required to follow in her past careers when identifying a problem and solution. Her request is "prove it" that there is a strong possibility that this will save money, because she will not pay a penny more than she is now.

Commissioner Gilman commented that right now the community budget that is being allocated is half a million dollars. Ms. Barde asked him how he knows. He responded because he is looking at the budget. The funds are budget under Deny as Community Services and the funds deserve management. Ms. Barde questioned if Deny was managing the funds as he is the department head. Commissioner Gilman stated that Deny is managing the budget he is suggesting that we can embellish and enhance it. It has nothing to do with the Sheriff's budget. There are coordinating issues that need to be looked at and we need a coordinating person that will go out handle the issues and report back to this Board. Ms. Barde stated she does not disagree with any of that, just prove it. She will not pay another cent it has to be done with the budget that he already has. She would like to see a cost benefit, she questioned adding more to Deny's plate and there not being a cost.

Terry Croxton stated that everything good that happens in Lockwood is due to two people, Sheriff Antinoro and Commissioner Gilman, because they care, we care. We are willing to give time and effort but we want to know whoever this person is that will start doing this that the person will care and will have Storey County in their heart. She discussed situations in which she has witnessed people caring and helping others. She wants them to keep in mind that we are trying to make things better for all of us.

Judy Cohen asked if the Sheriff's Office programs will stay as is. She explained that she was there when Susan Sutton was hired and let go. Let's talk about functions, she was here when the Community Services Director was hired, if something isn't broke why fix it. If a bathroom goes bad you don't hire a director to go check every bathroom in the County. Everyone should have a job description and their functions. It's great that everyone is generous with their time, she applauds them, but everyone that walks into her store and asks for a donation she gives it to them, we all give what we are able to. Don't try to reinvent the wheel, it's not like Community Services just started today. Ms. Cohen stated that she agrees with Ms. Barde. If you are going to propose something make sure it goes to A-Z. Make sure the functions are well defined and in writing. She stated that she would like to know what you really want.

Commissioner Gilman responded coordination of the effort and reporting to the Board. He covered the several items they will need to be working on. There wasn't a community center in

Mark Twain until this year and now they have one. It will be important that there is a department head that works with them, we can do better. Ms. Cohen said use the resources that we have and the programs we have are working well. Commissioner Gilman stated that all of the communities can benefit from better coordination. Ms. Cohen reiterated if it isn't broke than don't fix it. She would like to see some planning.

Adam Robello, Chairman of the Mark Twain Community Center, stated he when he first heard it from Commissioner Gilman he thought it was going to provided one person that they could go to when assistance was needed. He clarified that all of the programs of the Sheriff's Office will stay in place this proposal would offer additional resources when they need them. Commissioner Gilman confirmed that he is correct.

Denise Victorine, Vice-Chairman of the Mark Twain Community Center, she thinks that Storey County has some growing pains that they are experiencing. She wants you know that she is a huge supporter of Sheriff Antinoro and his We Care Program. She volunteers for a couple of events and helps with Commissioner Gilman's food program. She has found it extremely challenging to organize an event do to having to make several phone calls. In the program that is being proposed she can see where it would tremendously helpful. She asked to clarify if this newly created program, would it serve like a conduit to the various programs for enhancement. Chairman Sjovangen explained that the Sheriff is an elected official and he runs his office the way he wants to, as with any elected official. Mr. Whitten added that if you look at existing programs there is no desire to run the programs; this would be a liaison position. This is a matter of focus not to run 15 different programs. Ms. Victorine stated that it would be nice to identify where the funding is coming from, let's do a cost analysis.

Patrick Flanagan, Highlands resident representing himself as a taxpayer, thanked Commissioner Gilman for raising this issue. He supports a lot of the testimony that Ms. Barde gave. This is a very complicated decision for the County and an important one. He doesn't have an opinion one way or another except that he recognizes that it is an important decision. We need more information, he urges the Commission to expand the information, perhaps mission statements. He gets the feeling that there is a lot overlap and that can cause problems. He asks the Commission to take some time and deep thought prior to a final decision.

Ron Englebrecht, resident of Storey County, stated that he has heard a lot of conflicting information over the past several months. In the business world if you proposing something like this you would put together a business plan. He suggests that you take three or four months put a small group together and develop a plan. He has heard multiple times today that nothing changes in regards to the Sheriff's Office.

Gunther Prosser, River District resident, stated that he is ecstatic that we are having this conversation. He applauds Sheriff Antinoro for the programs he has put together. As for this program he believes let's not fix what isn't broken, the Sheriff's programs are working great. The other programs fall under one Community Services position that we already have. Trust and verify, he would like to see it in writing and he would like to see the numbers. We are well on our way to tearing down the wall around Virginia City. If the County would step up to the plate and do their little bit the response would be tremendous.

Janet Houts thanked Commissioner Gilman for bringing up this topic. The program that you mention we already have, Community Services is supposed to be the coordinator, because she has tried two years ago in the Mark Twain area some of the programs. She spoke with Deny two years ago about getting a community center in Mark Twain and was told to call Community Development. She appreciates that one person should report but we have done that before maybe we should go a different route and have a committee that reports. She would like to see the cost benefit of the department as well and would like it to be online.

John Miller, River District Neighborhood Watch, stated that he has been watching everyone talking and he agrees with all of them. What he is most proud of is the Commissioners are listening to them, not looking away but really listening to the speaker. He has been to a lot of meetings where people are not paying attention. He is proud to have voted for them.

Motion: Approve the authorization of staff to move forward with the implementation and reorganization of the Community Services program and the interview process to get acquainted with potential candidates who would be qualified to manage and direct these efforts, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

Vice-Chairman McBride stated that he isn't totally sold on this and that is why it will take a good review. He doesn't want to take anything away from the Sheriff and agrees with the people who spoke regarding financial accountability. This has to be a cost neutral basis. He seconded the motion to study this because he isn't sold. Chairman Sjovangen dittoed Vice-Chairman McBride comments.

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

Comments were made from the audience regarding the motion and vote.

The Chair called for a recess at 5:19pm

The meeting was called back to order at 5:30pm

13. **DISCUSSION/POSSIBLE ACTION:** Direction concerning any further action regarding First Judicial District Court Order on Cross-Motion for Summary Judgment in Case No. 12 RP 00004 1E, CRA vs. Storey County and Comstock Mining Inc.

District Attorney Maddox stated on April 24th the District Court in Carson City entered an order on cross motion for summary judgment. Storey County has taken the position for the last several months that we didn't have the authority to regulate the use on a state highway; the court found that we did. The other finding was that it upheld the action that we took regarding amending the SUP. It is the Board's decision regarding what his next actions are, do they want him to appeal or not.

Chairman Sjovangen stated that Robin Cobbey is going to speak on behalf of the CRA. Gail Sherman stated from the audience that Ms. Cobbey has taken ill and left, she would be speaking. Chairman Sjovangen responded no and repeatedly told her to sit down. He asked if Ms. Cobbey

was here. David Toll stated she is at home and in bed. Chairman Sjovangen stated that she was here he made arrangements with her to speak on behalf of the CRA. Discussion was held between Chairman Sjovangen and the audience. He allowed Gail Sherman to speak on behalf of the CRA.

Gail Sherman spoke on behalf of the Comstock Residents Association. She read a statement prepared by Ms. Cobbey as follows:

The Storey County Commission in 2000 and 2004 put a condition in the mining SUP currently being used by Comstock Mining, that specifically prevented the industrial hauling of ore on the highway. This was a protection for the residents and public and the Commission felt it was necessary. Condition 5 simply stated that the hauling was to be done on the haul route. Plum Mining obtained a ROW from the BLM to use this road. The requirements for a ROW from the BLM changes since that initial one, now requiring that a new ROW be obtained. In the fall of 2011, CMI applied for the ROW but then withdrew it. In the summer of 2012, the company attempted to use the haul road without a permit. They were cited for trespassing and issued a cease and desist from the BLM. This is a junior mining company and so it's necessary to cut corners and avoid any action that would prompt an EA or EIS or other regulatory requirement. The company's precarious financial condition meant it was essential to haul ore without delay. Waiting for the proper permitting could have threatened their survival. Corrado DeGaspiris himself told the Planning Commission that the regulations could "kill us". So CMI asked the County to amend the SUP to permit industrial hauling on Highway 342. The public opposed this change at the Planning Commission, which voted 3-2 in favor of the amendment and was then approved before this board last year. The Commission ignored the public's wishes and concerns in favor of the mining company's wishes and concerns. Rather than simply remove Condition 5 from the SUP, the Commissioners embraced District Attorney Maddox's mistaken opinion that it was illegal. They quoted it often during discussion and then voted to surrender their authority. Our position was and is that Condition 5 was perfectly legal and was put into the SUP to protect the community. That is what the lawsuit is about. Twice now Judge Wilson has ruled in our favor. First he denied Storey County's motion to dismiss last November. This motion argued that the court should dismiss the suit because CRA failed to include NDOT as a party. In rejecting this motion the court found that "Condition 5 of the Special Use Permit regulates Comstock Mining's use of land. The condition does not "regulate Highway 342 and does not impact NDOT's control of Highway 342." After this ruling, CRA offered a settlement in order to save the County time and resources. If the County would acknowledge that Condition 5 was legal and within its authority, we would drop the suit. Our attorney made the offer to DA Maddox who refused to discuss it and rejected it outright. Perhaps you are aware of this. In the Summary Judgment, issued two weeks ago the Court again found Condition 5 legal and well within a county's authority and responsibility to protect the residents. The court states: "Storey had authority to impose the no-use-of-the-highway condition." Lawsuits take time and over the course of this one, CIM got a temporary ROW from the BLM and now the trucks are off the highway. But that doesn't make this lawsuit moot; the company's use of the haul road is temporary and conditional and can be terminated at any time. We believe this is a solid win for the county. Your authority over mining activities has been affirmed. It's a green light for you to mitigate the impact of mining on the health and safety of the public and the

national landmark. One way to do that is to reinstate Condition 5 to protect the public from industrial haul traffic on the public highway and through residential neighborhoods. It would show good faith to the residents and might restore to this body some of the public confidence that has been lost since CMI appeared in our midst. We recognize that this is a different Board from the one that acted previously and we want to go forward with you in a more productive way than has been possible in the past. Our interests are the County's interests.

Chairman Sjovangen asked Ms. Sherman what action she would like the Board to take. She responded reinstate Condition 5.

Corrado DeGaspiris addressed the Board on behalf Comstock Mining, Inc. He stated that the entire incident that resulting in us needing to come to that County and ask to use the state route cost the company over three million dollars, the county tax revenue and cost the residents disruption is saddening, disappointing and overall unfortunate. In addition there are countless versions of stories about how this happened. There are mistakes that we believe we incurred in our journey to do the right thing. Overwhelming we don't see a sincerity from the comments from the CRA; we think there is an absolute and almost implicit effort to shut us down. We are working collaboratively with the BLM on every level of government. The BLM was completely uncoordinated and the local office had horrific internal documentation. No one that we have spoken to believes that the way we were knocked of the haul road was proper, he never said that we did everything perfect. He doesn't believe that ultimately this issue was severed well for you, the company or the public. Mr. DeGaspiris stated they have no intention to use the state route and have spent hundreds of thousands of dollars to repair it. Could there be a circumstance where the need for the state route occurs again because there is some kind on interference, possibly. We would never use the state route without first asking. There is a much more practical way to work together than in court.

David Toll, Gold Hill resident, stated that Corrado just accused the CRA of trying to shut them down and obviously there is no way in the world we could shut CMI down. We are asking them to follow the rules; this is all we have ever asked. It's not that we don't want you here under any circumstances whatsoever, just go underground. Mr. Toll stated that his comment has to do with the surprise that he felt when Mr. Maddox mentioned the concern of being sued by NDOT on account of the haul trucks on the state route issue. He was troubled that someone from NDOT would call to complain about it. The supposed gentlemen's agreement between CMI and the County didn't last long but it was intended to mitigate the negative impacts of industrial truck traffic on the highway. Trucks were only to run from 9:00 a.m. to 7:00 p.m. on weekdays, not when there was snow or ice on the road way and trucks were to be covered. He asked why NDOT would call to tell anyone not to cover the loads. He spoke with NDOT's public information office who thought it was very unlikely that NDOT would get involved in a gentlemen's agreement. He spoke with another individual at NDOT who said it was very unlikely that NDOT would take notice of a county's special use permit or call a county District Attorney over an issue of this kind. Mr. Toll was informed by a Deputy Attorney General assigned to NDOT that she is unaware of NDOT ever suing a county over an SUP. He is satisfied that NDOT doesn't trouble its self over conditions set forth in a county SUP. He thinks that either someone got way out line or it was a prank call.

Motion: Approve that the Chairman direct the District Attorney to not take any further action regarding this court case (following added by Commissioner Gilman) unless the other entities choose to move forward with any other litigation, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

14. **DISCUSSION/POSSIBLE ACTION:** Cause the statements required (NRS 244.225 and NRS 354.210) to be published in the Comstock Chronicle dated Friday, May 10, 2013.

Mark Joseph Phillips stated he is asking that the Board cause the statements to be published. He has been working on it for months and becoming more and more of an expert in what he is asking for. Right now he will be happy just to get something published that is required to be published. He thanked the Board for listening to him and Mr. Gallagher for taking him seriously. He added that last week he attend a Committee on Local Government Finance meeting and he showed them the agenda and told them how happy he was that he got the Boards attention.

Commissioner Gilman stated that he recalls that Mr. Gallagher has been working to perfect the proper forms for reporting and it is probably the right time to do this. Chairman Sjovangen added that the Department of Taxation was not ready to go either.

Mr. Gallagher added that the statement will be on the website tomorrow and in the paper by the 10th. He asked the Department of Taxation for a sample last year and they didn't have one because no one else did one either. The report is average but it is what we are getting. Mr. Phillips wants it by fund but that would make it a great document in size. It will be out by Friday.

Motion: Approve to cause the statements required (NRS 244.225 and NRS 354.210) to be published in the Comstock Chronicle dated Friday, May 10, 2013, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

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

15. **RECESS TO CONVENE AS THE NRS 474 STOREY COUNTY FIRE PROTECTION DISTRICT BOARD**

The 474 Storey County Fire Protection District Board was called to order at 5:53 p.m.

16. **DISCUSSION/POSSIBLE ACTION:** Ambulance Subscription Program rates and federal requirements.

Fire Chief Hames reviewed the ambulance subscription report that he prepared with the Board. He explained that in the last fiscal year we received approximately \$5,500 in revenue from the ambulance subscription program. However, we wrote of almost \$20,000 in patient co-payments related to the ambulance subscription program. This put us potentially in violation of two federal laws. In order to correct the situation Chief Hames proposed that we increase rates and

subscriber membership to assure that we are collecting the same amount as what we are writing off. The proposal is as follows:

- a. Currently senior rates for subscriptions are \$10.00 per year for the entire household, regardless of number of residents. We propose increasing this to \$25.00 and \$10.00 for each additional household member per year. There are no other areas in our region that offer a senior discount. We would also increase the age to qualify as a senior citizen from 55 to 65 which is consistent with Medicare's definition of a senior citizen.
- b. Currently general membership for subscription is \$25.00 per year for the entire household, regardless of number of residents. We propose increasing this to \$40.00 and \$10.00 for each additional person per year. North Lyon (Fernley) currently charges \$65.00 per year; Central, REMSA and Carson all charge \$75.00 per year. We would limit this as a not to exceed amount of \$75.00 per household per year.
- c. Non program members with outstanding invoices for EMS transport will not be allowed to join the program until said invoices are brought current.
- d. For individuals that do not have insurance we would propose a \$200 copayment in addition to the subscription when services are required. Otherwise, their total invoice may be as high as \$1,400 for each transport.
- e. We would no longer automatically provide this service for County employees. They could subscribe, but would have to pay the annual membership fee.

There are currently about 400 subscribers. With that in mind and these increases in place, it would generate approximately \$21,000 annually. We would also like to go into a study year and potentially open this up to workers in Storey County. They would only be covered while in Storey County for work.

Mr. Whitten asked that the \$75.00 cap be for all households. Chief Hames stated that is the intention of the proposal. This is not about the revenue it is about not violating the federal law. Chairman Sjovangen stated that he would kill the program before breaking the law. He asked of the audience how many have the program and if we kick the rates would you still be a buy in. The general response was they would continue to participate.

Janet Houts asked how many individuals don't have insurance but do subscribe. Chief Hames apologized that he didn't have that information with him. She asked if the loses were incurred from people that have no insurance but use the service. Chief Hames responded that the loss is from the program as a whole. She asked if the loses are part of the contractual discount with the insurance providers. This is a good program, she encourages people to participate. Chief Hames explained that the loss is the co-payment not the funds received from the insurance company. We do not enter into contracts with insurance companies. Ms. Houts clarified that the coverage for employees would be applicable only while the subscriber was on shift and there families are not included. Chief Hames explained how the senior discount will work; it is based on the head of the household. He asked that we have a year at these rates and if we make money we will drop the rate back down.

Commissioner Gilman stated that if we are in violation it would behoove us to approve the proposal.

Motion: Approve ambulance subscription program rates and federal requirements, **Action:** Approve **Moved by** Commission Gilman **Seconded by** Vice-Chairman McBride

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

17. ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS
The Storey County Board of Commissioners was reconvened at 6:10pm

COMMUNITY DEVELOPMENT AND PLANNING

18. **DISCUSSION/POSSIBLE ACTION:** Special Use Permit No. 2013-003. By Con-Virginia Mining Company/Hugh Roy Marshall (Virginia City). Applicant is REQUESTING A Special Use Permit for the placement and operation of a portable temporary water-based ore processing mill to process ore from an on-site Small Operations underground mine and a temporary shelter for the mill at APN 004-301-06 (approx.. the SE1/4 of the NE1/4 of section 20, T17N, R21E (MDB&M).

Mr. Osborne provided a brief background of the project. The special use permit is for placement and operation of a portable temporary water-based ore processing mill to process ore from an on-site small operations underground mine. The permit is for the processing only.

Susie Loyer she is employee of HRM Enterprises and is present on behalf of Hugh Roy Marshall. This is a pilot test plant and they have done extensive work in determining the ore body. It is all intended to be very green and has low water use. They will be assessing the whole process as they go, the goal is to be efficient and portable.

Mr. Osborne explained that there will be a well on site and he has worked with the Fire Department regarding access. He further addressed the conditions that will be placed on the permit. Vice-Chairman McBride asked if there have been any objections. Mr. Osborne stated there have not been any objections.

Mr. Osborne read the following findings into the record:

- A. SCC Section 17.32.020(N) (Uses subject to a special use permit) required a special use permit for milling and processing related to mining in the F Forestry Zone, in which the operation under this special use permit is located.
- B. SUP No. 2013-003 does not regulate mining and extraction. Mining and extraction may take place concurrently and at the same location as the milling and processing under this SUP. SCC Section 17.32.020(M) provides that mining and extraction are an allowable use in the F Forestry zone, but that they are regulated by the provisions of SCC Chapter 17.92, by which a Small Operations Permit is required.
- C. The conditions of SUP No. 2013-003 are not in conflict with the purpose, intent, and other specific requirements of the F Forestry Zone in which the project is located.
- D. The proposed project and the final conditions it creates will not conflict with or cause substantial adverse impacts to surrounding existing land uses.
- E. The conditions under SUP No. 2013-003 are at least as stringent as and not in conflict with the applicable federal, state, and county regulations. The minimum requirements under SCC Chapter 17.03 (Administrative Provisions) for special use permits are applied to the

conditions of this SUP.

- F. The conditions of approval under SUP No. 2013-003 impose sufficient regulations on the proposed project to reasonably mitigate associated impacts on the surrounding environment and closest land uses.
- G. The Planning Commission has recommended approval of the permit.

Ms. Houts clarified the location of the site. She asked what the County level of water is because in a lot of areas we have a water shortage. Mr. Osborne explained it is the same as a domestic well, 2 acres of water and the mine is only planning to use ¼ of an acre of water per year.

Commissioner Gilman stated that this mining operation sets a nice standard in our community.

Motion: Approve Based on Findings of Fact shown in Subsection 8.1, conditions of approval shown in Section 9 ("IX") of this report, compliance with federal, State, and county regulations, and the recommendation for approval by staff and the planning commission, I motion to approve SUP Application No. 2013-003 to allow placement and operation of two portable (temporary) ore processing mills for the processing of local ore from the subject property as described in the submitted application, and for the temporary placement of a shelter to house the processing mills, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

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

- 19. **DISCUSSION/POSSIBLE ACTION:** Special Use Permit No. 2013-002. By TRI/Colony Energy Partners Reno LNG, LLC (McCarran, Tahoe Reno Industrial Center). Applicant is requesting a Special Use Permit on APN's 005-031-13, 005-031-12, 005-031-02 and portion of 004-154-21 located at 600 Peru Drive to construct and operate a liquid natural gas (LNG) manufacturing and distributing facility and its ancillary uses.

Commissioner Gilman recused himself due to his involvement in TRI.

Mr. Osborne explained that we have liquid gas cryogenic company moving into the park in the I2 Zone. We are working under the 1999 zoning; nothing in the new codes apply to the TRIC until they are adopted. A portion of the facility will be outside of TRIC and fall under the newly adopted zoning ordinance.

Vincent Griffith with Reno Engineering Corporation stated we are very proud to find this group they are an excellent company for TRI and are tailor made for Storey County. We have done a very good job to find the appropriate site and Austin, Dean and staff has done an excellent job of papering this project. He is very impressed with the team from Colony Energy as well.

Matt Schmit, Vice President of Project Management for Colony Energy Partners, stated we appreciate to opportunity to have this development and appreciate your consideration and approval of the project. He will be connecting with Paul Kvam regarding natural gas as well.

Mr. Osborne read the following findings into the record as follows:

A. A special use permit for the proposed use under SUP No. 2013-002 is required pursuant to SCC Section 17.37.040 (1999) I-2 Heavy Industrial Zone conforms to the Tahoe-Reno Industrial Center Development Agreement, including the Resolution of Similar Uses (p.11) approved by the Storey County Board of Commissioners and accepted by the Tahoe-Reno Industrial Center, as provided for in said Development Agreement.

B. The regulations and entitlements contained in the 2012 Storey County Zoning Ordinance do not apply to portions of the subject land zoned I-2 Heavy Industrial and located within the Tahoe-Reno Industrial Center because the Tahoe-Reno Industrial Center has not accepted the 2012 zoning ordinance as provide for in its Development Agreement with Storey County. Therefore, the regulations and entitlements in the 1999 Storey County Zoning Ordinance, including said Resolution of Similar Uses, do apply to said subject property.

C. Portions of the subject property zoned F Forestry are not located within the boundaries of the Tahoe-Reno Industrial Center; therefore, the regulations and entitlements in the 2012 Storey County Zoning Ordinance do apply to said subject property; and, the regulations and entitlements in the Tahoe-Reno Industrial Center Development Agreement, including said Resolution of Similar Uses, do not apply.

D. A special use permit for the portions of the proposed operation under SUP No. 2013-002 which will take place in the F Forestry Zone is required pursuant to SCC Section 17.32.020 (2012) F Forestry Zone.

E. The proposed facility, when conforming to the conditions of SUP No. 2013-002, will not conflict with the purpose, intent, and other specific requirements of the I-2 Heavy Industrial Zone, in which the principal processing facility and its ancillary uses will be located.

F. The proposed facility, when conforming to the conditions of SUP No. 2013-002, will not conflict with the purpose, intent, and other specific requirements of the F Forestry Zone, in which the cryogenic storage tank, utility lines and related apparatus, and the buffer area will be located. The principal processing facility will not be located in the F Forestry Zone.

G. The conditions under SUP No. 2013-002 are at least as stringent as and not in conflict the applicable federal, state, and county regulations. It is recognized that pursuant to the Tahoe-Reno Industrial Center Development Agreement, the regulations under SCC Chapter 17.03 Administrative Provisions as adopted by the Board of Commissioners in 2012 do not apply directly; however, it is recognized that the conditions under this SUP conform to the purpose and intent thereof to protect public safety and area properties.

H. The conditions of approval under SUP No. 2013-002 impose sufficient regulations on the LNG processing and distribution facility to reasonably mitigate associated impacts on the surrounding environment and the closest communities.

Motion: Approve Based on Findings of Fact shown in Subsection 9.1 and conditions of approval shown in Section X of this report and the recommendation by staff and the planning commission, I motion to approve SUP Application No. 2013-002 to construct and operate a Liquid Natural Gas (LNG) processing, storage, and distribution facility and its ancillary uses, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Chairman Sjovangen

Vote: Motion carried by unanimous vote (**summary:** Yes=2) Commissioner Gilman abstained

20. **DISCUSSION/POSSIBLE ACTION:** Memorandum of Understanding (MOU) between Storey County and the Dayton Valley Conservation District (DVCD) does noxious weed abatement in Six and Seven Mile Canyons, Gold Hill, Gold Canyon, Virginia City and American Flat, Storey County.

Mr. Osborne explained that this is the fourth year of this project. The project is for weed abatement, results continue to improve every year. This is really a spot spray and has expanded the project to include the surrounding areas. He thanked Mike Nevin for all of his help with the project. The funds will be parked with us and distributed as needed. A majority of the in-kind grant match will be done by himself.

Motion: Approve Memorandum of Understanding (MOU) between Storey County and the Dayton Valley Conservation District (DVCD) doe noxious weed abatement in Six and Seven Mile Canyons, Gold Hill, Gold Canyon, Virginia City and American Flat, Storey County, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

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

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

- a. Nevada ICF, LLC - Contractor/1491 Serendipity Court, Sparks
- b. Complete Electric - Contractor/1655 Marietta Way, Sparks
- c. Rimrock Drilling, Inc. - Contractor/700 Flanders Road, Reno
- d. V.C.'s Treasurer Island - General/54 North C Street, Virginia City
- e. Comstock Movie Studio, LLC dba Three Tickets to Paradise - General/150 North Summit Street, Virginia City
- f. Trico, LLC - General/655 Peru, TRI
- g. Arrow Remodeling & Renovation - Contractor/1280 Plumb, Reno
- h. Momentum Consulting dba Fast Signs of Reno - Contractor/1280 Plumb, Reno
- i. Burke Roofing, INC. - Contractor/109 Shadow Mountain Drive, Fernley
- j. Associated Crane and Oil Field Log - General/235 London, TRI

Mr. Haymore asked that all licenses be approved.

Motion: Approve licensing board second readings items a - j, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

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

22. **FOR POSSIBLE ACTION, SHERIFF'S OFFICE LICENSING BOARD SECOND READINGS:**

- a. Cabaret license for The Roasting House located at 55 North C Street, Virginia City

The Sheriff recommended approval.

Motion: Approve cabaret license for The Roasting House, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

BOARD COMMENT

None

ADJOURNMENT

The meeting was adjourned by the Chair at 6:45 pm

Respectfully Submitted,

By _____
Vanessa DuFresne, Clerk-Treasurer