



STOREY COUNTY COMMISSION MEETING

TUESDAY, JUNE 4TH, 2013 12:00 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

Roll Call: Chairman Sjovangen, Vice-Chairman McBride, Commissioner Gilman, District Attorney Maddox, Deputy District Attorney Tim Treffinger, Deputy Clerk/Treasurer Dore Nevin, County Manager Pat Whitten, Administrative Officer Austin Osborne, Virginia City Tourism Commission Patrick Gilmore and 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 2:02 p.m.
3. **PLEDGE OF ALLEGIANCE**
The Chair led those present in the Pledge of Allegiance
4. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for June 4, 2013

Mark Joseph Phillips- His concern today is Item #11 this a continuation of a conversation we started at a prior meeting he thought Mr. Gilman tabled this conversation until a future meeting.

Vice Chairman McBride said it was health insurance Mr. Phillips is referring to.

Mr. Phillips said it was the public insurance.

Pat Whitten said this is an all risk insurance and not our health insurance.

Mr. Phillips said is he correct in saying an agenda item was continued but has not come back up. Mr. Whitten said we revisited that at the next meeting and it was approved. Those were health benefits through A & H Insurance.

Motion: Approval of the Agenda for June 4, 2013, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

5. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for May 20, 2013

Motion: Approval of the Minutes for May 20, 2013, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

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

Storey County Manager Pat Whitten read a statement dated June 4, 2013: (Copy of signed statement available in the packet)

At almost every public meeting now, individuals exercise their right under the "Public Comment" section of our agendas, to stand up and make statements, many of which are valid and constructive. However, a few individuals abuse this right by standing to make statements that are outright false and misleading. Often, some don't even stay to hear or care about any response. They simply leave the meeting. It is especially troubling to me when one of the local media publishes these statements without benefit of researching their accuracy or validity, or at least asking for a response from the County.

At the last Commission Meeting, Dale Beach stood before you and asked the Commission "do something to require honesty in office" so that "everybody we do business with in the County is not giving us the scam". He went on to further state that I had said the County and School District had each been paying \$36,000 a year for lobbying services, (which were previously performed by Yvonne Murphy) and that we would be saving \$12,000 by hiring Greg Hess. This is the one and only accurate statement made during his public comment, in my opinion. He went on to say that instead of "losing us \$6,000", it "cost us more money going from \$72,000 to almost \$80,000". This is patently untrue. For the record, the total combined salary and benefits costs for Mr. Hess for the coming fiscal year are calculated to be \$62,265.68, which includes increases in both PERS and Health Insurance. His base compensation did not and will not increase. Our Comptroller's office bills the School District 50% of Mr. Hess' salary and benefits, which equates to an estimated amount of \$31,132.84 for the coming year. While we are not saving quite as much as we did for the first half of the year, both entities combined are still saving almost \$10,000 a year and as Commissioner Gilman pointed out, a lobbyist of Mr. Hess' qualifications and background would cost the County and School District much, much more if we contracted out with one of the traditional law firms.

Mr. Beach stated he “would like to have some penalty” for not being honest. I stand by my previous statements as accurate and honest and encourage Mr. Beach to more genuinely practice what he preaches in “telling the truth as close as he knows it”. (End of Statement)

Shawn Griffin Community Chest-

On Tuesday July 2nd 5:00 to 7:00 there will be a Grand Opening of the Library upstairs of the Community Center. There will be a children’s section, 580 books and it will be staffed by volunteers. He invited everyone to attend.

He will be meeting Thursday with the State Library staff to get CLAN (Central Library Access Network) back available to our patrons, so they can take out books across the system statewide. He is working closely with Sarah Jones in Carson City to have Storey County be part of their Overdrive System which will allow them to access all E-books through the Overdrive System. With that he hopes to purchase Kindles and check them out and have books available to download for people that come into the center to utilize them. Both CLAN and Sarah Jones are going to give us substantial discount because we are a pledge leading group. As soon as we can they will be moving these services to Mark Twain and Lockwood. So they can have access to both online loan and enter library loan systems. He has had 4 wonderful volunteer librarians here for the past 2 weeks coding and scanning the books. They’ve ordered rugs for the Children’s area and have the books on shelves instead of boxes so they can check them out easier. They have also recruited Washoe County Liberians to come up and coordinate free reading time with the parents and families for the duration of the summer. It will all be run by professional Liberians. All the cataloging has been done by professional Liberians in their volunteer time. He hopes as they continue down the road they get more resources and they can begin to staff it up and make the adult section available to everyone as well as the children section. They are continuing to return and give back anything not being used back to the High School Library.

He’s working with District Attorney Maddox to get all the Law books in their office open as a law library where the computer center is, which is already public and available to everybody and used by the public at this time so there won’t be any computer problems so they can use the online and physical books. He is hoping to have it done this month. On the 2nd he will be recognizing the volunteers for all their hard work. He wanted to thank the State Library and Sarah Jones for their hard work and for doing this out of the kindness of their heart.

Vice-Chairman McBride said they were proud of him for doing so much with so little money.

Dale Beach- He introduced himself as a political activist-he asked for documents that would convince him that what he said is wrong he would love to have them. His understanding is that we are spending \$39,900 per month for our Lobbyist Mr. Hess for the four months that the Legislature is open. He gets the money over 24 months, that’s his belief. He said “if it’s wrong please give me the documents to say its wrong”

Chairman Sjovangen told him he was wrong.

Mr. Beach asked if he gets health insurance from us. Both Mr. Whitten and Chairman Sjovangen said “Yes”

Mr. Beach continues then you tag health insurance on \$60,000 you get \$70,000 - \$80,000.

Mr. Whitten told him he gets the amount he stated in the budget he read it to him one more time, he gets \$62,265.68 that is his annual cost to employ him year round not for 4 months during Legislature, as he stated before but Mr. Beach had left the building he is also a Federal Lobbyist and works with us on an inter- County level. Mr. Beach said I'm sure does. Mr. Whitten told him again that it is not a 4 month job.

Mr. Beach asked if his time was running during while Mr. Whitten is talking. Mr. Whitten told him he asked the question. Mr. Beach continued with he wants his question answered in writing. He brought up State Lobbyist Harvey Whitmore that he got in over his head and is looking at 15years in the Federal pen and a \$750,000 fine.

Chairman Sjovangen said this has nothing to do with Storey County.

Mr. Beach said he lobbied for issues for Storey County when he was a Lobbyist for the state, that's his thoughts. He would like to have a ordinance committee and management reduction committee and he would like to be on it. He would like to see if we can cut costs for our county. He still stands by that we are spending \$39,900 per month for the 4 months that the State Legislature is in office. He said again he wants something in writing and signed at the bottom showing him he's wrong.

Mr. Whitten told him to ask the Clerk after the meeting for a copy of his statement that he just read that it is going to be record. Mr. Beach asked if it was going to be in the record. Mr. Whitten told him "yes sir".

Chairman Sjovangen told him to get a copy of it.

Mr. Beach said that would be nice would it be mailed to him.

Chairman Sjovangen told him not to run off after the meeting and get a copy.

Mr. Beach left the meeting without getting a copy of Mr. Whitten's statement. He said he would request a copy from the Clerk's Office.

Mark Joseph Phillip - After today's meeting he is going to get a file stamp at the Clerk's Office, it's his written request for public record of minutes of previous meetings that are more than 30 days ago that have never been put on the agenda by the Commissioner's, for the record Tuesday, April 2, 2013 at 9:00 a.m. have not been approved by the Commissioner's if the minutes aren't there we can't go back, because there is no record of the meeting happening. Also, Tuesday April 16, 2013 no minutes approved and no record of what happening that day, May 7, 2013 that is approaching 30 days. He has never checked statue to see if you can approve the minutes from May 20th and there is 3 prior meetings. Of course the meeting he is interested in is the April 2nd meeting when he was wrongfully excluded. He said it was a very long meeting and he doesn't even know what happened. He is going to ask the Clerk to give him draft minutes from that meeting within 5 working days. Hopefully they

will be on the agenda for the next meeting, if you haven't asked your Clerk to get these minutes to you to get them on the agenda, then he will. Particularly the April 2nd meeting for which he filed his open meeting law written complaint.

In regards to Dale Beach, he has worked long and hard with him. He has seen his written requests for information and the run around he and himself get. For anyone to say they are wrong without offering any kind of evidence.

Chairman Sjovangen told him to have a seat and thanked him.

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.)

7. Claims - For possible action approval of Payroll Check date 05/24/13 for \$359,742.49 and Accounts Payable date 05/17/13 for \$757,565.19
8. For possible action approval of Licensing Board First Reading:
 - a. Queen of Spades - General/11 North C Street, VC
 - b. Virginia City Mining Company - General/171 South C Street, VC
 - c. Commercial Restroom Solutions, LLC - 1379 Waterloo Lane, Gardnerville
 - d. Bulette's Restaurant & Saloon - General/5 North C Street, VC

END OF CONSENT AGENDA

Chairman Sjovangen asked if there were any comments- there were none.

Motion: Approval of Consent Agenda, **Action:** Approve **Moved by** Vice-Chairman McBride
Seconded by Commissioner Gilman

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

9. **DISCUSSION (No Action):** Committee/Staff Reports

Patrick Gilmore Virginia City Tourism Commission:

Spoke on the Familiarization Tour this Thursday. He had copies of invite for anyone interested in going it was for residents or whoever wanted to join them. There was a morning tour that started at 9:15 a.m. and afternoon tour that started at 1:15 p.m. the trolley would be taking them to the Fourth Ward School, Comstock Gold Mill, Ron Gallagher would be giving a fun history lesson on things you may not know about Virginia City. He thanked everyone for their support they had given them. He said there was still room available in the morning and afternoon tours. He asked if there were any questions-there were none.

Sheriff Gerald Antinoro:

1. Talked on the several complaints he received on the RTO run (Reno Tahoe Odyssey) and the traffic control that happened over the weekend. He explained that it was on a State highway and the NHP were supposed to be doing traffic control. He will be in contact with the state folks regarding this for next year. He and Pat will discuss and continue to discuss it with the event planner for next year and make things a little bit better.
2. He said he ran the torch for Special Olympics through town from one end to the other. It was a great weekend event with the Special Olympics Opening Ceremonies Friday night and the games on Saturday.

Administrative Officer Austin Osborne:

1. Spoke on the Truckee River Flood Management Authority meeting on May 16, 2013 out at Lockwood. He thanked everyone that attended he said they learned a lot. Gentleman brought up an idea during the meeting of possibly bypassing the neighborhood, having the river in flood stages go on the backside of Rainbow Bend and Lockwood. Engineering wise it may be challenging and may not be possible and it wasn't a half bad idea. So he went to Reno and talked to the Flood Project people in Reno and they said it may be possible but there are some challenges of running the river behind the neighborhood they would have to create reservoirs and pressurized flumes and it may not be feasible, but maybe an idea of running a box culvert or something like that underneath Ave de la Couleurs on the west side and Ave de la Couleurs on the east side something similar on that device would essentially take a portion of the flooding river and allow that river to expand and also take a portion of Long Valley Creek during flooding stages. If that could be engineered and created it's possible a way to mitigate flooding in that area and have zero impact on that neighborhood and the road could be put right back on top of the culverts. There are some engineering challenges and cost analyst that may be a high. They have invited him to their engineering meeting in about a month and all their engineers are going to get together and talk about various projects from Pyramid Lake to Verdi and they have agreed to put this item on that meeting.
2. Diane Stewart has been with the county 23 years and is retiring at the end of July so he invited everyone to a farewell BBQ on July 25th 11:30 to 1:00 there will be an E-vite sent out. If there are any questions you may contact him. She has been a dedicated and devoted employee.
3. He has posted a position for a Planner in Storey County, every other county in the State of Nevada; it's posted from here to Utah and on the Planning Association website to look for someone that would be a reliable planner for Storey County. He described the job description.

Pat Whitten read written Staff Report for Fire Chief Gary Hames via e-mail:

1. Ambulance Subscription is open through June 30th
2. Seasonal staff have completed the remaining fuel reduction on D Street where the crews stopped; 90% completion of the fire break running from the tank above Greg Hess seniors residence all the way back to the south ending at the pit; clearance of the fire

- road where the community television equipment is located; and, the Long Valley road improvements for fire response have been completed.
3. Seasonal staff is now in their respective stations. They will be working on home fire safety assessments, residential fuel clearance projects and reinforcing the fire breaks in Mark Twain which totals around 5 miles in length and two blades wide.
 4. Captain Yohey did an outstanding job of coordination of the Every 15 Minutes Program. Almost every single department in the county participated and we wish to thank them. This program will have a long lasting impact on our youth and will hopefully provide the tools necessary to make good decisions relating to drugs and alcohol consumption.
 5. Servpro will be providing information on their boarding up services, water damage recovery program, building pre-plans and post fire response team abilities on June 13, 2013 at the FD training room.
 6. Pump testing was completed this weekend. Our existing pumps on the structure engines are aging. The oldest engine is now 36 years old and the newest structure engine is 17 years old. One engine that is 22 years old is out service and waiting for parts to be manufactured since they no longer make them. Fortunately, Central Lyon County has given us a "loaner" engine until that one can be repaired. We anticipate this and did ask permission to begin sending out replacement engine specification for obtaining costs. When this is done we will be bringing a plan forward for replacement to you for discussion purposes.
 7. Last week we completed a dozer boss trainee course for all the seasonal firefighters.
 8. All annual business inspections have been completed for 2013. This project has been going on since last October and finished on June 1st.
 9. Alicia has successfully completed our Medicare application and received approval. This has been an ongoing issue since last September. Needless to say, it is very meticulous and took a lot of time to complete. With that said, we are finally receiving payments from them dated back to September.
 10. There will be a county wide personnel participating in a sand table exercises this Wednesday, Thursday and Saturday. Everyone is invited to attend and you can register through our office at 847-0954.
 11. The FEMA health and safety grant has been awarded for smoke detectors and batteries. We are in the process of ordering the first round of equipment this week. This will fit perfectly with our home safety survey being conducted.

Sorry for missing the meeting today, but we are quite busy trying to keep up on projects this time of year.

Pat Whitten read Community Services Director Deny Dotson Staff Report:

Benjamin Moore Paint Company contacted us several weeks back and said Virginia City has been chosen to be in one of these internet votes, Facebook contest similar to the ones we've seen in our schools. Mr. Whitten read parts of a press release that we received:

Benjamin Moore, North America's most respected paint manufacturer and color authority, announced today its biggest initiative ever to revitalize communities across North America through the launch of "Main Street Matters" Benjamin Moore will not only provide the paint and supplies needed for facades, porches, railings, shutters and other exterior building trims, but its

color experts will consult on the best choices to enhance the architectural style, regional influences and historic references in each community. Skilled professional painters, many of them members of the Painting and Decorating Contractors of America, will be hired, putting another segment of local business to work along with the local Benjamin Moore retailer who will be mixing the paints that are used. Voting begins at 12:00 a.m. EST on May 16, 2013 and will end at 11:59 p.m. EST on June 30, 2013.

Mr. Whitten went on to say that in Nevada, we are only up against Carson City. There are cities all over the states of Arizona, California, New Mexico and Montana. Please consider going to the Website at www.paintwhatmatters.com and cast your vote.

County Manager Pat Whitten:

As the Sheriff mentioned we have already been in contact with Eric the director of the RTO, every good deed doesn't go unpunished, the Highlands people feel like they are being punished. They tried to get the runners off the grade and sent them down Toll Road which created traffic problem; Eric has been very responsive and will be meeting with us and others to make it better for next year.

Mr. Whitten read a statement for the record and provided a copy of the map to the Clerk:

County Officials have recently held several meetings with executives from Comstock Mining, Inc. to remedy long standing title concerns on 6 parcels in Gold Hill area. These issues date back as far as the 1940's when the Storey County Treasurer took "possession" of these properties for delinquent taxes. As we have experienced before, it is unclear if statutory procedures were followed based on the limited documentation available. Past errors involving lack of proper noticing to owners have proven costly to the County in amounts in excess of three hundred thousand dollars, not including litigation expenses.

We understand the most efficient and legally sound way to rectify these issues in thru "Quiet Title" action in District Court. While Storey County will be named in this action, it is in no way adversarial as it is the best way to correct any deficiencies. We will continue to work with Comstock Mining to minimize any risk exposure and maximize our potential revenues. If you have any questions please come see me or Bill and we will be happy to give you any details.

District Attorney Bill Maddox:

Tim Treffinger is here today and this will be his last meeting working in the DA Office, he'll be leaving sometime this month when his 1039 hours run out. He still is looking for a job. He thanked Tim for his service to the DA's Office and to Storey County.

In Storey County when we have to remove children from their homes for abuse or neglect. When we remove them we place them in foster homes. We don't have any foster parents in Storey County. So not only are we taking the kids out of their homes we have to send them to Reno or Carson City as a result, we have to take them out of their schools to. So they are moved from their parents and their friends because we don't have any foster homes. He asked both papers to put something in there about becoming foster parents in this County. If anyone is interested

please contact him or Department of Family and Children Services if you would like to apply to become a foster parent. Laurie Nickels is a good contact.

10. **DISCUSSION (No Action):** Update from Maurice Washington of Northern Nevada Development Authority- Maurice Washington did not show up today.
11. **DISCUSSION/POSSIBLE ACTION:** Acceptance of renewal proposal from Nevada Public Agency Insurance pool (POOL) and approval for payment from fiscal year 2013-2014 funds.

Carol Ingalls from Ingalls and Associates is our insurance agent for Property and Liability Program that Storey County participates in. She introduces Wayne Carlson as Executive Director POOL/PACT who has been established and worked with Storey County. She passed a summary of the program with a premium rate break down. Currently, the county has a \$5000 deductible; and just to see what kind of savings they could get they did a quote with a \$2000 deductible. The premium this year has gone down 6% from last year; the \$5000 deductible has worked out very well and has cut down on the claims activity tremendously and worked towards our advantage.

Wayne said looking at the claims history from the past 4 of the 5 years have been dramatically lower in the 5th year, so that improvement in trend has helped a lot in the renewal pricing, exposures have gone up a little bit, payroll and property values have went up, but it was offset from the improvement in the experience at the \$5000 deductible.

Ms. Ingalls explained about the other brochure she passed out regarding Cyber Liability Insurance that is now available to all the POOL members at no additional cost. In the past they haven't had Cyber Liability and now they do.

Mr. Whitten said he has either been involved with the POOL either as an alternative rep or the counties rep for 15 years now and it just keeps getting better and better. Wayne is the most gifted person he can imagine when it comes to insurance and balancing costs. He said this has saved us \$20,000 to go with the \$5000 deductible. He thanked Wayne and Carol for their organization.

Motion: Approval of renewal proposal from Nevada Public Agency Pool and approval of payment from fiscal year 2013-2014 funds, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

12. **DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 13-375, recognizing the week of June 9, 2013 through June 15, 2013 as Senior Awareness Week.

Sheriff Antinoro explained last they kicked off Senior Awareness week as recognizing the Senior's for their contributions that they do for our communities and nationwide we would like to do it again this year. There is a celebration planned in the park for June 9th, Assemblyman Wheeler will be here to give speeches and a few things planned throughout the week with our community partners. So they would like to formalize it with by asking the Commissioner's to issue a resolution in recognizing our seniors.

Sheriff Antinoro read Resolution 13-375 for the record

Commissioner Gilman said Wild Horse is bringing up their wonderful chefs, so they will be having a full course meal for the event on Sunday. He said it was free food. He is delighted to be support for this.

Motion: Approval of Resolution 13-375, recognizing the week of June 9, 2013 through June 15, 2013 as Senior Awareness Week **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

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

COMMUNITY DEVELOPMENT AND PLANNING

13. **DISCUSSION/POSSIBLE ACTION:** First reading of Ordinance 13-248, an ordinance amending Storey County Code Chapter 15.20 updating provisions, providing for new definitions, requiring maintenance in watercourses, and providing for other properly related matters.

Robert Morris is here to introduce Ordinance 13-248 he read the title of the ordinance, Shannon Gardner asked him to review some changes he had made. He looked at the code and there were some further changes he suggested to be made, that has been done. There are a couple of interesting issues to be raised at the next meeting for public hearing, but at this point he just asked that they just introduce it today.

Vice-Chairman McBride asked if this is just housekeeping measure.

Mr. Morris confirmed that this is just housekeeping to keep it up with State and Federal laws. He has had the State review it and they are on board with it. He will point

Commissioner Gilman said TRI has reviewed it and said they are in agreement with it.

Motion: Approve First Reading of Ordinance 13-248, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

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

14. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- a. Angel Engineering – Contractor/1575 Bethal Court, Reno
- b. Nevada Distribution Services, LLC – General/625 Waltham Way #103/104, TRI
- c. Schwabe North America, Inc. – General/2777 USA Pkwy #106
- d. Montane Building Group – Contractor/5310 Kietzke Lane, Reno
- e. Rhyno Built Welding- General/1293 Chichester Drive, Gardnerville
- f. Mars Petcare US – General/725 Waltham Way
- g. Dan Cin Crystals Mining., LLC – General/65 North C Street, Virginia City
- h. Virginia City Kettle Corn Depot – General/188 South C Street, Virginia City
- i. Hot Pot, LLC – General/420 USA Parkway, Suite #101 TRI

- j. American Arms Delta – General/224 East Sydney Drive, Suite B, TRI
- k. Battle Born Munitions, Inc. – General/625 Waltham Way, TRI

Austin Osborne said Community Development recommends that seconds readings for Business Licenses that we continue items B,C,F,H,I,J and K

Motion: To continue second reading for Items B, C, F, H, I, J and K **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

Austin Osborne said Community Development recommends to approve Items A, D, E and G

Motion: Approval of Items A, D, E and G **Action:** Approve **Moved by** Vice- Chairman McBride **Seconded by** Commissioner Gilman

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

BOARD COMMENT

Commissioner Gilman pointed out the TRI Business that was approved today.

ADJOURNMENT

The meeting was adjourned by the call of the Chair at 2:54 p.m.

Respectfully submitted,

By _____
Dore Nevin, Deputy Clerk-Treasurer