



STOREY COUNTY COMMISSION MEETING

TUESDAY, JUNE 18TH, 2013 12:00 P.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

AGENDA

BILL SJOVANGEN
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

MARSHALL MCBRIDE
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA DU FRESNE
CLERK-TREASURER

All items include discussion and possible action to approve, modify, deny, or continue unless marked otherwise.

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.**
3. **PLEDGE OF ALLEGIANCE**
4. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for June 18, 2013
5. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for April 2, 2013

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 05/24/13 for \$1,276.76, date 06/07/13 for \$467,447.25 and Accounts Payable date 05/31/13 for \$173,218.30
7. For possible action approval of Licensing Board First Reading:
 - a. Caldera Electric - Contractor/508 Jackson Way, Carson City

- b. Kalen Johnson- General/1480 Grey Bluff Drive, Fernley
- c. Cool Breeze Refrigeration & Heating – Contractor/275 Gallaway Lane, Reno

END OF CONSENT AGENDA

- 8. **DISCUSSION (No Action):** Committee/Staff Reports
- 9. **DISCUSSION (No Action):** Greg Hess, Mary Walker and Maggie Lowther – Recap and highlights of the recently concluded 2013 Legislative Session and Special Session.
- 10. **DISCUSSION/POSSIBLE ACTION:** Approval of modification to existing license of VC Outlaws. Adding Marla J. McKechnie as a primary owner.
- 11. **DISCUSSION/POSSIBLE ACTION:** Approval of modifications and extension of the Agreement between Storey County (Employer) and Storey County Employee's Association (Union) also referred to as AFSCME Local Union, Comstock Chapter.
- 12. **DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 13-373 setting salaries
- 13. **RECESS TO CONVENE AS THE NRS 473 STOREY COUNTY FIRE PROTECTION DISTRICT BOARD**
- 14. **DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 13-374 for the dissolution of NRS NDF Fire Protection District. The new Wildland Fire Protection Program (WFPP) will replace the need for the NRS 473 NDF Fire Protection District.
- 15. **ADJOURN TO CONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS**
- 16. **DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 13-374 for the dissolution of NRS NDF Fire Protection District. The new Wildland Fire Protection Program (WFPP) will replace the need for the NRS 473 NDF Fire Protection District.
- 17. **DISCUSSION/POSSIBLE ACTION:** Approval of resolution 13-376 augment the NRS 474 Storey County Fire Protection District Fund
- 18. **DISCUSSION/POSSIBLE ACTION:** Acceptance of fuel bids for vehicle and propane.
- 19. **RECESS TO CONVENE AS STOREY COUNTY WATER AND SEWER BOARD**
- 20. **DISCUSSION/POSSIBLE ACTION:** Approval of resolution 13-379 providing for an increase in the water and sewer rates.
- 21. **RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS**
- 22. **DISCUSSION/POSSIBLE ACTION:** Renew, extend or allow to expire a lease on County owned property known as the Gold Hill Depot between Storey County and Gold Hill Historical Society.

COMMUNITY DEVELOPMENT AND PLANNING

23. DISCUSSION/POSSIBLE ACTION: Second 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.

24. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- 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
- e. Nevada Distribution Services, LLC - General/625 Waltham Way #103/104 TRI
- f. Schwabe North America, Inc.- General/2777 USA Pkwy #106 TRI
- g. Mars Petcare US - General/725 Waltham Way TRI
- h. Virginia City Kettle Corn Depot - General/188 South C Street VC
- 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

25. PUBLIC COMMENT (No Action)

26. BOARD COMMENT

27. ADJOURNMENT

NOTICE:

- Anyone interested may request personal notice of the meetings.
- Agenda items must be received in writing by 12:00 noon on the Monday of the week preceding the regular meeting. For information call (775) 847-0969.
- Items may not necessarily be heard in the order that they appear.
- Public Comment will be allowed at the beginning of each meeting (this comment should be limited to matters not on the agenda). Public Comment will also be allowed during each item on the agenda (this comment should be limited to the item on the agenda). Time limits on Public Comment will be at the discretion of the Chairman of the Board. Please limit your comments to three minutes.
- Storey County recognizes the needs and civil rights of all persons regardless of race, color, religion, gender, disability, family status, or nation origin.

Notice to persons with disabilities: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the Commissioners' Office in writing at PO Box 176, Virginia City, Nevada 89440.

In accordance with Federal law and U.S. Department of agriculture policy, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, religion, age, disability (Not all prohibited bases apply to all programs.) To file a complaint of discrimination write to USDA, Director, Office of civil rights, 1400 Independence avenue, S.W., Washington, D.C. 20250-9410 or call

(800) 795-3272 (voice) or 202-6382 (TDD). USDA is an equal opportunity provider, employer, and lender. The TTY, VCO voice carry over) or HCO hearing carry over) number is 800-326-6868; voice only 800-326-6868. Check the customer Guide section of your telephone book under Services for Individuals with a Hearing or Speech Disability.

CERTIFICATION OF POSTING

I, Vanessa DuFresne, Clerk to the Board of Commissioners, do hereby certify that I posted, or caused to be posted, a copy of this agenda at the following locations on or before June 12, 2013; Virginia City Post Office, Storey County Courthouse, Virginia City Fire Department, Virginia City Highlands Fire Department and Lockwood Fire Department.

By 
Vanessa DuFresne, Clerk-Treasurer

Minutes for April 2, 2013

*Minutes will be posted to the website under a separate link

Claims

Report No: PB1315
Run Date : 05/31/13

STOREY COUNTY
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CHECK NUMBER	VENDOR	INVOICE DESCRIPTION	P/O #	DATE	TRANS#	AMOUNT	CHECK TOTAL
75552	ADAMS HI ROLLIN CUSTOMS	R-74 TUNER		5/31/13	65116	379.00	379.00
75553	ALSCO INC	ST-71 LAUNDRY		5/31/13	65117	17.25	
		ST-72 LAUNDRY		5/31/13	65117	8.68	
		SHOP LAUNDRY		5/31/13	65151	40.06	
		SHOP LAUNDRY		5/31/13	65151	45.65	
		CH LAUNDRY		5/31/13	65151	38.89	150.53
75554	AMERITAS LIFE INS CORP						
75555	ARC HEALTH AND WELLNESS	BRANDEBURG PHYSICAL		5/31/13	65215	200.92	200.92
		BURTON PHYSICAL		5/31/13	65118	81.48	
		HARRISON PHYSICAL		5/31/13	65118	81.48	
		COVEY PHYSICAL		5/31/13	65118	81.48	
		FADDIS PHYSICAL		5/31/13	65118	81.48	
		RECTOR PHYSICAL		5/31/13	65118	81.48	
		GIURLANI PHYSICAL		5/31/13	65118	81.48	
		TESKA PHYSICAL		5/31/13	65118	81.48	
		CHANDLER PHYSICAL		5/31/13	65118	81.48	
		CHANDLER, T PHYSICAL		5/31/13	65118	81.48	
		WOBBE PHYSICAL		5/31/13	65118	81.48	
		WITHROW PHYSICAL		5/31/13	65113	32.98	
		REED		5/31/13	65113	32.98	
		MENEZES		5/31/13	65113	225.00	1,268.72
		REED		5/31/13	65113	225.00	
75556	AT&T TELECONFERENCE SERVI	TELECONFERENCE SERVICES		5/31/13	65095	27.15	27.15
75557	ATHLETICS UNLIMITED						
75558	BAKER, NANCY SUE	INV 200000063043		5/31/13	65193	1,897.10	1,897.10
		MAY 9-22, 2013		5/31/13	65178	10.00	
				5/31/13	65178	420.00	430.00
75559	BANK OF AMERICA #2704	ANN DUES/ IACREOT		5/31/13	65148	1,577.60	
		STOCK REPLACEMENT PARTS		5/31/13	65131	479.93	
		AED ORDER 11100936		5/31/13	65172	845.00	
		CARSON NACO CONVENTION		5/31/13	65131	120.99	
		3/29/13		5/31/13	65131	86.86	
		4/24/13		5/31/13	65131	144.60	
		4/4/13		5/31/13	65131	79.61	
		FOND NET		5/31/13	65199	89.98	
		PLUNGER, HOSE, NOZZLE		5/31/13	65199	121.86	
		SOLVENT		5/31/13	65199	360.85	
		BUCCIANERI POSTAGE		5/31/13	65198	46.00	3,953.28
75560	BATTERIES PLUS (RENO)	BATTERIES FOR RADIOS		5/31/13	65119	209.94	209.94
75561	BAY AREA DIABLO PETROLEUM	FUEL		5/31/13	65162	237.15	237.15
75562	BENNETT LAW PLLC	GARNISHMENT DISBURSED		5/31/13	65111	76.14	76.14
75563	BURGARELLO ALARM INC	GARNISHMENT DISBURSED		5/31/13	65112	147.00	147.00
75564	BURRELL, SCOTT LEWIS						
		MAY 9-22, 2013		5/31/13	65182	16.00	16.00
				5/31/13	65182	294.00	294.00

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75565	BUSINESS & PROFESSIONAL						310.00
75566	CAMELOT PARTY RENTALS INC	GARNISHMENT DISBURSED		5/31/13	65110	387.21	
75567	CANYON GENERAL IMPROVEMEN	GARNISHMENT DISBURSED		5/31/13	65110	325.48	
75568	CAPITAL CITY AUTO PARTS	GARNISHMENT DISBURSED		5/31/13	65110	59.89	772.58
75569	CARSON SMALL ENGINES	INV 9466		5/31/13	65191	3,037.38	3,037.38
75570	CASHMAN EQUIPMENT CORP	GID PAID POWER BILL		5/31/13	65171	370.15	370.15
75571	CBS OUTDOOR INC	OIL GUN		5/31/13	65153	14.49	14.49
75572	CELLCO PARTNERSHIP	SHEAR PIN/ BLADE SHARPEN		5/31/13	65152	17.18	
75573	COCKERILL, CHARLES P	WALKER MOWER HYDRO FAN		5/31/13	65152	8.85	26.03
75574	COMMUNITY CHEST INC	FREIGHT ON PARTS		5/31/13	65120	11.00	11.00
75575	COMSTOCK CHRONICLE (VC)			5/31/13	65106	527.00	527.00
75576	CRESTA, OCTAVIO A	ACCT 472664312 WTR PLANT		5/31/13	65208	20.02	
75577	DOUGLAS COUNTY	ACCT 772263062 MIKE-JOHN		5/31/13	65208	172.80	
75578	DURDEN, DOC	KEENER/FLETCHER		5/31/13	65114	101.50	
75579	DX-10 INC	972520095-00001 AIRCARD		5/31/13	65109	5.02	299.34
75580	ETTINGER, LEONARD J	AOSBORNE NEGOTIATION P'S		5/31/13	65143	337.50	337.50
75581	EWING IRRIGATION PRODUCTS	CHILDCARE/EMPLOYASSIST		5/31/13	65094	7,769.94	7,769.94
75582	FARMER BROS CO	INV 3332		5/31/13	65175	1,072.00	
75583	FARR WEST ENGINEERING	FINAL HEARING NOTICE		5/31/13	65132	39.00	1,111.00
75584	FLYERS ENERGY LLC	MAY 9-22, 2013		5/31/13	65179	108.00	108.00
75585	GREAT BASIN TERMITE & PES	INTERLOCAL GIS AGREEMENT		5/31/13	65149	2,500.00	
		INTERLOCAL GIS AGREEMENT		5/31/13	65149	52,500.00	55,000.00
		FAM BOOTH		5/31/13	65188	100.00	100.00
		DOZER MAINT		5/31/13	65121	931.00	931.00
		INV 752570		5/31/13	65102	324.00	324.00
		TRI IRRIGATION SUPPLIES		5/31/13	65158	62.82	62.82
		5514124 LOCKWOOD SNR CNTR		5/31/13	65105	52.31	52.31
		EARTH DAY EVENT		5/31/13	65211	10,132.29	
		SIPHON AIR RLS VLV DESIGN		5/31/13	65212	1,982.50	12,114.79
		LW-DYE DSL, REG UNLEADED		5/31/13	65154	1,300.68	
		PW-REGULAR UNLEADED		5/31/13	65154	920.47	
		PW SUP 10W30,DSL0 15W40		5/31/13	65154	1,383.80	
		LW-DYE DSL, REG UNLEADED		5/31/13	65154	1,345.13	
		FIRE VCH REG UNL, DIE DSL		5/31/13	65154	1,558.47	
		PW-REG UNLEADED		5/31/13	65154	896.15	7,404.70
		LW SNR CNTR QUARTERLY		5/31/13	65155	65.00	

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75586	GREAT NORTH AMERICAN	CHILDRENS FIRE HATS		5/31/13	65122	372.41	372.41
75587	HAZMAT SIX SEMPAL, LLC	QUADCOUNTYDRILL-HMEPRGRANT		5/31/13	65108	9,125.00	9,125.00
75588	HD SUPPLY CONST SUPPLY LT	ORANGE FLAGGING TAPE		5/31/13	65140	26.64	26.64
75589	HEPNER, MAUREEN L	POW WOW FAM		5/31/13	65189	100.00	100.00
75590	HIGH DESERT MICROIMAGING	IMAGES-FILM 118216-118501		5/31/13	65145	337.50	337.50
75591	HISTORIC FOURTH WARD SCHO	MAY 9-22, 2013		5/31/13	65177	87.50	87.50
75592	HOME DEPOT CREDIT SERVICE	LXWOOD COMM GARDEN/GRANT		5/31/13	65101	463.41	
		LW PARK- IRRIGATION		5/31/13	65156	70.56	
		LW PARK 3/4 SHEATHING FIR		5/31/13	65156	124.68	
		CH 2X4 DOUG FIR		5/31/13	65156	6.34	664.99
75593	HOT SPOT BROADBAND INC	INERNET FIRE STATION 2		5/31/13	65201	79.00	79.00
75594	INTERNATIONAL CODECOUNCIL	FREIGHT FOR MANUALS		5/31/13	65197	20.08	20.08
75595	ITP LLC	INV 5022		5/31/13	65103	10,000.00	10,000.00
75596	IT1 SOURCE LLC	SERVER UPGRADE		5/31/13	65123	1,700.20	
		SOFTWARE FOR SB NEW COMP		5/31/13	65123	421.11	
		KEYBOARD SUSAN BREYLINGER		5/31/13	65123	910.13	3,031.44
75597	JBP LLC	B-74 TOW CHAIN		5/31/13	65124	64.39	64.39
75598	JONES WEST FORD	FIRE R71 SEAL ASBLY		5/31/13	65157	78.58	78.58
75599	KAPLAN HIGHER EDUCATION C	UNLIMITED EMS ONLINE		5/31/13	65125	1,320.00	1,320.00
75600	KIECHLER, PENELOPE & CHRI			5/31/13	65180	1.00	
		MAY 9-22, 2013		5/31/13	65180	9.00	
				5/31/13	65180	792.00	802.00
75601	L N CURTIS & SONS	WILDLAND GOGGLE		5/31/13	65126	35.00	
		SEASONALS GOGGLES		5/31/13	65126	420.00	
		PULASKI REPAIR		5/31/13	65126	74.63	529.63
75602	LOMBARDO, LISA E	PROJECT STREET SCAPE		5/31/13	65098	650.00	650.00
75603	MAATTALA, MARGARAT F	5/9/13 CLEANING SERVICES		5/31/13	65107	150.00	150.00
75604	MARKEN ENTERPRISES	LARIVEE PPE REPAIR		5/31/13	65161	25.36	25.36
75605	MCCAIN, JENNIFER			5/31/13	65160	150.00	150.00
75606	METRO OFFICE SOLUTIONS IN	OE17504601		5/31/13	65173	589.19	
		OE17958691		5/31/13	65173	144.70	
		CREDIT FOR RETURN		5/31/13	65127	20.67	
		ENVELOPES		5/31/13	65159	93.00	
		OFFICE SUPPLIES		5/31/13	65127	210.13	
		OFFICE SUPPLIES		5/31/13	65159	71.11	

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75607 MIGAN, TAMARA	OFFICE SUPPLIES		5/31/13	65127	103.97	1,191.43
75608 NAPA AUTO & TRUCK PARTS	CTS FOR COURTROOM		5/31/13	65164	31.94	31.94
75609 NC AUTO PARTS	R-74 REPAIR		5/31/13	65129	2.09	2.09
	PW MOWER BATTERY		5/31/13	65165	44.81	
	21054-WHEEL NUT		5/31/13	65165	13.50	
	BUILD DEPT BRAKE PADS		5/31/13	65165	108.98	
	STOCK		5/31/13	65165	70.47	
	STOCK		5/31/13	65165	58.38	
	BUILD DEPT BRAKE PADS		5/31/13	65165	145.75	
	SR CENTR PAD KIT		5/31/13	65165	43.74	
	FIRE R72 F4T29030C		5/31/13	65165	26.70	
	STOCK		5/31/13	65165	52.22	
	S.O. 56312 BRAKE PAD		5/31/13	65165	69.98	
	FIRE RANGER72 BATTERY		5/31/13	65165	89.46	
	SR CNTR SHOCKS		5/31/13	65165	322.27	
	PLANNING-DRUM BRK SHOE		5/31/13	65165	81.28	
	FIRE P73 BATTERY		5/31/13	65165	75.00	
	SNR CTR-		5/31/13	65165	94.82	
	FIRE P73-PUSH BUTTON		5/31/13	65165	23.80	
	PLANNING-NO TOUCH TIRE C		5/31/13	65165	4.98	
	SILICONE LUBE		5/31/13	65165	21.03	
	SNR CTR-ALTNR, PULL BELT		5/31/13	65165	145.97	1,493.14
75610 NEV DIV OF HEALTH	MAY 11-12, 2013		5/31/13	65099	50.00	50.00
75611 NEV PURCHASING DIVISION	FORKLIFT ACQUISITION		5/31/13	65135	25.00	25.00
75612 NEVADA JOHNS LLC	INV 2408		5/31/13	65194	1,229.75	1,229.75
75613 OFFICE DEPOT INC	PRINTED ENVELOPES		5/31/13	65115	289.74	289.74
75614 ON THE SIDE GRAPHICS & SI	INV 1560		5/31/13	65192	323.00	323.00
75615 PALMETTO GBA LLC	DUPLICATE PAYMENT		5/31/13	65130	523.65	523.65
75616 PARRISH, JOHN S	MAPPING RECONCILIATION		5/31/13	65150	710.00	710.00
75617 PETRINI, ANGELO D	MAY 9-22, 2013		5/31/13	65176	112.00	112.00
75618 PITNEY BOWES INC	LEASE PAYMENT		5/31/13	65174	1,347.00	1,347.00
75619 PREMIER ACCESS	3/26/13 (SPLIT) \$75 TOT		5/31/13	65214	639.76	639.76
75620 PROTECTION DEVICES INC	MAY 9-22, 2013		5/31/13	65196	62.50	62.50
75621 RADFORD, SANDRA M	ACCT 7758478657-COMMUNICA		5/31/13	65181	3.25	
75622 RAY MORGAN CO INC (CA)	CN2676-01 6/18-7/17/13		5/31/13	65181	61.75	65.00
75623 RDJ SPECIALTIES INC	KIDS PLACE MATS		5/31/13	65141	745.79	882.29
75624 RENO GREEN LANDSCAPING IN			5/31/13	65133	136.50	136.50
					331.42	331.42

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75625	RENO ROCK TRANSPORT LLC	MONTHLY MAINTENANCE		5/31/13	65207	373.00	373.00
75626	RKPR INC	DE ICING SAND		5/31/13	65203	1,120.66	1,120.66
75627	ROADPOST USA INC	SOCIAL MARKETING		5/31/13	65147	800.00	
		SOCIAL MARKETING		5/31/13	65147	800.00	
		SOCIAL MEDIA PROGRAM		5/31/13	65147	1,000.00	2,600.00
75628	SAFEGUARD WEB & GRAPHICS	651478609		5/31/13	65096	51.82	51.82
75629	SAINT MARYS PREFERRED HEA			5/31/13	65163	363.82	363.82
75630	SBC GLOBAL SERVICES IN LD	VC TOURISM 775-847-7500		5/31/13	65213	8,488.35	8,488.35
75631	SCHULTZ, RHETT	INV 10149 BOUNCE HOUSE		5/31/13	65100	50.38	50.38
75632	SIERRA PACIFIC POWER CO	2141 EMPIRE RD VCH PARK		5/31/13	65104	1,600.00	1,600.00
		381 N C ST REST STOP		5/31/13	65205	24.81	
		1000 PERI RANCH RD		5/31/13	65205	33.18	
		ST72 PUMPHOUSE		5/31/13	65134	23.34	
		ST72 RESIDENCE		5/31/13	65134	93.42	
		ST72 FIREHOUSE		5/31/13	65134	138.25	
75633	SILVER STATE INDUSTRIES	WATER TRUCK		5/31/13	65166	241.07	554.07
		WATER TRUCK CABLE		5/31/13	65166	378.77	
		WATER TRUCK SPRING		5/31/13	65166	30.38	
75634	SILVER STATE NATIONAL PEA	MAY 9-22, 2013		5/31/13	65183	311.18	720.33
75635	SLICK INDUSTRIES LLC DEA	PLAQUES & HOODIES		5/31/13	65183	3.00	30.00
75636	ST CO JUSTICE COURT			5/31/13	65142	27.00	
				5/31/13	65142	535.00	535.00
				5/31/13	65204	10.00	
				5/31/13	65204	2.00	
				5/31/13	65204	5.00	
				5/31/13	65204	7.00	
				5/31/13	65204	41.00	
				5/31/13	65204	75.00	
				5/31/13	65204	7.00	147.00
75637	SUN PEAK ENTERPRISES	MAY 9-22, 2013		5/31/13	65184	50.00	
				5/31/13	65184	625.00	
				5/31/13	65184	21.00	696.00
75638	SWIRE PACIFIC HOLDINGS IN	INV 71071666983		5/31/13	65190	381.36	381.36
75639	THE TONESTONE COWBOYS			5/31/13	65185	42.00	
				5/31/13	65185	255.00	297.00
75640	TRI GENERAL IMPROVEMENT	1705 PERU -W/S		5/31/13	65206	140.01	
		1705 PERU -IRR		5/31/13	65206	155.79	295.80
75641	TRUCKEE MEADOWS WATER SYS	\$24.95 BLDG WATER COOLER		5/31/13	65195	24.95	
		PLEATED CUPS		5/31/13	65167	15.66	15.66

ACKNOWLEDGEMENT OF REVIEW AND AUTHORIZATION

CHECKS TOTAL 173,218.30 CHECK DATE 5/31/13

COMPTROLLER

TREASURER

CHAIRMAN

COMMISSIONER

COMMISSIONER

Rept: PR0510A
Run: 05/28/13 13:40:42

STOREY COUNTY PAYROLL SYSTEM
Check Register

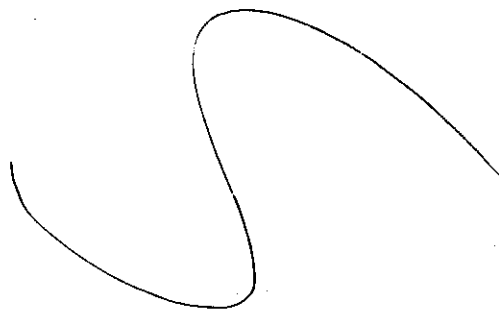
Payroll Type: Special Check Date: 05/24/13 Period-end Date: 05/19/13 Payroll Groups:

Check/ DD #	Emp #/ Ded #	Payee	Amount
----------------	-----------------	-------	--------

Total User Transfer for EFTPS:			287.16
Total Deductor Checks:			.00
Total Employee Checks:			839.29
Total Employee Direct Deposit:			.00
Total Employee Deductions Transferred on Dir Dep File:			.00
Total User Transfer to Deductor:			150.31
Total Disbursed:			1,276.76

Approved by the Storey County Board of Commissioners: _____

CHAIRMAN	COMMISSIONER	COMMISSIONER
COMPTROLLER		
TREASURER		



Rept: PR0510A
Run: 06/05/13 14:41:07

STOREY COUNTY PAYROLL SYSTEM
Check Register

Page 4
PRELIMINARY

Payroll Type: Regular Check Date: 06/07/13

Payroll Groups: 1 2 3 4 5 6 7 8

Check/ DD # Emp #/
Ded # Payee

Amount

Total User Transfer for EFTPS:

49,228.86

Total Deductor Checks:

174,852.89

Total Employee Checks:

3,392.69

Total Employee Direct Deposit:

221,065.12

Total Employee Deductions Transferred on Dir Dep File:

3,165.77

Total User Transfer to Deductor:

15,741.92

Total Disbursed:

467,447.25

Approved by the Storey County Board of Commissioners: _____

CHAIRMAN

COMMISSIONER

COMMISSIONER

COMPTROLLER

TREASURER

Licensing Board

Storey County Community Development

Business Licensing



P O Box 526 • Virginia City NV 89440 • (775) 847-0966 • Fax (775) 847-0935 • buslic@storeycounty.org

To: Vanessa DuFresne, Clerk's Office
Pat Whitten, County Manager

June 10, 2013
Via email

Please add the following item(s) to the **June 18, 2013**, COMMISSIONERS Agenda:

LICENSING BOARD

FIRST READINGS:

- A. CALDERA ELECTRIC – Contractor / 508 Jackson Way ~ Carson City
- B. KALEN JOHNSON – General / 1480 Grey Bluff Drive ~ Fernley
- C. COOL BREEZE REFRIGERATION, INC. – Contractor / 72 Webb Circle ~ Reno
- D. BUCK'S PLUMBING & HEATING – Contractor / 275 Gallaway Lane ~ Reno

LICENSING BOARD

SECOND READINGS:

- | | |
|---|-----|
| 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 |
| E. NEVADA DISTRIBUTION SERVICES, LLC – General / 625 Waltham Way #103/104 | TRI |
| F. SCHWABE NORTH AMERICA, INC. – General / 2777 USA Pkwy #106 | TRI |
| G. MARS PETCARE US -- General / 725 Waltham Way | TRI |
| H. VIRGINIA CITY KETTLE CORN DEPOT – General / 188 South C Street | VC |
| I. HOT POT, LLC – General / 420 USA Parkway, Suite #101 | TRI |
| J. AMERICAN ARMS DELTA -- General / 224 Easy Sydney Drive, Suite B | TRI |
| K. BATTLE BORN MUNITIONS, INC. – General / 625 Waltham Way | TRI |

Inspection Required

ec: Shannon Gardner, Building Dept.
Austin Osborne, Planning Dept.
Dean Haymore, Economic Dev.

Gary Hames, Fire Dept.
Patty Blakely, Fire Dept.
Assessor's Office

Sheriff's Office

Legislative Session Update

Vanessa Dufresne

✓

From: Pat Whitten
Sent: Monday, June 10, 2013 8:51 AM
To: Vanessa Dufresne
Subject: June 18th Agenda Items

Morning V-

Here's what I have for the agenda.

- ✓ **DISCUSSION ONLY:** Greg Hess, Mary Walker and Maggie Lowther – Recap and highlights of the recently concluded 2013 Legislative Session and Special Session.
- ✓ **DISCUSSION/POSSIBLE ACTION:** Renew, extend or allow to expire a lease on County owned property known as the Gold Hill Depot between Storey County and Gold Hill Historical Society.

Jen M will have the annual raise of water and sewer rates as well as awarding the fuel bids. See you in a while.

P-



Pat Whitten
County Manager
Storey County

(775) 847-0968 (Office)
(775) 721-7001 (Cell)
PWhitten@StoreyCounty.org

powered by: vision**ASP**

Vanessa Dufresne

From: Maggie Lowther
Sent: Monday, June 03, 2013 7:55 AM
To: Vanessa Dufresne
Subject: agenda 18th.

Monday the 3rd.

Vanessa, Mary Walker and Associates wants on the Agenda for the 18th. Commissioners meeting to report on the 77th. Legislative Session. Ask Pat for any details or where on the Agenda he wants her.

Maggie

License Modification

Storey County, Nevada

Commissioners' Meeting Agenda Item Request

The Storey County Board of Commissioners has established a policy for placement of items on its meeting agendas. This policy states that all requests must be made in writing, and must include all supporting documentation at the time the request is submitted.

The deadline for submitting a request for an item to be placed on the agenda is noon on the Monday of the week preceding the Commissioners' Meeting. *(Items received after the deadline will be placed on the agenda of a subsequent meeting.)*

Date of Meeting: 06-18-13	Date Request Submitted: 05-30-13
✓ Agenda Item Requested: Modification to existing License of VC Outlaws. Adding Marla J. McKechnie as an Primary Owner.	
This item is intended for: <input type="checkbox"/> Discussion Only <input checked="" type="checkbox"/> Discussion and Action <i>(at the Board's discretion)</i>	
<input type="checkbox"/> Supporting documentation is attached	<input type="checkbox"/> No supporting documentation is necessary
Requested by: Melissa A. Field <i>(please print name clearly)</i>	
Address: 205 S. C st	
Phone: 775-847-0959	Email <i>(optional)</i> :

Please submit this completed form to:

Storey County Clerk's Office
PO Drawer D
Virginia City NV 89440

or FAX to:

Storey County Clerk's Office
(775) 847-0921

----- Fold at Arrows Here and Above to Place in a Window Envelope -----

For Office Use Only			
Date Request Received: 5/31	Received: <input type="checkbox"/> In Person <input checked="" type="checkbox"/> Via FAX	By: <u>VA</u>	
<input type="checkbox"/> Supporting documentation attached - # of pages <u>n/a</u>		Meeting date of this item: <u>6/18</u>	

For additional information, please contact the
Storey County Clerk's Office
(775) 847-0969 or email vdixon@storeycounty.org

Approval of Union Agreement

Vanessa Dufresne

From: Austin Osborne
Sent: Monday, June 10, 2013 7:57 AM
To: Vanessa Dufresne
Cc: Pat Whitten
Subject: Closed Session Agenda Request

Hello Vanessa,

I would like to add the following language to the **June 18** Commission agenda to precede the general session:

- ✓ 1. **CALL TO ORDER 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.)

Please let me know if you have any questions.

Thanks,
Austin

Austin Osborne
Administrative Officer & Senior Planner
Storey County Courthouse
Box 176 Virginia City, NV 89440
Office: 775.847.0968
Cell: 775.291.4693
Fax: 775.847.0949
aosborne@storeycounty.org

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Vanessa Dufresne

From: Austin Osborne
Sent: Monday, June 10, 2013 8:28 AM
To: Vanessa Dufresne
Cc: Pat Whitten; Bill Maddox; Hugh Gallagher
Subject: Agenda Language: CBA for General Session

Hello Vanessa,

I would like to add the following language to the general Commission session for **June 18**. I am sure there will be adjustments at today's agenda meeting with Bill Maddox. I plan to attend that meeting today if I that is of help.

✓ **DISCUSSION/POSSIBLE ACTION:** Approval of modifications and extension of the Agreement between Storey County (Employer) and Storey County Employee's Association (Union) also referred to as AFSCME Local Union, Comstock Chapter.

Thanks,
Austin

Austin Osborne
Administrative Officer & Senior Planner
Storey County Courthouse
Box 176 Virginia City, NV 89440
Office: 775.847.0968
Cell: 775.291.4693
Fax: 775.847.0949
aosborne@storeycounty.org

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Resolution 13-373

Storey County, Nevada

Commissioners' Meeting Agenda Item Request

The Storey County Board of Commissioners has established a policy for placement of items on its meeting agendas. This policy states that all requests must be made in writing, and must include all supporting documentation at the time the request is submitted.

The deadline for submitting a request for an item to be placed on the agenda is noon on the Monday of the week preceding the Commissioners' Meeting. *(Items received after the deadline will be placed on the agenda of a subsequent meeting.)*

Date of Meeting: June 18, 2013	Date Request Submitted: 6-10-2013
Resolution 13-373 Setting of Salaries	
This item is intended for: <input type="checkbox"/> Consent Agenda <input checked="" type="checkbox"/> Discussion and Action <i>(at the Board's discretion)</i>	
<input checked="" type="checkbox"/> Supporting documentation is attached <input type="checkbox"/> No supporting documentation is necessary	
Requested by: <u>Jessie Fain</u> <i>(please print name clearly)</i>	
Address:	
Phone:	Email <i>(optional)</i> :

Please submit this completed form to:

or FAX to:

Storey County Clerk's Office
PO Drawer D
Virginia City NV 89440

Storey County Clerk's Office
(775) 847-0921

----- Fold at Arrows Here and Above to Place in a Window Envelope -----

For Office Use Only		
Date Request Received: <u>6/10</u>	Received: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Via FAX	By: <u>Vt</u>
<input checked="" type="checkbox"/> Supporting documentation attached - # of pages <u>4</u>		Meeting date of this item: <u>6/18</u>

☐ Item Approved for Agenda by: _____, Date: _____

For additional information, please contact the
Storey County Clerk's Office
(775) 847-0969 or email vdufresne@storeycounty.org

RESOLUTION NO. 13-373

A RESOLUTION SETTING SALARIES OF ELECTED COUNTY OFFICERS AND EMPLOYEES FIXED BY ORDINANCE OR RESOLUTION PER NRS. 245.043 FOR ELECTED OFFICIALS AND NRS 245.045 FOR APPOINTED OFFICIALS.

BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, STOREY COUNTY, NEVADA:

WHEREAS, for the purposes of NRS 245.210 and NRS. 4.040 The Board of County Commissioners has authority to establish the salaries of all appointed county and elected officers and employees by the enactment of a resolution.

WHEREAS, the salaries shall be set by the General Salary Schedule (Attachment A) for the appointed salary grades and for the Fire Department appointed salary schedule (Attachment B) adopted by this resolution and they are as follows:

Administrative Officer	Grade 137
Assistant Communications Director	Grade 124
Automotive/Equipment Specialist	Grade 130
Battalion Chief	Grade 136
Chief Deputy Sheriff	Grade 136
Communications Director	Grade 137
Community Development Director	Grade 148
Comptroller	Grade 148
County Manager	Grade 157
Court Bailiff	Grade 116
Deputy District Attorney	Grade 144
Division Chief	Grade 143
Emergency Management Coordinator	Grade 124
Facilities Maintenance Coordinator	Grade 122
Fire Chief	Grade 148
IT Director	Grade 143
Lieutenant	Grade 136
Management Analyst I	Grade 124
Management Analyst II	Grade 134
Public Works Director	Grade 148
Senior Planner	Grade 134
Tourism and Community Services Director	Grade 148
Tourism and Marketing Manager	Grade 124

WHEREAS, each employee who is capped in the ten-step salary schedule shall receive a two (2%) percent Cost of Living increase July 1st each year. Each employee who is not capped in the ten-step salary schedule shall receive a Cost of Living increase equal to fifty (50%) percent of any PERS increase for that year, if there is no PERS increase (every other year) no Cost of Living increase will be granted.

WHEREAS, the salaries shall be set by the Storey County Board of Commissioners as follows:

Emergency Management Director	\$ 21,678
Government Affairs Director	\$ 30,000
Justice of the Peace	\$ 63,403

WHEREAS, salaries are set by the Nevada Legislature and County Commissioners are set for as follows:

Assessor	\$ 63,403
Commissioners	\$ 27,371
Clerk/Treasurer	\$ 63,403
District Attorney	\$ 108,998
Recorder	\$ 63,403
Sheriff	\$ 86,127

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, by unanimous vote, to adopt Resolution 13-373 providing for the setting of salaries for the appointed officials not represented by a bargaining unit and the elected officials.

This resolution shall be effective on the 1st, day of July, 2013.

PROPOSED AND ADOPTED this 18th day of June, 2013.

THOSE VOTING AYE:

THOSE VOTING NAY:

STOREY COUNTY BOARD OF COMMISSIONERS

William Sjovangen, Chairman

ATTEST:

CLERK TO THE BOARD

General Salary Schedule

Attachment A		ANNUAL SALARY 7/1/2013 through 6/30/2014									
Step	1	2	3	4	5	6	7	8	9	10	
Grade											
110	31,724.14	32,834.50	33,983.72	35,173.13	36,404.21	37,678.34	38,997.11	40,361.99	41,774.66	43,236.78	
113	34,163.43	35,359.18	36,596.74	37,877.62	39,203.35	40,575.46	41,995.62	43,465.45	44,986.74	46,561.29	
116	36,790.28	38,077.97	39,410.69	40,790.04	42,217.73	43,695.33	45,224.69	46,807.53	48,445.81	50,141.42	
119	39,619.11	41,005.81	42,441.01	43,926.42	45,463.88	47,055.09	48,702.04	50,406.58	52,170.84	53,996.82	
120	40,609.59	42,030.95	43,502.03	45,024.59	46,600.47	48,231.47	49,919.60	51,666.75	53,475.11	55,346.74	
122	42,665.45	44,158.76	45,704.32	47,303.95	48,959.62	50,673.18	52,446.78	54,282.38	56,182.28	58,148.67	
124	44,825.38	46,394.29	48,018.10	49,698.71	51,438.20	53,238.51	55,101.90	57,030.42	59,026.51	61,092.44	
126	47,094.66	48,743.01	50,449.02	52,214.72	54,042.26	55,933.72	57,891.44	59,917.58	62,014.74	64,185.24	
127	48,272.03	49,961.58	51,710.25	53,520.08	55,393.32	57,332.06	59,338.72	61,415.53	63,565.10	65,789.88	
128	49,478.83	51,210.62	53,003.00	54,858.09	56,778.16	58,765.36	60,822.19	62,950.91	65,154.23	67,434.63	
129	50,715.81	52,490.88	54,328.08	56,229.54	58,197.61	60,234.50	62,342.75	64,524.68	66,783.09	69,120.49	
130	51,983.70	53,803.15	55,686.28	57,635.28	59,652.55	61,740.37	63,901.32	66,137.80	68,452.67	70,848.51	
131	53,283.29	55,148.23	57,078.44	59,076.17	61,143.86	63,283.87	65,498.85	67,791.24	70,163.98	72,619.72	
132	54,615.37	56,526.93	58,505.39	60,553.08	62,672.45	64,865.97	67,136.32	69,486.02	71,918.09	74,435.21	
133	55,980.75	57,940.10	59,968.03	62,066.90	64,239.26	66,487.62	68,814.73	71,223.17	73,716.04	76,296.09	
134	57,380.27	59,388.60	61,467.23	63,618.57	65,845.24	68,149.81	70,535.10	73,003.76	75,558.95	78,203.49	
135	58,814.78	60,873.31	63,003.91	65,209.04	67,491.37	69,853.56	72,298.48	74,828.85	77,447.93	80,158.58	
136	60,285.15	62,395.14	64,579.01	66,839.26	69,178.65	71,599.90	74,105.94	76,699.57	79,384.12	82,162.54	
137	61,792.28	63,955.02	66,193.48	68,510.25	70,908.13	73,389.90	75,958.58	78,617.06	81,368.73	84,216.61	
138	63,337.09	65,553.90	67,848.32	70,223.00	72,680.82	75,224.64	77,857.55	80,582.49	83,402.94	86,322.02	
139	64,920.52	67,192.74	69,544.53	71,978.57	74,497.84	77,105.26	79,803.98	82,597.05	85,488.02	88,480.07	
140	66,543.54	68,872.56	71,283.14	73,778.04	76,360.29	79,032.88	81,799.08	84,661.98	87,625.21	90,692.08	
141	68,207.12	70,594.37	73,065.22	75,622.49	78,269.30	81,009.04	83,844.06	86,778.53	89,815.85	92,959.38	
142	69,912.30	72,359.23	74,891.85	77,513.05	80,226.04	83,033.93	85,940.16	88,947.99	92,061.24	95,283.37	
143	71,660.11	74,168.21	76,764.14	79,450.88	82,231.69	85,109.78	88,088.67	91,171.69	94,362.77	97,665.46	
144	73,451.62	76,022.42	78,683.24	81,437.16	84,287.48	87,237.52	90,290.89	93,450.98	96,721.84	100,107.09	
145	75,287.90	77,922.97	80,650.32	83,473.09	86,394.66	89,418.45	92,548.16	95,787.26	99,139.88	102,609.78	
146	77,170.10	79,871.05	82,666.57	85,559.92	88,554.53	91,653.92	94,861.87	98,181.95	101,618.38	105,175.03	
147	79,099.35	81,867.82	84,733.24	87,698.92	90,768.39	93,945.26	97,233.42	100,636.49	104,158.84	107,804.40	
148	81,076.83	83,914.51	86,851.57	89,891.39	93,037.61	96,293.90	99,664.25	103,152.41	106,762.81	110,499.51	
149	83,103.76	86,012.38	89,022.87	92,138.67	95,363.54	98,701.24	102,155.86	105,731.22	109,431.88	113,261.99	
150	85,181.35	88,162.69	91,248.44	94,442.14	97,747.63	101,168.77	104,709.75	108,374.50	112,167.68	116,093.54	
151	87,310.89	90,366.76	93,529.64	96,803.19	100,191.33	103,697.99	107,327.50	111,083.87	114,971.87	118,995.88	
152	89,493.66	92,625.92	95,867.88	99,223.27	102,696.11	106,290.45	110,010.69	113,860.96	117,846.17	121,970.78	
153	91,731.00	94,941.57	98,264.58	101,703.85	105,263.51	108,947.71	112,760.96	116,707.48	120,792.33	125,020.05	
154	94,024.27	97,315.11	100,721.20	104,246.45	107,895.10	111,671.41	115,579.98	119,625.17	123,812.14	128,145.56	
155	96,374.88	99,747.98	103,239.23	106,852.61	110,592.48	114,463.19	118,469.48	122,615.80	126,907.44	131,349.19	
156	98,784.26	102,241.68	105,820.21	109,523.93	113,357.29	117,324.77	121,431.21	125,681.20	130,080.13	134,632.92	
157	101,253.86	104,797.72	108,465.71	112,262.03	116,191.23	120,257.89	124,467.00	128,823.23	133,332.14	137,998.75	
158	103,785.20	107,417.66	111,177.35	115,068.58	119,096.01	123,264.34	127,578.67	132,043.80	136,665.43	141,448.71	
159	106,379.84	110,103.10	113,956.79	117,945.29	122,073.41	126,345.94	130,768.14	135,344.90	140,082.07	144,984.93	
160	109,039.34	112,855.69	116,805.71	120,893.93	125,125.25	129,504.59	134,037.34	138,728.53	143,584.11	148,609.55	

*** NOTE: Each employee who is capped in the ten-step salary schedule shall receive a two (2%) percent Cost of Living increase each year. Minus the PERS salary reduction required by NRS 286.

General Salary Schedule

Attachment B		ANNUAL SALARY 7/1/2013 through 6/30/2014										FIRE DEPT
		1	2	3	4	5	6	7	8	9	10	
136	59,103.09	61,171.71	63,312.75	65,528.69	67,822.21	70,195.98	72,652.88	75,195.66	77,827.57	80,551.51		
143	70,255.01	72,713.93	75,258.96	77,893.02	80,619.30	83,440.96	86,361.44	89,384.01	92,512.52	95,750.45		
148	79,487.09	82,269.13	85,148.60	88,128.81	91,213.34	94,405.78	97,710.05	101,129.81	104,669.42	108,332.85		

Resolution 13-374

Vanessa Dufresne

From: Gary Hames
Sent: Monday, June 03, 2013 12:39 PM
To: Pat Whitten; Vanessa Dufresne
Cc: Mike Klug; Bill Maddox
Subject: June 18, 2013 Agenda Item Request
Attachments: Amended Resolution Dissolving the Storey County NRS 473.doc; Staff Recommendation - NDF Dissolution 6-18-13.doc

Hi Pat/Vanessa,

~~Can the attached resolution please be placed on the June 18, 2013 Commissioners Agenda? Below is possible language for the item.~~

- ✓ **DISCUSSION/POSSIBLE ACTION:** Resolution Number 13-374 for the Dissolution of NRS 473 NDF Fire Protection District. The new Wildland Fire Protection Program (WFPP) will replace the need for the NRS 473 NDF Fire Protection District.

There is also a staff recommendation attached for the Commissioners review.

If you need anything further please let me know.

Thanks,
Gary Hames, Fire Chief
Storey County Fire Protection District
145 N. "C" Street
Post Office Box 603
Virginia City, Nevada 89440
Office: (775) 847-0954
Fax: (775) 847-0987
Mission Statement: Be Nice, Solve Problems and Serve Community

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STOREY COUNTY FIRE DEPARTMENT

Post Office Box 603
Virginia City, NV 89440
(775) 847-0954 Phone • (775) 847-0987 Fax
www.storeycounty.org

Meeting Date: June 18, 2013

Agenda Item: **DISCUSSION/POSSIBLE ACTION:** Resolution Number 13-374 for the Dissolution of NRS 473 NDF Fire Protection District. The new Wildland Fire Protection Program (WFPP) will replace the need for the NRS 473 NDF Fire Protection District.

Summary Notes: This is the final step to a multi-year approach to addressing wild land fires within the boundaries of Storey County. In March you signed the WFPP Agreement and Storey County/Storey County Fire Protection District Agreement. The final step in this process is to dissolve the NRS 473 NDF Fire Protection District.

Staff Recommendation: Motion to approve Resolution No. _____ to dissolve the NRS 473 NDF Fire Protection District.

Station 1
145 North C Street
Virginia City, NV 89440
(775) 847-0954

Station 2
2610 Cartwright Road
Reno, NV 89521
(775) 847-0971

Station 3
500 Sam Clemens
Dayton, NV 89403
(775) 246-7979

Station 4
431 Canyon Way
Sparks, NV 89434
(775) 342-0220

Station 5
1705 Peru Drive
Sparks, NV 89434
(775) 343-3300

RESOLUTION NO 13-374

A RESOLUTION DISSOLVING THE STOREY COUNTY NRS 473 (NEVADA DIVISION OF FORESTRY) AND OTHER MATTERS PROPERLY RELATING THERETO

BE IT HEREBY RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS, STOREY COUNTY, NEVADA

WHEREAS, the Storey County NRS 473 (NDF) Fire Protection District was properly organized pursuant to NRS 473; and

WHEREAS, NRS Chapter 473 allows the reorganization of the "473 District" into Storey County by resolution of the Board of County Commissioners in which the "473 District" is located; and

WHEREAS, the Board of County Commissioners resolves that the reorganization herein described is desired, feasible and in the best interest of Storey County.

WHEREAS, the Board of Commissioners desire that the area currently serviced by the Storey County NRS 473 (NDF) Fire Protection District be annexed by, Storey County; and

NOW THEREFORE, BE IT RESOLVED that the Storey County NRS 473 (NDF) Fire Protection District as created by the Board of Commissioners, July 12, 1974, is dissolved effective July 1, 2013.

NOW, THEREFORE, BE IT RESOLVED that the Board of Storey County Commissioners, by unanimous vote, adopt this Resolution dissolving the Storey County NRS 473 (NDF) Fire Protection District as created by the Board of Commissioners, July 12, 1974.

BE IT FURTHER RESOLVED, that this resolution shall be effective on the 1st day of July 2013.

PROPOSED AND ADOPTED this day of 18th day of June 2013.

THOSE VOTING AYE

THOSE VOTING NAY

STOREY COUNTY BOARD OF COMMISSIONERS

Bill Sjovangen, Chairman

ATTEST:

Vanessa DuFresne
Storey County Clerk

Date

Resolution 13-376

Storey County, Nevada

Commissioners' Meeting Agenda Item Request

The Storey County Board of Commissioners has established a policy for placement of items on its meeting agendas. This policy states that all requests must be made in writing, and must include all supporting documentation at the time the request is submitted.

The deadline for submitting a request for an item to be placed on the agenda is noon on the Monday of the week preceding the Commissioners' Meeting. *(Items received after the deadline will be placed on the agenda of a subsequent meeting.)*

Date of Meeting: June 18, 2013	Date Request Submitted: 6-10-2013
Resolution 13-376 Augment the NRS 474 Storey County Fire Protection District Fund	
This item is intended for: <input type="checkbox"/> Consent Agenda <input type="checkbox"/> Discussion and Action <i>(at the Board's discretion)</i>	
<input checked="" type="checkbox"/> Supporting documentation is attached <input type="checkbox"/> No supporting documentation is necessary	
Requested by: <u>Jessie Fain</u> <i>(please print name clearly)</i>	
Address:	
Phone:	Email <i>(optional)</i> :

Please submit this completed form to:

or FAX to:

Storey County Clerk's Office
PO Drawer D
Virginia City NV 89440

Storey County Clerk's Office
(775) 847-0921

----- Fold at Arrows Here and Above to Place in a Window Envelope -----

For Office Use Only		
Date Request Received: <u>6/10</u>	Received: <input checked="" type="checkbox"/> In Person <input type="checkbox"/> Via FAX	By: <u>[Signature]</u>
<input checked="" type="checkbox"/> Supporting documentation attached - # of pages <u>1</u>		Meeting date of this item: <u>6/18</u>

☐ Item Approved for Agenda by: _____, Date: _____

For additional information, please contact the
Storey County Clerk's Office
(775) 847-0969 or email vdufresne@storeycounty.org

RESOLUTION # 13-376

RESOLUTION TO AUGMENT THE 2012/2013 BUDGET OF STOREY COUNTY FIRE FUND.

WHEREAS, total resources of the **FIRE FUND, Storey County** were budgeted to be \$ 3,835,518.00 on July 1, 2012; and

WHEREAS, the total available resources are now determined to be \$4,220,084.00.

WHEREAS, said additional unanticipated resources are as follows:

CHARGES FOR SERVICES \$ 384,566.00

Total \$384,566.00

WHEREAS, there is a need to apply these excess proceeds in the FIRE FUND.

Now, therefore, it is hereby RESOLVED, that the **NRS 474 Storey County Fire Protection District** shall augment its 2012/2013 budget by appropriating **\$384,566.00** for use in the **FIRE FUND**, thereby increasing its appropriations for **salary and wages** from **\$1,829,299.00** to **\$1,882,656.00**, increasing **services and supplies** from **276,327** to **\$603,536** and increasing **capital outlay** from **\$34,000** to **\$38,000**. A detailed schedule is attached to this Resolution and by reference is made a part thereof.

IT IS FURTHER RESOLVED, that the **County Clerk Treasurer** shall forward the necessary documents to the Department of Taxation, State of Nevada.

PASSED, ADOPTED, AND APPROVED the 18th of the **June**, 2013.

AYES: _____

NAYS: _____

Absent: _____

By: _____
William Sjovangen, Chairman of the NRS 474 Storey County Fire Protection District Board

ATTEST: _____
Storey County Clerk

Propane and Fuel Bid

Vanessa Dufresne

From: Jennifer McCain
Sent: Monday, June 10, 2013 9:03 AM
To: Vanessa Dufresne
Subject: Agenda item

Vanessa,

Can you please put on this next agenda:

- ✓ 1) Resolution 12-379 Water/Sewer rate increase - *Water Board*
- ✓ 2) Fuel bid acceptance for vehicle fuel and propane

When do I need to have the actual resolution to you?

Fuel bid opening is June 13 @ 10am, so I can get you those results afterwards if you need them.

Thanks,
Jennifer

Resolution 13-379

RESOLUTION 13-379

A RESOLUTION MAKING CHANGES TO WATER RATES FOR SERVICE IN VIRGINIA CITY, GOLD HILL, AND SILVER CITY AND SEWER RATES FOR SERVICE IN VIRGINIA CITY AND GOLD HILL.

WHEREAS, Storey County Code 13.10.010 provides that the Storey County Commissioners may establish water and sewer service rates by resolution, and

WHEREAS, additional cost of operation of the water and sewer treatment plant, construction and maintenance on the present water and sewer systems will require additional funds to be paid for by increasing the rates of the water and sewer users of the systems as explained in the Storey County Rate Analysis completed by Farr West Engineering 2011.

1. WATER RATES

- a. Water Hookup (basic $\frac{3}{4}$ inch within 50 ft of main lines):
 - i. Residential \$2,500.00
 - ii. Commercial \$4,100.00
- b. Permit extension fee: (based on minimum yearly water service rates)
 - i. Residential \$374.64 (\$31.22 X 12)
 - ii. Commercial \$537.60 (\$44.80 X 12)
- c. Water Deposit \$100.00 on all accounts.
- d. Monthly Service base rate:
 - i. Residential base rate will increase \$4.11 to bring the minimum base rate from \$24.22 to \$28.33 monthly for the first 2000 gallons of water usage; each additional 1000 gallons of water usage will be charged \$2.70 monthly.
 - ii. Commercial base rate will increase \$5.90 to bring the minimum base rate from \$37.80 to \$43.70 monthly for the first 2000 gallons of water usage; each additional 1000 gallons of water usage will be charged \$3.61 monthly.
 - iii. Monthly minimum will be charged for all metered accounts regardless of usage.
 - iv. Construction Water: Administrative billing fee: \$37.80 per month, \$3.61 per each 1,000 gallons.
- e. In addition to the monthly water usage rates a surcharge of \$7.00 per month will be applied to all accounts as required by USDA.
- f. Late charge of 4% of unpaid balance accrued monthly.
- g. Reconnection fee \$60.00 for nonpayment of billing must be paid before water service is restored.
 - i. If this fee and past due balance is not paid within one (1) month of disconnection, service will be entirely disconnected

and a fee of \$1200.00 (residential), \$2000.00 (Commercial) plus entire balance will be required before service is re-established

- h. Residential discount of 10% on water charges for Senior citizens over 65 (proof of age required) upon approval of the Public Works Director. Service account holder and discount applicant must be one in the same.
- i. Voluntary Disconnection of service:
 - i. Temporary Disconnection: Customers may opt to disconnect service for a period of three (3) or more months. A disconnect form must be completed prior to disconnection. Charges will be half of the current minimum monthly water and sewer (when applicable) service rates. To reconnect service a fee of \$60 will be assessed.
 - ii. Total Disconnection: Customer may opt to completely disconnect service. A disconnect form must be completed prior to disconnection. No monthly charges will be assessed. Restoral of service will require a fee of \$1200.00 (Residential), \$2000.00 (Commercial).

2. SEWER RATES

- a. Sewer Hookup (within 50 ft of main lines):
 - i. Residential \$3,300.00
 - ii. Commercial \$4,800.00
- b. Monthly Service rate:
 - i. Residential monthly flat rate will increase \$4.02 to bring the minimum base rate from \$23.71 to \$27.73
 - ii. Commercial base rate will increase \$7.09 for first 2000 gallons of water usage increasing the minimum base rate from \$30.68 to \$37.77 and for each additional 1000 gallons of water usage sewer charges will be billed an additional \$2.14 computed monthly.
- c. In addition to the monthly sewer service rate a sewer capitalization surcharge \$4.00 per month will be applied to all accounts.
- d. Late charge of 4% of unpaid balance accrued monthly.

THEREFORE BE IT RESOLVED, that the Storey County Commissioners water rate increase and sewer rate increase is hereby approved, the previous water and sewer rate Resolution 11-336 is hereby revoked by the adoption of this resolution 12-342. Said rates shall be effective commencing on the 1st day of July 2013 until further adjustments are made by resolution of this board.

This resolution shall be effective on the _____ day of _____ 2013.

THOSE VOTING AYE: _____

THOSE VOTING NAY: _____

ABSENT: _____

BY: _____

ATTEST: _____

Storey County Clerk

STOREY COUNTY BOARD OF COMMISSIONERS

Gold Hill Depot Lease

Pat Whitten

From: Pat Whitten
Sent: Friday, June 07, 2013 10:22 AM
To: 'kfegert@aies.net'
Subject: Gold Hill Depot Lease

Kim,

Just a quick note to let you know I am ready to put the Depot lease on agenda for the June 18th meeting. 2:00 is the start time although it usually takes a while to get thru the preceding stuff.

Pat



Pat Whitten
County Manager
Storey County

(775) 847-0968 (Office)
(775) 721-7001 (Cell)
PWhitten@StoreyCounty.org

powered by: vision**ASP**

LEASE

THIS LEASE is entered into this 5th day of August, 2008 between the County of Storey, a political subdivision of the State of Nevada, (hereinafter referred to as "Lessor"), and the Gold Hill Historical Society, a nonprofit corporation, (hereinafter referred to as "Lessee").

WHEREAS, NRS 244.270 gives the boards of county commissions power and jurisdiction in their respective counties to control and manage the property, real and personal, belonging to the county, and

WHEREAS, the Truckee Railroad Depot at Gold Hill, Nevada is the property of Lessor, and

WHEREAS, Lessee desires to utilize said property as a museum, and
NOW THEREFORE, THE PARTIES agree as follows:

1. Lessor hereby leases to Lessee for a period of five years from the date hereof, the aforesaid depot property, which is particularly described in Exhibit "A" annexed hereto and incorporated herein by this reference.
2. Rent shall be one dollar (\$1.00) per year, due and payable upon the signing of this lease.
3. Lessee agrees to rehabilitate the said depot for the display and operation of railroad equipment, and to maintain the premises as a historical monument commemorating the Virginia and Truckee Railroad, and to operate a museum and ticket office and other railroad related activities. In addition Lessee shall construct the six foot high board fence enclosure referred to in his letter to Lessor dated February 24, 2008, annexed hereto as Exhibit B.
4. The Lease shall not be assignable, nor may the premises be sublet to any other party

5. Lessee agrees to hold harmless and indemnify the Lessor from any damages or causes of action arising from the use of the premises and agrees further to insure the premises and Lessor with adequate public liability and property damage insurance in the event the premises are open to the general public.

6. It is further agreed that any third party successful in rehabilitating the Virginia and Truckee Railroad from Virginia City to Gold Hill, or from Gold Hill to Carson City, as the case may be, shall have access rights to the depot for the purpose of loading and unloading passengers, pending an agreement for access and maintenance with said party.

7. In the event the premises are sold, Lessee shall have the right of first refusal, provided, however, that Lessor may convey the premises to the owner of the Virginia and Truckee Railroad.

8. Lessee agrees to maintain the leased premises in reasonable condition during the term of the lease agreement.

9. Lessor reserves the right to make improvements and may change or remodel the leased premises during the lease term if necessary to meet the needs of Lessor or the Virginia and Truckee Railroad.

10. This lease may be terminated by either party upon 60 days written notice.

11. This lease shall terminate if Lessee ceases to use the premises for the above-stated purposes or the Lessee ceases to exist.

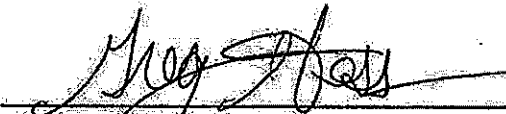
12. The terms of this lease may not be amended except by an instrument in writing executed by the parties hereto.

13. This agreement shall be construed in accordance with the laws of the State of Nevada and all obligations of the parties created hereunder are performable in Nevada.

14. Lessee and Lessor hereby agree and consent to subject themselves to, and agree that

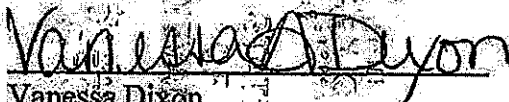
venue shall be properly in the State of Nevada, County of Storey, for the purpose of any litigation or legal proceedings initiated hereunder in State or Federal Court.

IN WITNESS WHEREOF the said parties have hereunto set their hands as of the day and year first above written.




GREG "BUM" HESS
Chairman, Storey County Board of Commissioners

ATTEST:



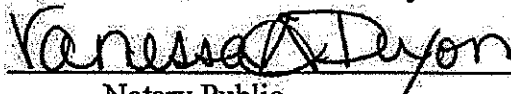
Vanessa Dixon
Storey County Clerk



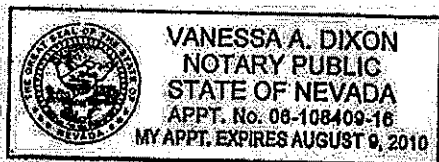
KIM FEGERT
President, Gold Hill Historical Society

STATE OF NEVADA)
) ss.
COUNTY OF STOREY)

On the 5 day of August, 2008, personally appeared before me,
a Notary Public in and for said State, Kim Fegert, President, Gold Hill
Historical Society, known to me (or proved to me) to be the person whose name is subscribed to the
foregoing document and who acknowledged that he executed same.



Notary Public



A PARCEL OF LAND THAT IS LOCATED IN A PORTION OF SECTION 31, T 17 N, R 21 E, MDM, COUNTY OF STOREY, STATE OF NEVADA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT WHICH IS LOCATED ON THE CENTERLINE OF THE VIRGINIA AND TRUCKEE RAILROAD MAINLINE AS SHOWN ON THE UNRECORDED STATION MAP, GOLD HILL, STOREY COUNTY NEVADA, LANDS TRACKS AND STRUCTURES, VIRIGNIA AND TRUCKEE RAILWAY, OFFICE OF THE CHIEF ENGINEER, CARSON CITY, NEVADA, DATED DECEMBER 31st, 1916, SHEET V-1, S-14a, SAID MAP BEING ATTACHED HERETO AS EXHIBIT C, SAID POINT BEING LOCATED AT THE INTERSECTION OF THE CENTERLINE OF SAID RAILWAY MAINLINE WITH THE NORTHEASTERLY RIGHT-OF-WAY LINE OF UNION STREET AS SHOWN ON SAID MAP AND AS SHOWN ON THE OFFICIAL MAP OF GOLD HILL AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER, STOREY COUNTY, SAID POINT BEING LOCATED AT APPROXIMATE CENTERLINE STATION 2641+42 AS SCALED FROM SAID RAILWAY MAP, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE ALONG THE FOLLOWING COURSES AND DISTANCES AS SHOWN ON SAID OFFICIAL MAP OF GOLD HILL:

- 1) THE NORTHEASTERLY RIGHT-OF-WAY OF UNION STREET IN A SOUTHEASTERLY DIRECTION, A DISTANCE OF 25 FEET MORE OR LESS TO THE INTERSECTION OF SAID NORTHEASTERLY LINE WITH THE NORTHERLY LINE OF YELLOW JACKET; THENCE
- 2) ALONG SAID NORTHERLY LINE OF YELLOW JACKET IN AN EASTERLY DIRECTION, A DISTANCE OF 125 FEET MORE OR LESS TO THE INTERSECTION OF SAID NORTHERLY LINE WITH THE WESTERLY RIGHT-OF-WAY LINE OF TELEGRAPH STREET; THENCE
- 3) SOUTHERLY A DISTANCE OF 30 FEET MORE OR LESS TO THE INTERSECTION OF SAID WESTERLY LINE OF TELEGRAPH STREET WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF YELLOW JACKET; THENCE
- 4) ALONG SAID SOUTHERLY LINE OF YELLOW JACKET IN A WESTERLY DIRECTION, A DISTANCE OF 145 FEET MORE OR LESS TO THE INTERSECTION OF SAID SOUTHERLY LINE WITH THE EASTERLY RIGHT-OF-WAY LINE OF UNION STREET; THENCE
- 5) THENCE ALONG SAID EASTERLY LINE OF UNION STREET IN A SOUTHERLY DIRECTION, A DISTANCE OF 85 FEET MORE OR LESS TO AN ANGLE POINT IN SAID EASTERLY LINE; THENCE
- 6) THENCE ALONG SAID EASTERLY LINE OF UNION STREET IN A SOUTHERLY DIRECTION, A DISTANCE OF 160.00 FEET; THENCE
- 7) THENCE IN A WESTERLY DIRECTION AT A 90° ANGLE TO SAID EASTERLY LINE OF UNION STREET, A DISTANCE OF 25 FEET MORE OR LESS TO THE WESTERLY RIGHT-OF-WAY LINE OF UNION STREET; THENCE
- 8) ALONG SAID WESTERLY LINE OF UNION STREET IN A NORTHERLY DIRECTION, A DISTANCE OF 20 FEET MORE OR LESS TO AN ANGLE POINT IN

SAID LINE; THENCE

8) ALONG SAID WESTERLY LINE OF UNION STREET IN A NORTHERLY DIRECTION, A DISTANCE OF 70 FEET MORE OR LESS TO AN ANGLE POINT IN SAID LINE; THENCE

9) ALONG SAID WESTERLY LINE OF UNION STREET IN A NORTHERLY DIRECTION, A DISTANCE OF 80 FEET MORE OR LESS TO THE INTERSECTION OF SAID WESTERLY LINE OF UNION STREET WITH THE CENTERLINE OF THE RAILWAY MAINLINE AT APPROXIMATE STATION 2640+50 AS SHOWN ON SAID VIRGINIA AND TRUCKEE RAILWAY MAP;

THENCE ALONG SAID CENTERLINE OF THE RAILWAY MAINLINE AS SHOWN ON SAID VIRGINIA AND TRUCKEE RAILWAY MAP THE FOLLOWING COURSES AND DISTANCES:

10) ALONG A TANGENT IN A NORTHERLY DIRECTION, A DISTANCE OF 15 FEET MORE OR LESS TO THE PC OF A CURVE TO THE RIGHT AT STATION 2640+65.61; THENCE

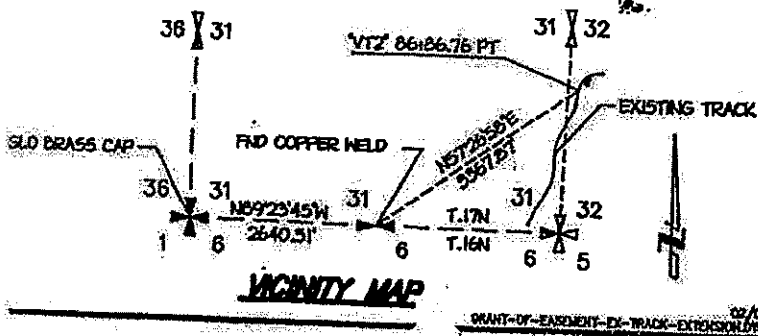
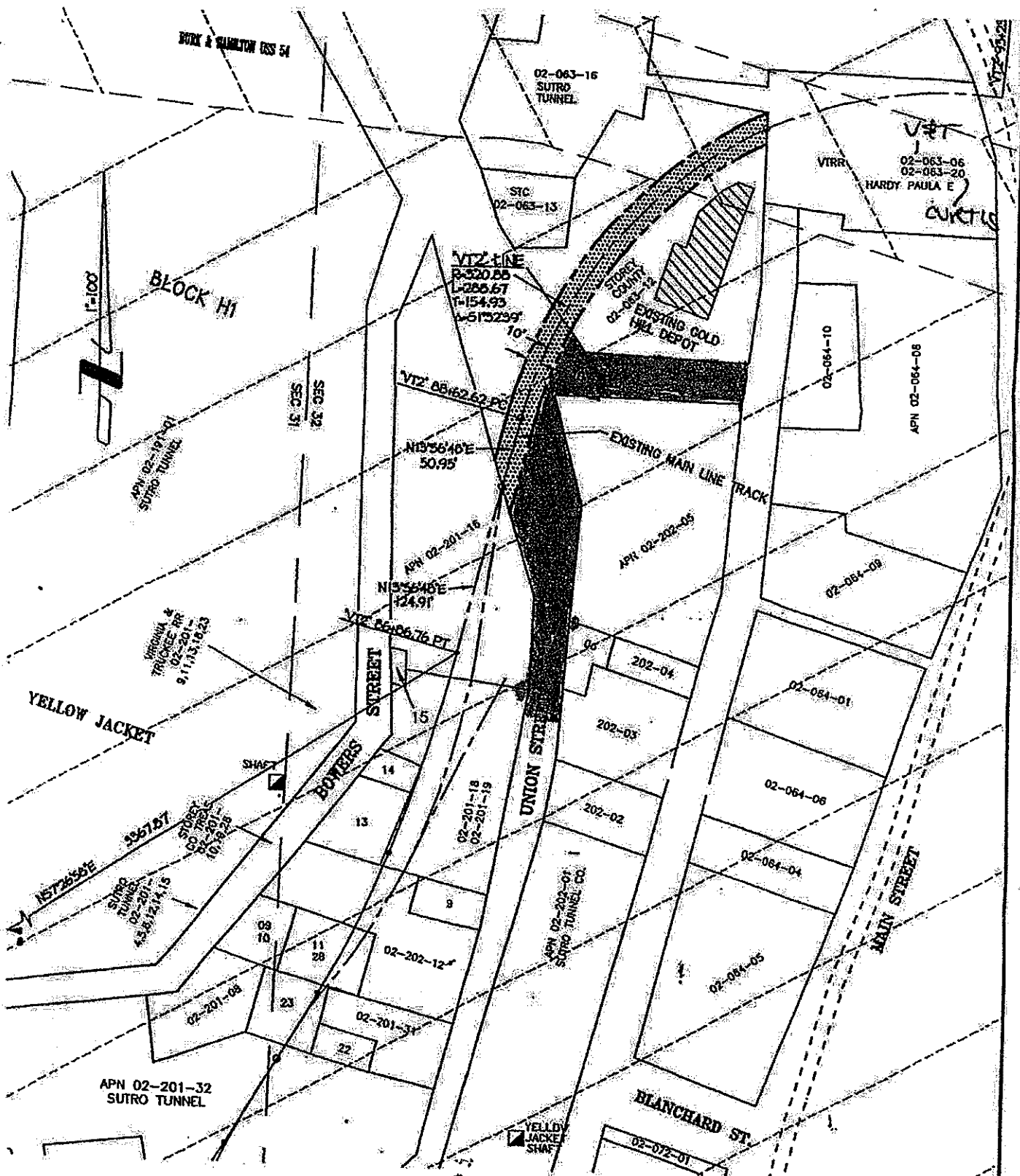
11) ALONG A CURVE TO THE RIGHT WITH A DEGREE OF CURVATURE OF $18^{\circ}44'$ AN ARC DISTANCE OF 76 FEET MORE OR LESS TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM AN EASEMENT AS DESCRIBED IN GRANT OF EASEMENT RECORDED IN BOOK____, PAGE____ OF OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER, STOREY COUNTY.

THIS DESCRIPTION WAS COMPILED FROM RECORD AS SHOWN ON THE OFFICIAL MAP OF GOLD HILL AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER, STOREY COUNTY ON JUNE 19, 1865 AND FROM THE UNRECORDED STATION MAP, GOLD HILL, STOREY COUNTY NEVADA, LANDS TRACKS AND STRUCTURES, VIRGINIA AND TRUCKEE RAILWAY, OFFICE OF THE CHIEF ENGINEER, CARSON CITY, NEVADA, DATED DECEMBER 31st, 1916, SHEET V-1, S-14a, SAID MAP BEING ATTACHED HERETO AS EXHIBIT C.



Exp. Date: 12/31/07
7/22/07



MAP TO ACCOMPANY GOLD HILL DEPOT LEASE

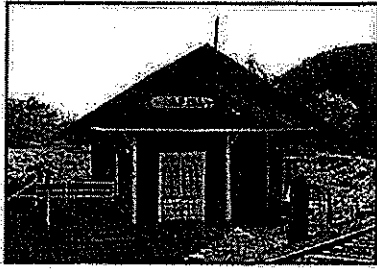
A PORTION OF THE SE 1/4 OF SECTION 31
TOWNSHIP 17 NORTH, RANGE 21 EAST, M.D.M.

PREPARED FOR: GOLD HILL HISTORICAL SOCIETY
P.O. BOX 1052, VIRGINIA CITY, NV. 89440
(775) 847-0611

PREPARED BY:

BASE MAPPING
PREPARED BY: FREDMONT SURVEYING
P.O. BOX 1, SILVER CITY, NV. 89428
(75) 847-0841

Exhibit "B"



Gold Hill Historical Society

P.O. Box 1052

Virginia City, NV 89440

To: Storey County Commission.

Re: Gold Hill Railroad Depot Lease

Gentlemen:

Here are the requested changes to the lease that the Gold Hill Historical Society has on the Gold Hill Railroad Depot that is being submitted for renewal:

Line 6. Should read WHEREAS, NRS 244.279 to 286 gives the boards of county commissions"

Line 9. Should read "WHEREAS, the former Virginia and Truckee Railroad Gold Hill railroad depot, located at Gold Hill, Nevada, is the property of Lessor,"

Line 11. Should read "WHEREAS, Lessee desires to utilize said property as a museum, railroad station, and community events venue,"

Line 13. Should read " 1. Lessor hereby leases to Lessee for a period of fifteen years from the date hereof,"

Previous leases were done in 5 year periods. Gold Hill Historical Society and its predecessor have leased the venue for 20 years so far, and have invested over \$400,000.00 in repairs, upgrades, and maintenance in the project through grants, donations and in-kind contributions. There had been a question of whether the County could enter longer leases, and NRS 244.320 addresses this, but it is only applicable to transactions in which the county is obligated to pay money and the funds are not appropriated for the entire term of the lease/agreement. The Fourth Ward School building is under a very successful 30 year lease. This allows long term program development and planning vital to the operation and fund raising abilities of a non-profit organization. Many state grants come with covenants that require 10 year minimum maintenance commitments. The Society is already obligated under some of those.

Line 18. Should read "3. Lessee agrees to rehabilitate the said depot for the display and operation of railroad equipment, to maintain the premises as a historical monument representative of the original owner, the Virginia and Truckee Railroad of 1869-1950, to operate a museum, gift shop and ticket office, and to participate in other railroad related activities, as well as to develop use as a community events venue."

Line 32. Should read "7. In the event that the premises are sold, Lessee shall have first right of refusal, and consideration shall be made of Lessee's previous investment in the premises."

The line "provided, however, that the Lessor may convey the premises to the owner of the Virginia & Truckee Railroad." should be stricken, as that party has done nothing beneficial to the County or to the Society concerning this venue to warrant any consideration in this matter, and is not a party of legal standing to this agreement.

Line 36. Should read "9. Lessor reserves the right to make improvements if necessary to the premises during the lease term, at Lessor's expense.

The line including the "needs" of the Virginia & Truckee Railroad should be stricken, as that party is not a party of legal standing in this agreement, and has shown hostility toward the lessee, to the detriment of the County's benefit of the lessee's positive contributions to the venue.

Line 39. Should read "10. This lease may be terminated by either party upon 90 days written notice for just cause, including violation of the terms of this lease."

Thank you for your consideration of these changes. It is our intention to continue to develop the Gold Hill railroad depot as a catalyst for further economic development on the Comstock. Storey County has been a valuable partner in the rehabilitation of this premises, and we look forward to many more years of mutually beneficial cooperation.

Respectfully,

A handwritten signature in black ink, appearing to read "Kim Fegert", with a stylized flourish at the end.

Kim Fegert, Project Manager
Gold Hill Historical Society



Virginia & Truckee Railroad Company



P.O. Box 467
Virginia City, Nevada 89440
775-847-0380

June 10, 2013
Mr. Pat Whitten
County Manager
Storey County Nevada

RE: Gold Hill Depot Lease Renewal

Dear Mr. Whitten

Thank you for this opportunity to comment on the subject lease. As you know our family started and financed the reconstruction of the Virginia & Truckee Railroad over forty years ago. Over the past twenty years we have transported well over a million tourists and locals to the end of our tracks in Gold Hill allowing patrons to disembark from our trains and to enjoy the highlights of the area. Regrettably, there has been limited use and enjoyment of the Gold Hill Depot and grounds except as scenery from our trains.

We also have been the train provider / operator for the NCRVTRy/Carson City Visitors Bureau for the past four years and our contract has recently been extended for a five-year period. While our daily short line operation continues to be successful without any activity at the Depot, I believe it is the interest of Storey County that the Depot's full potential be realized.

I believe the best use of the structure is for railroad related special events and perhaps as an additional meeting venue for Storey County. As an events example, we have created and operate sold out daytime Christmas trains departing Virginia City, and the evening Polar Express trains out of Carson City. The Gold Hill Depot has potential for such revenue producing events.

The Gold Hill train station is a marvelous structure from times past. My father reminded me today that the Gold Hill Historical Society as well as prior groups donated many volunteer hours contributing to the preservation and restoration of the Depot. The Depot now appears to be in better shape with the help of significant Storey County funding, State funding and private donations.

The most serious concern I have to be addressed is the proposed operation by others of a train to and from the Depot. We fall under the jurisdiction of NV State PUC and the FRA. In addition to complying with many extra federal regulations it should be apparent to all that operation on the Commission's ten miles of tracks require extraordinary safety practices given the steep grades and multiple sharp curves.

If the Storey County Commission decides to extend the lease with GHHS, I request there be some provision for resolving issues of mutual interest. We have had little if any cooperation with the GHHS on the most commonplace of matters, simple matters. Our employees have been hindered from doing track maintenance and repairing disabled locomotives on their way to and from Carson City. On September 20, 2008 I again advised GHHS that they had installed a switch on our property for their siding without our permission.

I am willing to meet with your officials to review short term and long-term possibilities for this wonderful Nevada treasure.

Thank You,
Thomas Gray

V & T Railroad
Virginia City, Nevada

Pat Whitten

From: Pat Whitten
Sent: Thursday, July 30, 2009 11:49 AM
To: tyson.john@sbcglobal.net
Subject: FW: Svetic Parcel Grading

Hi John,

It was great to see and talk to you this morning. Here is the entire email exchange between Kim Fegert and myself. I appreciate your perspective and help. See you tomorrow with Kevin hopefully...

Pat



Pat Whitten
 County Manager
 Storey County

(775) 847-0968 (Office)
 (775) 721-7001 (Cell)
PWhitten@StoreyCounty.org

Storey County is an Equal Opportunity Provider

powered by: v1

From: kfegert@aies.net [mailto:kfegert@aies.net]
Sent: Wednesday, July 29, 2009 6:00 PM
To: Pat Whitten
Cc: jflanagan@storeycounty.org
Subject: Re: Svetic Parcel Grading

Pat: The idea that I have time for confrontation, let alone desire, is ludicrous. Because of the deadline of the day the fire sprinkler system is activated, this project is suddenly going to get more expensive soon. I will have a phone bill, an alarm monitoring bill, the water bill and additional electrical use to deal with. We had intended to continue construction through the winter and have the yard and building safe and open for business by June. We have to, because the building support requires it. We are trying to be very thrifty with our remaining grant money and resources because we don't expect any more next year outside donations. We still have plumbing and electrical issues to deal with, and the reconstructed Southwest corner rooms need interiors.

Why on Earth anyone would believe I need more problems, I don't know. But, there's no shortage of donations there.

It should be easy to understand that demands such as your previous letter placed on my time and resources would naturally back me into a corner. First, I would suggest a different approach to working with people who are supposed to be your allies than the "heart attack" confrontation letter method. We are, and, always have been happy to assist whenever we can with any issues. But, I think we've earned at least a little respect. We have always been willing to share any credit for success with all who contribute, including Storey County. But, we don't care for being blamed for striving to meet a goal and falling short because no one else helped.

That you are willing to communicate on these matters, however, does make a difference. We are too. But, for this to maintain a good standard, there must be understanding and compromise. You must necessarily understand my capabilities and resources, and if you are willing to do so, I am willing to continue (as we have already been doing) to try to improve the area.

By the way, the oil spill is cleaned up, and, none of it occurred on County property. Look forward to discussing it with you in person on site.

I am flattered that you consider my communications "well written". But the point is not an essay in English class. It is important that I provide accurate information to the people who need it, and I will continue to do so whenever necessary.

We, once again, are happy to cooperate in any way we logically can to assist with your concerns. We merely expect the same. Look forward to the earliest meeting with you on the site.

----- Original Message -----

From: Pat Whitten

To: kfegert@aies.net

Cc: jflanagan@storeycounty.org ; da@storeycounty.org ; lgrant@storeycounty.org ; Gary Hames ; Tracy Curtis ; Mike Nevin

Sent: Wednesday, July 29, 2009 7:34 AM

Subject: RE: Svetic Parcel Grading

Kim,

It seems to me you should be spending your valuable time cleaning the area owned by the County, instead of composing well written but lengthy emails. I do not intend to enter into an electronic debate with you. It doesn't matter a single bit what your intent is with the materials laying around in disarray there are. In your eyes, I understand it may signal progress. However in others, including mine, it signals junk, clutter and a potential nuisance, at least from a tourism/economic perspective. We can potentially address your side of the story on removal of the platform, covering up the fuel spill, intentionally blocking emergency vehicle access and the other issues but I will do so only in manner that will foster mitigation on all sides...not just the interests you represent. This will not include inviting the "140 dignitaries" to explain your vision as this event has already been well scheduled and planned.

It would seem you are posturing to make this a fight which certainly is not my desire. Simply clean up the area within the designated time period as I have requested and we can address the remainder of the issues in a calm professional manner. Continuing to make excuses and threats is most unprofessional and a waste of everyone's time.

Pat Whitten



Pat Whitten
County Manager
Storey County

(775) 847-0968 (Office)

(775) 721-7001 (Cell)

PWhitten@StoreyCounty.org

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8/4/2009

From: kfegert@aies.net [mailto:kfegert@aies.net]
Sent: Wednesday, July 29, 2009 12:05 AM
To: Pat Whitten
Cc: jflanagan@storeycounty.org
Subject: Re: Svetic Parcel Grading

Pat: It seems that it is a foregone conclusion that after investing 20 odd years of effort and over \$350,000.00 in the preservation and rehabilitation of the Gold Hill train station, with the suport of hundreds of people from four local counties including ours, that, now that it's finally comming around to the point that we are expecting to be open for next summer's tourist season, other people have designs on it. This seems strangely familiar to when we tried to save V&T Locomotive 27 from rotting in the center of town. Just as the effort was begun to restore it, the State stole it away with an unnecessary compliment of six highway patrolmen (after a well documented meeting with Governor Bob Miller in which he told us to go ahead and fix it). You have the Dayton on display because we didn't forget what they did to us (as well as the rest of the citizens of Storey County). Interestingly, by the way, the County Commissioner who sided against us is now doing time on another matter, and, none of the State officials involved work there any longer.

The idea that we would invest so much volunteer effort (thousands of hours) and resources (hundreds of thousands of dollars) on an agreement to partner with the County to preserve a historic structure that the County was previously happy to let decay since it's acqusition in 1946, and then be run off like a bunch of squatters doesn't sit well with any of our members or supporters. Naturally, the rest of the Historic Preservation community will be very interested in exactly how this plays out, as well as the motivation. That there are a few people with other interests in mind that don't understand the difficulties in using limited funds to complete a complicated project like this with so many interests at odds instead of working together is beyond my paygrade (which, by the way, is zero) to manage. That so many do and will benefit form our efforts has been my concern the last 20 years.

We have always had a well known game plan that has enjoyed decades of support and we have gone out of our way to be easy to work with and up front about our project. And we have always had to trust that the County would, short of offering no assistance (save the recent work by Public Works on the fire main) at least not hinder us in trying to complete this project. We have asked no more.

There is nothing on the property that will not be used in completion of the project or in the operation of it. Some of the leftovers remain an important source of construction funding. We have been steadily disposing of that material as we need things like diesel fuel for a bulldozer whose time is donated by one of our many supporters as match for CCA funding. We expect \$8,000.00 worth of windows and doors for the West side to be delivered from the manufacturer (custom for this structure) in the next month. We expect soon to begin construction of roof fire sprinklers to protect the wooden shingles that the interior system cannot with donated pipe stored outside (to permit construction inside the building), as well as other needed plumbing repairs. We will be using extra railroad ties to assist in construction of a railroad-themed picnic and event center in the "back yard" area of the station, as well as in improvements in the parking area taking shape out front.

We are happy to discuss reasonable ideas to bring the project on line as soon as possible (we could use some help from prisoners if possible, for example.) We also are aware that most of the public is aware that the station is under construction. We would be happy to have any of the "140 dignataries" expected stop by, and to explain the vision and support for the project, as well as the effort involved and provided by our group (including providing a half million dollars worth of materials to the first phase of construction which they will have just traveled over, and the year of effort that that took.)

That we are aparently expected to liquidate our materials (in spite of a Srorey County Ordinance that specifically allows storage of materials used for construction of railroad facilities) leaving us nothing to complete the project within the ensuing few weeks is unacceptable, and the tone of the request is a slap in the face of all involved with the effort. We are looking forward to working with the County in the future in an amicable relationship, but, if forced to defend our efforts, which wether or not you find "embarrassing" we, in light of the well-documented sacrifice we've made to the WHOLE project, are very proud of, make no mistake, we will with our supporters thoroughly document and make it publicly clear what our efforts are being rewarded with. I wonder what the county's citizen's reactions will be to it suddenly turning on it's own.

We are happy to address in person anyone's legitimate complaints. We will also address anything we consider unwarranted harassment. Personally, considering what I've given to this project since 1985, I'm tired of that too.

During a recent visit to the depot, Commissioner Millard said that he saw a part in this project for everyone, and, I believe that it's success depends on everyone of integrity than can possibly be involved.

By the way, the grading issue seems to have been substantially solved to the agreement of all concerned, while improving on the original concept.

Please find a way, as a public servant, to make the most of this effort rather than the least of it. Apparently good public relations are becoming critical.

Thank you for your attention to this matter.
This is an open letter.

Kim Fegert

----- Original Message -----

From: Pat Whitten

To: kfegert@aies.net

Cc: jflanagan@storeycounty.org ; Tracy Curtis ; Mike Nevin ; Gary Hames ; Susan Sutton

Sent: Tuesday, July 28, 2009 6:41 AM

Subject: RE: Svetic Parcel Grading

Kim,

I will work to set up a meeting with you and hopefully John Flanagan, Tracy Curtis and possibly others with a vested interest in the Gold Hill area. Please do not make the mistaken assumption this is a "Tom Gray complaint list". Information I have collected both written and verbally comes from no less than at least six individuals that I can think of and often with two or more complaining about the same or similar issues. As you have suggested, I think the best thing to do is meet on site to discuss mandatory mitigation measures further, item by item. In the meantime, I strongly suggest you start cleaning up the entire depot area. What isn't taken care of in its entirety by the Sunday preceding Rail Fest on August 14th, I will have our Public Works crew remove and dispose of all remaining material on County property inclusive of street right-of-ways, with GHHS held responsible for all costs. With over 140 VIP/dignitaries coming to Virginia City to ride the inaugural train and many others passing both ways during the subsequent weekends, I will not risk further embarrassment to our Commissioners (who will also be onboard), the County or the Rail Commission. I will contact you when I return for additional follow-up.

Pat



Pat Whitten
County Manager
Storey County

(775) 847-0968 (Office)
(775) 721-7001 (Cell)

PWhitten@storeycounty.org

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From: kfegert@aies.net [mailto:kfegert@aies.net]

Sent: Sunday, July 26, 2009 4:00 AM

To: Pat Whitten

Subject: Re: Svetic Parcel Grading

Pat: Since you will be away from your desk, I am assuming that you will still be checking your e-mails, and I wanted to provide you with some advance information. I will address the bulleted issues in order.

The "passenger loading platform" issue was discussed with Bob Gray more than two years ago, when with his permission, we did the track work that necessitated it's removal.

The first issue is that it was not constructed on either his property or any that he had permission to use. It was constructed when the track was illegally occupying County property that GHHS now has under lease. Because it occupied an area right through the switch it was hazzardous anyway, and because it was built from scrap wood, it was difficult to maintain. When the switch was realigned, it left a useable area for a new structure that could be constructed to require minimal maintenance and installed in a safer manner.

We rose an area to the required level with fill dirt and covered it with small "yard ballast" so named because it's deemed of a size to be easily walked upon by the American Railway Engineering & Maintenance Association. It will not become muddy, is slip resistant, is made from specification rock, and doesn't break or splinter when driven upon. We placed it OUT of the switch, making it safer still to walk on, and, where it crosses the house track, we installed a recycled commercial grade rubber walkway which is bolted to the track with 12" x 3/4" bolts. And it's entirely on the Gray's property. We paid for everything ourselves, but, we did not want the liability of his unloading operation on our lease. We don't even know if their insurance covers us or the County for passengers walking through the property.

We have seen countless times successfull use of the unloading area, but have noticed recently that the train stops much further South than the platform we built, and there is nothing down there for the passengers to get down onto.

We have dilligently to the best of our resources maintained a walkway to the access area to Telegraph Street, and have witnessed many people using it with no problem. We've never seen anyone traverse it with a wheel chair, but then, Telegraph Street is be dangerously steep in the Southerly direction for them anyway. We do have trouble with tourists in autos and on ATV's and motorcycles ruining the grading, though.

I am currently not aware of any difficulty for emergency vehicles moving in or out of the area. I regularly drive a five-ton truck full of gravel through there with no concern untill well past our area. We've had 18-wheelers in there. Would be happy to address concerns of the Fire Department if they present any.

Number four is entirely outside our responsibility. The "gunfighters" are employees of the Grays. The Grays never approached us for any permission to operate on any of our lease, and, are not prevented access from from anyplace that they have chosen to operate. The Gunfighters are friends of ours, and, have been very respectful of our efforts and watchful of safety issues.

We don't know a thing about "barbeque events", nor have ever seen evidence of them. No one talks to us about anything the Grays plan, so we do not know how to accommodate them. Since they share no revenue with us, we don't expect to be involved. Nor do we complain about anything they do.

That I'm aware of, allegation 5 is patently false. We know the train crews, and harbor no ill will to them. We would like to speak in person to any accusers to determine the circumstances. It is pointless for us to offend train passengers, for which we're renovating the facility. We commonly provide ticket location information to passers by.

Creosote on the ties is not buildup. We don't apply it. They come that way from the factory. We haven't heard of anyone slipping on it, as it seems to be naturally sticky. Rocks are commonly stuck to them. We did install a

walkway for the passengers, however, to avoid that if possible. There is not supposed to be anyone on our track anyway, (safety/liability issues) and, the ties on the Gray's property are their responsibility.

Number 7 was the result of vandalism, and, because we are trying to determine the culprit, I would like to discuss that issue with you in person.

Since early Spring, we have steadily been using up or selling materials stored around the area, so, there is less, not more around.

We have not given up the "fenced storage area". Will discuss details with you in person. Same with the grading issues.

This sounds like a Tom Gray complaint wish list to me. We don't make it a point to harass their operation and, feel this to be very counter-productive, considering our respective positions and resources. I would wonder what passengers must think of the junk at their railroad yard. We are using the material we have. And, while he solely benefits from his efforts, everyone in the county benefits from our efforts. I haven't ever made a dime on this.

Look very much forward to hearing from you.

P.S. Except for a little dirt here and there, the Public Works boys did a fantastic job installing our water service, and should be commended. Great work, good to work with.

----- Original Message -----

From: Pat Whitten

To: kfedert@aies.net

Cc: Tracy Curtis; jflanagan@storeycounty.org

Sent: Friday, July 24, 2009 3:43 PM

Subject: RE: Svetic Parcel Grading

Kim,

This is one of several complaints and/or concerns that seem to be arising lately. I am aware you are working with Shannon with our Community Development Department to square away proper permitting, etc. Hopefully this can be easily fixed to the satisfaction of surrounding land owners including the Rail Commission. I am equally concerned with other issues I have been made aware of including:

1. Removal and failure to replace a passenger loading platform. This is inhibiting passengers from getting off to visit local business in Gold Hill.
2. Destruction or removal of a road or walkway for access down to the Gold Hill Hotel, particularly by handicapped passengers.
3. Failure to maintain the service road for emergency vehicle access from the southern edge of the property.
4. Destruction of and/or failure to provide for a contiguous area to facilitate "gun fighter" shows that occur on a daily basis and barbeque type special events such as have frequently occurred on the Moonlight Wine Trains.
5. Depot workers exhibiting openly rude gestures and behavior toward passengers and/or employees when the train passes by the depot area.
6. Excessive oil or creosote build-up on your track ties. This has reportedly caused at least one passenger to slip and fall.
7. Waste oil or diesel spill in and around the engine stored on site which appears to have been covered over with ballast.
8. Excessive debris and junk cluttering the entire depot grounds.

Some of this is coming to me directly and some from third party comments. I will be out of state attending at a National Convention and want to meet with you to discuss further when I return late next week. In the mean time, with Rail Fest rapidly approaching, it is imperative you clean the entire grounds prior to this landmark event. We verbally agreed that any customary equipment would be maintained behind proper fencing and my

personal opinion is the grounds look more like a "rail yard" as opposed to the historic passenger depot it is intended to be. In fact, the current lease specifies that a 6 foot fence shall be constructed in conformance with your committing that there will be no maintenance material or artifacts "strewn" about the grounds and the said enclosure would contain spare ties, rails, maintenance material and equipment. Since this has not yet happened, it could be considered a violation of both Section 3 and Section 8 of your current lease.

My message here should be very clear...things need to be cleaned up completely well before the kick off of Rail Fest on August 14th. We must provide a favorable image to passengers on all trains passing by the Gold Hill Depot. I hope to meet with you on site when I return to inspect for compliance and further discuss items 1 thru 7 above.

Pat Whitten



Pat Whitten
County Manager
Storey County

(775) 847-0968 (Office)
(775) 721-7001 (Cell)
PWhitten@StoreyCounty.org

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From: kfegert@aies.net [mailto:kfegert@aies.net]
Sent: Tuesday, July 21, 2009 4:41 PM
To: Ken Dorr
Cc: dwight, millard; Michael Smiley Rowe; Pat Whitten
Subject: Re: Svetic Parcel Grading

We will grade to match existing road as soon as we can, and, work to remove excess material whenever possible. We were trying to figure out a logical way to use the grading to enhance the value and usefulness of the parcel, but, we do not have to insist on it.

----- Original Message -----

From: Ken Dorr
To: kfegert@aies.net
Cc: dwight, millard ; Michael Smiley Rowe ; Whitten, Pat
Sent: Tuesday, July 21, 2009 8:27 AM
Subject: Re: Svetic Parcel Grading

Kim:

The agreement was that you could place excess material on the Commission's lot as long as it matched the grade of the existing access road.

It sounds like you are anticipating additional grading and any retaining wall was not expected and is certainly not authorized. It seems that your relatively simple request to place some excess material adjacent to and at the same elevation plane as the current access road crossing the "Svetic" Parcel is now becoming complicated. With these complications I'm going to insist that you prepare a detailed Grading Plan designed by a Professional Engineer and submit it to Storey County and the Commission for formal approval and

Grading Permit Issuance before any additional grading takes place on the Svetic parcel, other than leveling the fill area as I previously indicated in my email to you yesterday. Alternatively, please remove all of the fill material placed on the Commission's property.

Please advise.

KLD

and approvAt this point I'm of the opinion that the best option would be for you to remov

>>> <kfegert@aies.net> 7/20/2009 11:04 PM >>>
Comment noted.

While in the process of trying to determine the best circumstances of the grading result, we came up with the following:

The original grade level (pre 1978) that we are trying to restore only maintains elevation for about 40 feet from the building, after which the "road" pitches downgrade to the highway.

Currently, the best uses for the parcel are either parking or a building lot, both of which should optimally be level.

We have probably enough more dirt to accomplish a level lot at the end of Telegraph Street, if we strike it off onto the parcel. If, however, that is done, the road elevation at the highway would necessarily be depressed. Another option is to remove all of the excess dirt, eventually requiring some retaining structures to be constructed at the West end of the Commission's lot.

I have extensively discussed this situation with Peter Leonard, who controls a small parcel between Telegraph Street and some of the "Svetic" parcel. He sees no problem with leveling the whole area.

Telegraph Street needs to be brought down to the original grade to work, and I am working with Public Works to accomplish that. There is an issue with the sewer system that needs to be addressed, but, it has to wait for the road to be leveled first. I don't know what Public Works' schedule is for further dirt work yet.

Any grading done outside the water main construction area, even though necessary, is NOT covered by our CCA grant, and, is paid for out of my pocket. That means that while we are sensitive to everyone's opinions, I will have to raise the funds to complete the extra grading unless I can work it out with Public Works. We have endeavored to see that no legitimately unsafe conditions exist on Commission property, and will immediately address any that may arise.

While the Public Works people did a commendable job installing the water main, I was not there to control some of the grading they did for convenience, so the end result was not "engineered".

If it is desired to strike off the "berm" right away, we will try to do so. I would, however, recommend reviewing the best direction for the grading to take under the circumstances first.

----- Original Message -----

From: Ken Dorr

To: Kim Fegert

Cc: millard dwight

Sent: Monday, July 20, 2009 7:29 AM

Subject: Svetic Parcel Grading

Kim:

Took quick look at the grading operations at Gold Hill Depot yesterday, and while I realize you are not yet complete, would make the following comment:

Please complete the grading on the fill you placed adjacent to the access road across the "Svetic" Parcel

such that the fill placed downhill from the road is on a continuous plane with the level of the road. In other words, the "bermed material" on the downhill side of the road needs to be leveled to match the grade of the road. Looks like you will have to export some of the material placed to accomplish this objective.

Please call if any questions.

KLD



Manhard

CONSULTING LTD
3476 Executive Pointe Way
Suite 12
Carson City, NV 89706
p. 775.882.5630 f. 775.885.7282

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Gold Hill Historical Society

P.O. Box 1052

Virginia City, NV 89440

To: Robert C. Gray
President, Virginia & Truckee Railroad
9 Ramona Drive
Orinda, California 94563

May 16, 2010

From: Kim Fegert

Dear Sir:

On May 12, 2010, I met with Mr. Pat Whitten, County Manager, Storey County, and Mr. Tom Gray, representative of your organization, concerning access issues at the Gold Hill train station. Chief of which is access for our railroad operation to the track of the Nevada Commission for the Reconstruction of the V&T Railway, a public agency (Railroad Commission). This is to be accomplished by passing over roughly 150 feet of your company's property divided up between two places between our operation and the Railroad Commission's.

Historically, since the construction of your railroad to our venue in 1991, we have had an amicable relationship including the construction of the access turnout at that time with material and labor we provided. Any maintenance to the turnout, including upgrading it with newer and heavier materials in 2005, has been done at our expense. It should be noted that that turnout (for clarification, the turnout in the Gold Hill siding) is located on County property, NOT railroad property. We have to pass over a small lot before the turnout and another lot after the turnout to access the Railroad Commission's track.

At the time the original installation was constructed, there was a mutual recognition that rail access in the form of the restored house track to the station would benefit the railroad project as a whole, and no access problems were anticipated. We agreed to the mutual use of the access on an as needed basis. To that effect, several hundred thousand dollars of improvements to make Gold Hill station a useful and viable venue have since been poured into the building and grounds by our organization, The State of Nevada, Storey County, and the Feather River Short Line Railroad, as well as many private donors throughout Western Nevada.

However, a change in management at your company has discouraged any further progress on the venue, up to and including threats to remove our access track. At the risk of the investment in the project, and thus, its viability, I asked for the fore mentioned meeting, which Mr. Whitten graciously arranged and attended to see if he could be of any

Address to the NCRVTR
October 5, 2009
By Kim Fegert

The Gold Hill Historical Society wishes to make it known to the Commission that it supports the efforts of the Carson City Convention and Visitor's Bureau in their work to make the Commission's project a success. It is responsible for resolving what seemed to be a serious problem by recognizing that only through moving passengers right away could the project begin to realize its intended potential. We wholeheartedly agree with that premise, and, the apparent result.

We also understand that the CCCVB intends to consider awarding a long term contract to the Gray family to operate trains over the Commission's project. We, as participants in the overall project, have no problem with the choice of operator, as it seems prudent to take advantage of the small amount of equipment currently available in the area to do whatever is necessary to get some passengers over the rails. We do however, have concerns about the terms of the contract, as it can seriously affect our, and, Storey County's investment in our project. I will briefly explain our case shortly. First, though, you may be concerned that this is not the venue for comments on a contract between the CCCVB and the Grays.

Under most circumstances that would probably be an accurate assumption. But here, the actions of the CCCVB will reach far outside their political boundaries, and therefore, those affected people that are outside those boundaries have to take whatever necessary stand at the governing body with the superior authority in the issue.

Our concerns lie with the possibility of the contract being exclusive, and, with scheduled stopping. I will at this time outline our concerns point by point.

We intend to operate with our own crews and equipment fundraising excursions to support the planned development around our venue and to give other non-profit organizations a chance to take advantage of the unique opportunity we will provide with that service. To that end, we have formed an excursion operating entity, we have substantially constructed a railroad yard to support the operation of both our and the Commission's projects, we have secured use of our sister organization's operable locomotive, which has just passed an annual F.R.A. inspection, and we have met the Federal Railroad Administration's standards for training and licensing our personnel. Most of those personnel are experienced veterans of the industry and many have worked long term on the Gray's own operation.

We also intend to provide access for the Commission's patrons to the amenities planned at our venue, and the businesses at Gold Hill, present and future. To support that goal, we have invested over a quarter million dollars in rehabilitation of the only actual original railroad station currently on the line. We are continuing to complete further renovations as time and funding allow, such as the new \$38,000.00 fire sprinkler system. We are currently accepting bids for a contract for more preservation work in the structure, as well

as purchasing new materials to assist us in working toward having the building open for business next summer, which will include construction of a gift shop within the building necessary to support the maintenance of the venue. We are working with the Commission's engineering team, Storey County, and, local property owners to improve access and parking at the station. We are developing plans for an interactive interpretive building to house the locomotive and allow the public to learn about steam railroad technology on a one to one basis. We are including much needed public restrooms in the project. And, we are developing an outdoor event area that will include facilities for barbeque service. Further, we have contracted with a professional fundraising firm to begin a capital program aimed at raising more than \$400,000.00 to finance venue improvements and needed equipment.

Our concern about exclusivity has been voiced before. Simply put, we do not believe there is any logical reason, operationally or otherwise, that an organization such as ours cannot provide the service opportunities we propose. Similar business operations have been tested with good results on a larger scale at Ely, Nevada, where the non-profit operation periodically co-existed with common carrier operations. It's important at this time to point out that we do not intend to compete with any other operator. Nor, do we intend to operate on the private track north of the Gold Hill highway crossing. We believe that since we are looking at a different customer base, and, intend to develop it on our own, that there are enough riders for everyone to participate. And, every person that rides for any reason benefits the justification of the project.

Exclusivity would eliminate any opportunities for us to implement the service we propose and severely disable our ability to support the development and maintenance of the operation. Further, it would prevent our assisting the Commission and its operator should the need arise. And, we believe that there is clearly not a public relations advantage in such restrictions.

Our concern about scheduled stopping is simple. The train currently goes directly to Virginia City from Eastgate. While we are not ready for passengers to visit our venue yet, we would eventually request either a reasonable scheduled stop in Gold Hill or a ticketing mechanism that allows riders to take the Gold Hill - Virginia City local back to visit the venue and Gold Hill businesses at will. Our investment in our venue development as well as that of other businesses is at serious risk if that is not appropriately addressed. Storey County residents look at their investment of tax money in the project, as well as their generous donations to the Gold Hill Historical Society, as an investment in the county's economy as a whole, not just a few blocks of Virginia City, and, would like it spread to benefit as many people as possible. We intend to be worthy of that generosity, but will find it difficult at best without cooperation of the operator.

You have been provided with evidence of Gold Hill Historical Society's dedication to this venture, as well as our ability to manage projects such as the Reno ReTRAC Salvage Project, which brought to the Commission half of a million dollars worth of construction materials, and, provided the Commission with its first mile of track. We'd just like to share a little in the use of it now and then to benefit all.

I was recently told by one of you commissioners that he believed that there was a place for everyone in the project, and, in agreement with him, I believe that this project deserves all the dedicated supporters it can get. And, since we began work on our venue, years before there was any railroad in Gold Hill at all, we have demonstrated the dedication and vision to be allowed to continue to contribute any way we can, and, for the mutual benefit of all supporters, are happy to do so.

Questions?



Virginia City Convention & Tourism Authority

August 3, 2009

VISITVIRGINIACITYNV.COM

Pat Whitten
Storey County
P.O. Box 176
Virginia City, Nevada 89440

Reference: Svetic Parcel Grading

Dear Pat:

As we near the completion of the V & T restoration project and the beginning of the trains running from Carson City to Virginia City I feel we should make every effort to showcase our glorious destination.

First impressions by our guests set the tone of their visitor experience. I have spoken to you in the past about 'destination promise'. This is the promise we make to our visitors about their Gold Hill/Virginia City experience. We promise them a safe authentic late 1800's experience. The Tourism Authority in conjunction with the Virginia City Advertising Co-Operative and the Nevada Commission on Tourism spend thousands of dollars each year advertising that promise.

I have a concern about the south portal into our town in Gold Hill. We want to make sure that entry is clean and safe for visitors.

We are currently involved in a marketing partnership with the Carson City Convention and Visitors Bureau to promote train ridership. We anticipate thousands of national and international visitors will be riding those rails in 2009/2010. In this economy this project can act as a major economic driver for the region.

As always, thank you for your time and I appreciate any effort you may make to facilitate a true "Step Back in Time" visitor experience.

Sincerely,


Susan Sutton

Executive Director

CC: VCCTA Board
V & T Restoration

August 3, 2009

Tom Gray
V&T Railroad
PO Box 467
Virginia City, NV 89440

Dear Mr. Gray,

I wanted to make certain that you were aware of an incident that occurred last Friday afternoon. Since I am not certain of who was involved, or even if it was one of your employees, I am also contacting the Nevada Commission for the Reconstruction of the V&T Railway.

My son, who does not live in the area, was visiting us. He is a rail fan, and has, up until now been an enthusiastic supporter of both of your railroad and the reconstruction project. That changed on Friday.

He saw the number 18 locomotive at the Gold Hill Depot, and stopped there. He got out of his car, and asked three men standing there if he could take some pictures. One of them, who was apparently the engineer (?), sarcastically asked him if he could read the "no trespassing" signs, and that he could take pictures from the "county road" over there. For a town that depends on tourism, rude treatment of visitors should not be tolerated. All he did was ask permission to be on the depot grounds to take a picture.

I am writing as someone who is concerned not so much about the rude treatment of a relative, but as someone who realizes that importance of treating tourists—especially when they are making polite inquiries—like guests that we want to return to Virginia City. Our economy depends on tourists, and offending them unnecessarily is detrimental to everyone who lives here.

Sincerely,



Everett Shropshire
PO Box 489
Virginia City, NV 89440

6-29-09

Mr. Wilton

Enclosed is the letter
reg. completed about about
the pump at the Colliery
Station they have been
up the ground and
made the place look like
a good deal. They have
purposely blocked a concrete
road making it almost
impossible for emergency
vehicles to enter in case
there needed including fire
equipment. The road
lead in blocked by a
fence. They had not
been even working at the
site for 2 weeks if not
longer. There turning all
business value of the site
over

and something should be
done about it before it is
late.

Thank you for your
time.

Sincerely

Bill Colliery

FILE
JUL 02 2009
E-1

STOREY COUNTY EMERGENCY MANAGEMENT INVESTIGATION REPORT

CIRCUMSTANCES AND NARRATIVE

Date of Incident:	June 23, 2009
Time of Incident:	0845 hrs (approx)
Location of Incident:	Old V&T Depot, Gold Hill, NV 89440 Along the track under Locomotive #8
Nature of Incident:	Oil Spill from Locomotive – Reclaimed oil
Occupant:	Gold Hill Depot Historical Society
Owner of Property:	Pete Leonard, Sutro Tunnel Corp
Reporting Party:	Tom Gray, V&T Railroad Co.
Apparatus responding:	301 (Curtis)

CIRCUMSTANCES:

On 6-22-09 I was contacted by County Manager Pat Whitten concerning a possible hazardous material (Reclaimed oil) spill near the Virginia & Truckee old train Depot along the tracks, Gold Hill, NV.

On 6-23-09 I met with County Manager Whitten and he showed me the location of the possible reportable oil spill under and the side of the Feather River Locomotive #8 located just to the South of the Depot in Gold Hill on Sutro Tunnel Co. property.

The locomotive is situated on a small spur of rail from the main rail line.

I was shown several spots between tie that support the rail (and the locomotive) on the west side of the locomotive that had very obvious and significant amounts of black oil on the ground. The oil had been covered over with gravel (ballast) between the tie. At this time I took some photos of the area around the locomotive. It was apparent that it would require further examination of a more detailed nature to determine the extent of the oil spill.

Upon returning to Virginia City I made phone contact with the Nevada Department of Environmental Protection (DEP), Rob Palmer, and explained the matter to him. It was decided that I would return to the location with tools to try and determine if there was a potential for more than 25 gallons of material that may have been spilled or 3 cubic yards of dirt that had been contaminated. This would determine if a formal spill report would be required by Nevada DEP.

On Thursday, June 25, at approximately 0730 hours, I returned to the site in Gold Hill with appropriate tools to dig through the gravel (ballast) and determine the nature of the spill. Using a shovel I uncovered several areas between approximately four sets of tie where there was obvious oil residue.

I determined that there was, between one particular set of tie, a significant amount of black oil that had been spilled or intentionally placed there that ran from the west side of the rail, between the tie, and on for a distance of about 8 to 10 feet (about 18 inches beyond the end of the tie) and had pooled out beyond the tie. It was readily apparent that at some point a person(s) had covered over the spill areas with fresh gravel ballast. It is unknown if this gravel was placed over it to intentionally cover the spill to hide it or if it was just part of the normal placement of the ballast between the tie.

After removing approximately 4 to 5 inches of ballast to get down to the oil covered lower level ballast and to the dirt I determined that the oil, while somewhat pooled and standing on the ground had not soaked into or penetrated the ground surface by any more than about one inch. It should be noted that the ground at this location is typical "tailing" material which has high clay content and thusly packs down significantly to an almost concrete like surface with low penetration ability by even water. This material is very rocky and is commonly referred to as "Comstock concrete."

In examining the undercarriage of Locomotive #8, I could not discern any particular location of a possible leak. There are, however, several valves under the oil tender.

In terms of the amount of spill it is difficult to determine however it is my opinion that, in total, around the tie and under the locomotive there is probably no more than a maximum of ten to fifteen gallons of oil residue. In speaking with DEP in Carson City regarding typical railroad yard oil accumulations in shop or repair yards this would not be an unusual amount of oil nor would it be of major concern as long as there were no

ground penetration into a potential water bearing soil subsurface. DEP used the example of the Nevada Northern Railroad in Ely, Nevada which is also an oil fired steam locomotive operation. DEP did indicate that this would be important to document as a baseline and to follow the area in the future for further accumulations of liquid standing or penetrating oil into the ground in the area.

I took photos of the area for documentation of the status of the oil spills.

OBSERVATION: There appears to be a lack of personal or company responsibility and duty on someone's part to protect the local environment from excessive release of such product. This product release could have easily been prevented by placing appropriate buckets or containers in place to catch any oil releases, leaks or drips. There would seem to be no excuse for allowing this accumulation of oil to occur. It appears that there was an intentional opening of a valve or the pouring out of a bucket of oil into this area then it was intentionally covered up with ballast (gravel).

It is fortunate for the locomotive responsible party that the ground is so hard and that it has not soaked into the soil to any degree.

This oil release far exceeds that which might be considered routine drippings from the locomotive or tender on a daily basis for the period that it has been stored there.

The locomotive has been at this location for approximately eight to ten months. This release would seem to be more typical of releases that may have been occurring for maybe five or more years.

Should this area of contamination continue to be used or allowed to accumulate oil in the future to a point that it exceeds the 25 gallon threshold it would qualify as an illegal release and thereby become reportable to DEM as a hazardous materials spill. As such it would then be an area and event that would possibly be subject to fines by both the county and the state.

CONCLUSION & RECOMMENDATION: There is an insufficient amount of oil (minimum of 25 gallons or 3 cubic feet of contaminated soil) to be reportable as a spill to DEP. The area will be monitored in the future for any further accumulations.

It is recommended that the owner/operator of the locomotive be required to go in and remove the ballast, scoop up the pooled oil and oil contaminated soil on the ground surface, appropriately dispose of the contaminated soil, then replace the ballast gravel in between the various tie, of which there are about four locations on the west side. This recommendation would include the areas underneath the locomotive, of which there are several, as well as the areas along the outside of the track on the west side of the track.

The fact that some of the gravel has oil on it is not of concern. That ballast could be re-used. It is the oil that has seeped to the ground surface, pooled, and begun to penetrate the soil that is the concern.

END OF REPORT

Photos attached

Joe Curtis
Director
Storey County Emergency Management
District Chief, Virginia City District
Storey County Vol. Fire Dept.
Virginia City

June 25, 2009

Pat Whitten

From: wfainvcnv@aol.com
Sent: Friday, March 06, 2009 9:56 AM
To: commissioners@storeycounty.org
Subject: Gold Hill Depot

Dear Commissioners:

It has come to our attention that the Gold Hill Depot is not effectively fulfilling its role as the train depot for Gold Hill in its current configuration. The passengers from the train cannot easily disembark from the train since there is no platform for them to exit onto. We understand that there was previously a platform but it has been removed and not replaced. This keeps passengers from easily being able to get off the train at the station to visit local businesses in Gold Hill which is an economic hardship for the businesses which depend on tourist traffic. The privilege of operating the depot should include the requirement of giving proper facilities for train passengers as would be normal in a functioning depot. We would appreciate it if the Commissioners would explore this problem and consider it in deciding whether to continue with the current operator. This is important to the businesses of Gold Hill.

Sincerely,

William W. Fain

Proprietor, Gold Hill Hotel

Check all of your email inboxes from anywhere on the web. [Try the new Email Toolbar now!](#)

7/15/2009



Virginia & Truckee Railroad
P.O. Box 467
Virginia City, NV 89440



September 20, 2008

Gold Hill Historical Society
Gold Hill Nevada,

C.C. Mr. Pat Whitten
Storey County Administrator

Dear Mr. Fegert:

While we commend your rehabilitation efforts of the Gold Hill Train station we also have some concerns as it relates to the Virginia & Truckee Railroad. For the past decade the railroad has brought nearly a million visitors to Gold Hill on its excursion trains and during this period few passengers have had the opportunity to use the Gold Hill depot in any meaningful manner.

The railroad has specific concerns such as unauthorized movement of trains to and from Virginia City and Gold Hill, unauthorized construction activities, and tampering with V&T's switch.

As you are aware the V&T Railroad does not allow any unauthorized construction activities on its property or right of way. Last year it was indicated to you that a track use agreement must be in place before you will be allowed to connect tracks to the V&T Railroad, and to this date, that has not been done. At your earliest convenience you or a member of your society needs to meet with a representative of the V&T to finalize a switch / track use agreement.

Additionally, on Wednesday evening of last week between 5 p.m. and 5:30 a.m. you started earthmoving operations resulting in an unmarked, torn up road with a one to two foot drop off from the existing county road; you did this without setting up any markers, berms or barricades indicating road construction. Just as importantly, our passengers were unable to unload and safely visit the Gold Hill businesses for five days. Needless to say the lunch traffic from the train to the Gold Hill Hotel was obliterated for five days solely because of your lack of a coordinated construction activity. Even this past Monday a bus from *Beyond Travel* could not discharge their passengers in Gold Hill because of your construction activities.

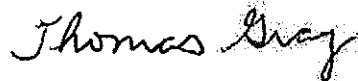
Furthermore, last year you removed a 50 foot long timber loading platform which has yet to be replaced for the safe boarding and discharge of passengers. Currently there is a very limited and temporary rock fill to assist passengers over the rail and ties. This arrangement is unacceptable for various reasons, the biggest of which is safety. The timber-boarding platform must be reinstalled and replaced by the beginning of next season.

Finally, two weeks ago we had to remove another padlock on the switch off to the depot site. This is the second time this has occurred. During our federal and state track inspections the switch must be thrown to ascertain or to repair any defects. If you or anyone else places any more unauthorized padlocks on any V&T property or right of way they will be removed and disposed of, and the particular switch assembly will be removed.

Once again, a switch / track use agreement must be in place before any construction activities occur on V&T Railroad property or right of way.

Thank-you in advance for your attention to this matter.

Thomas Gray

A handwritten signature in cursive script that reads "Thomas Gray".

V&TRR
PO Box 467
Virginia City NV 89440



Gold Hill Historical Society

P.O. Box 1052
Virginia City, NV 89440

To: Storey County Commission
Storey County Courthouse
P.O. Drawer D
Virginia City, Nevada, 89440

February 24, 2008

Re: Gold Hill Station

Honorable Commissioners:

It has come to the attention of our organization that the County is concerned with the finished appearance of the restored Gold Hill train station. Specifically, that there not be maintenance materials and artifacts "strewn" about the grounds. Since the recognized goal of the restoration is to create a "people friendly" public facility, we have developed a plan to, upon completion of construction activities, construct a fenced enclosure to contain such necessary items as spare ties, rails, maintenance materials and equipment in an appropriate place on the property to be determined at that time.

We propose a six foot board fence enclosure appropriate for the area and conforming to C.H.D.C. rules.

We appreciate the County's concerns and consideration of this matter.

Sincerely,

Kim Fegert, Project Manager

Ordinance 13-248

Ordinance No. 13-248

Summary

An ordinance amending Storey County Code chapter 15.20 Flood Damage Protection to update provisions, to provide for new definitions, require maintenance in watercourses, and to specify the board of appeals.

Title

An ordinance amending Storey County Code chapter 15.20 Flood Damage Protection updating provisions, providing for new definitions, requiring maintenance in watercourses, and providing for other properly related matters.

The Board of County Commissioners of the County of Storey, State of Nevada, does ordain:

SECTION I: Chapter 15.20 is amended as follows:

(Sections that have not been amended are not included.)

Chapter 15.20

Flood Damage Prevention

15.20.040 Definitions.

Unless specifically defined below, words or phrases used in this chapter ~~shall~~ *must* be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Accessory use” means a use, which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Act” means the National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973, both as amended.

“Actual cash value (ACV)” means the replacement cost of an insured item of property at the time of loss, less the value of physical depreciation as to the item damaged.

“Adversely affects” *means the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one-half foot at any point.*

“Alluvial fan” means a geomorphologic feature characterized by a cone or fan-shaped deposit of clay, silt, sand, gravel, and boulders that have been eroded from mountain slopes, transported by flood flows, and deposited on the valley floor.

"Alluvial fan flooding" means flooding occurring on the surface of an alluvial fan or similar land form which originates at the apex and is characterized by high velocity flows: active processes of erosion, sediment transport, deposition, and unpredictable flow paths.

"Anchor" means a series of methods used to secure a structure to its footings or foundation wall so that it will not be displaced by flood or wind forces.

"Apex" means the highest point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

"Appeal" means a request for a review of the local floodplain administrator's interpretation of any provisions of this chapter or a request for a variance.

"Appurtenant structure" means a detached garage or carport servicing a one to four family dwelling.

"Area of shallow flooding" means designed AO and AH zones on the flood insurance rate map (FIRM) with a one-percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist; where the path of flooding is unpredictable; and where velocity flow may be evident, AO is characterized as sheet flow and AH indicates ponding.

Area of special flood hazard. See "special flood hazard area."

"Area of special flood-related erosion hazard" means the land within a community that is most likely to be subject to severe flood-related erosion losses. This area may be designated as zone E on the flood insurance rate map (FIRM).

"Area of special mudslide (i.e., mudflow) hazard" means the area subject to severe mudslides (i.e., mudflows). This area is designated as zone M on the flood insurance rate map (FIRM).

"Assignment" means the transfer by a policyholder of his/her legal right or interest in a policy contract to a third party. In the NFIP, written assignment of a local policy is permissible upon transfer of title without the consent of the administrator except in the case where a residential (household) contents - only policy is involved or a policy was issued to cover a one to four family residential building in the course of construction.

"Association" means a group of unit owners that manages a described condominium building.

"Backwater effect" means the rise in water surface elevation caused by some obstruction such as a narrow bridge opening, buildings or fill material that limits the area through which water must flow.

"Backfill" means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving flood water conveyance or to restore the land to the nature contours existing prior to excavation.

"Base flood" means a flood, which has a one percent chance of being equaled or exceeded in any given year. Also referred to as the "one hundred year flood."

"Base flood depth (BFD)" means the depth shown on the flood insurance rate map (FIRM) for zone AO that indicates the depth of water above highest adjacent grade resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

"Base flood elevation" means the height in relation to mean sea level expected to be reached by the waters of the base flood at pertinent points in the floodplain of the riverine areas.

"Base floodplain" means the floodplain that would be inundated by a one-percent chance flood.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Binder" means a temporary agreement between company, producer, and insured that the policy is in effect. Binders are not permitted under the NFIP.

"Blanket insurance" means a single amount of insurance applying to more than one building and/or contents. Blanket insurance is not permitted under NFIP.

"Breakaway walls" means a wall that is not part of the structural support of the building and is intended throughout its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system or any buildings to which they might be carried by flood waters. A breakaway wall shall have a design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway wall must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood, and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. See "structure."

"Channel" means a natural or artificial water course with the definite bed and banks to confine and conduct flowing water.

"Claims coordinating office (CCO)" means a clearinghouse for the various insurers who are responding to a multi-peril catastrophe. Through voluntary participation, all losses are reported to the coordinating office and are processed to locate address matches among the reported claims. The interest of each carrier is protected as the Claims Coordinator maintains sole control over the policy and loss information. If a match is found, special care is taken to direct the assigned adjuster(s) to a mutually agreeable adjustment or to have one adjuster surrender his/her loss with the assurance that every effort will be made to replace it.

"Code of Federal Regulations" means codification of the general and permanent rules published in the Federal Regulations Register (CFR) by the executive departments and agencies of the federal government.

"Coinsurance" means this provision reduces the loss payment if the insured does not carry coverage equal to at least eighty percent of the replacement cost of the damaged building.

"Community" means any state or area or political subdivision thereof, or any Indian tribe or authorized tribal organization, or authorized native organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

"Community number" means a six-digit designation identifying each NFIP community. The first two numbers are the state code. The next four are the Federal Insurance Administration (FIA) assigned community number. An alphabetical suffix is added to a community number to identify revisions in the flood insurance rate map (FIRM) for that community.

"Community rating system (CRS)" means a program developed by the FIA to provide incentives for those communities in the regular program that have gone beyond the minimum floodplain management requirements to develop extra measures to provide protection from flooding.

“Conditional letter of map amendment (CLOMA)” means a letter from FEMA stating that a proposed structure that is not to be elevated by fill would not be inundated by the base flood if built as proposed.

“Conditional letter of map revision (CLOMR)” means procedures by which contractors, developers and communities can request review and determination by the Federal Insurance Administrator of scientific and technical data for a proposed project, when complete and functioning effectively would modify the elevation of individual structures and parcels of land, stream channels, and floodplains on the FIRM.

“Conditional letter of map revision (based on fill) (CLOMIR-F)” means a letter from FEMA stating that a parcel of land or proposed structure that is to be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed.

“Condominium” means a system of individual ownership of units in a multi-unit building or buildings or in single-unit buildings in which each unit owner has an undivided interest in the common areas of the building(s) and facilities that serve the building(s).

“Condominium association” means a corporation made up of owners of the condominium buildings. The condominium association is responsible for (1) the operation and (2) the adoption and enforcement of rules or bylaws that govern the owners of the condominium buildings.

“Control office” means an NFIP claims office similar to a Flood Insurance Claims Office (FICO) with the exception that the control office does not (1) maintain insured files, (2) maintain a claims examiner staff at the site, and (3) issue claims payments.

“Countywide map” means a flood insurance rate map (FIRM) that shows flooding information for the entire geographic area of a county, including the incorporated communities within the county.

“Critical features” means an integral and readily identifiable part of a flood protection system, (e.g., dams, flood walls, channel improvements), without which the flood protection provided by the entire system would be compromised.

“Critical structures” means a structure for which even a slight chance of flooding would reduce or eliminate its designed function of supporting a community in an emergency. Fire stations, hospitals, municipal airports, police stations, communication antennas or towers, elder care facilities (retirement homes) fuel storage facilities, schools designated as emergency shelters, fresh water and sewage treatment facilities are some examples of critical structures.

“Curvilinear line” means the border on either a flood hazard boundary map (FHBM) or flood insurance rate map (FIRM) that delineates the special flood, mudslide (i.e., mudflow) and/or flood related erosion hazard areas and consists of a curved or contour line that follows the topography.

“Date of construction” means the date that the building permit was issued provided the actual start of construction, repair, reconstruction, or improvement was within one hundred eighty days of the permit date.

“Deductible buyback” means for an additional premium, policyholders who wish to reduce their deductibles from the standard deductibles of one thousand dollars for pre-FIRM risks may opt to purchase separate five hundred dollar deductibles for building and content coverage.

“Designated floodway” means the channel of a stream and the portion of the adjoining floodplain designated by a regulatory agency to be kept free of further development to provide for unobstructed passage of flood flows.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Diagram number” means the diagram numbers on the FEMA elevation certificate identify the various types of buildings.

“Direct physical loss by or from flood” means any loss in the nature of actual loss of or physical damage, evidenced by physical changes, to the insured property (building or personal property) which is directly and proximately caused by a “flood” (as defined in the policy forms).

“Doublewide manufactured (mobile) home” means a manufactured (mobile) home that, when assembled as a non-movable, permanent building, is at least sixteen feet wide with an area within its perimeter walls of a least six hundred square feet. A doublewide is not classified as a manufactured (mobile) home for insurance rating purposes under the NFIP, but is classified under one of the other building types.

“Dry proofing” means a flood proofing method used to design and construct buildings so as to prevent the entrance of flood waters.

“Elevated building” means a non-basement building that has its lowest elevated floor raised above the ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

“Elevation certificate” means the elevation certificate is required in order to properly rate post-FIRM buildings, which are buildings constructed after publication of the flood insurance rate map (FIRM), for flood insurance zones AI-A30, AE, AH, A (with BFE), VE, V1-V30, V (with BFE), AR, AR/A, AR/AE, AR/AI-A30, AR/AH, and AR/AO. The elevation certificate is not required for pre-FIRM buildings unless the building is being rated under the optional post-FIRM flood insurance rules.

“Emergency program” typically means, the first phase under which a community participates in the NFIP. It is intended to provide a first layer amount of insurance at subsidized rates to all insurable structures in that community before the effective date of the initial flood insurance rate map (FIRM).

“Enclosure” means that portion of an elevated building below the lowest elevated floor that is either partially or fully shut in by rigid walls.

“Encroachment” means the advance of infringement onuses, plant growth, excavation, fill, buildings, permanent structures or development, storage of equipment and materials, or any other physical object placed in the floodplain that hinders the passage of water or otherwise affects flood flows.

“Erosion” means the process of the gradual wearing away of any landmass. This peril is not per se covered under the program. (See flood-related erosion.)

“Existing manufactured homes (mobile home) park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to a manufactured home (mobile home) park” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured

homes are to be affixed (including the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads).

"Federal Emergency Management Agency (FEMA)" means the federal agency under which the National Flood Insurance Program (NFIP) is administered.

"Federal Insurance Administration" means the government unit, a part of the Federal Emergency Management Agency (FEMA), that administers the National Flood Insurance Program (NFIP).

"Federal Register" means a document published daily by the federal government that provides a uniform system for making available to the public, regulations and legal notices issued by federal agencies.

"Flash flood" means a flood that crests in a short period of time and is often characterized by high velocity flows. It is often the result of heavy rainfall in a localized area.

"Flood, flooding, or flood waters" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of flood waters; the unusual and rapid accumulation or runoff of surface water from any source; mudslides; and the condition resulting from flood-related erosion.

"Flood control" means keeping flood waters away from specific developments or populated areas by the construction of flood storage reservoirs, channel alterations, dikes and levees, bypass channels, or other engineering works.

"Flood frequency" means a statistical expression of the average time period between floods equaling or exceeding a given magnitude.

"Flood hazard boundary map (FHBM)" means an official map of a community, issued by the administrator, where the boundaries of the flood, mudslide (mudflow) and related erosion areas having special hazards have been designated as zones A, M, and/or E.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study (FIS)" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, and the water surface elevation of the base flood.

"Floodplain and flood-prone area" means any land area susceptible to being inundated by waters from any source. (See flooding.)

"Floodplain administrator" means the individual (such as the city engineer, building official or *his designee* ~~planning director~~) who is given specific authority and responsibilities to enforce the local floodplain management regulations. The person named as floodplain administrator must be capable of interpreting the ordinance codified in this chapter and have access to necessary technical competence.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works and floodplain management plans, regulations and ordinances.

"Floodplain management regulations" means this chapter, and any federal, state or local regulations plus community zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a grading and erosion control) and other

applications of police power which control development in flood-prone areas to prevent and reduce flood loss and damage.

"Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved property, water and sanitary facilities, structures and their contents. (Refer to FEMA Technical Bulletins TB1-93, TB8-93 and TB7-93 for guidelines on dry and wet flood proofing).

"Flood-related erosion" means the collapse or subsidence of land along a stream or wash, the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related erosion prone area" means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind driven currents, is likely to suffer flood-related erosion damage.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

"Floodway" means the channel of the river or other watercourse and the adjacent land area that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation. Also referred to as a "regulatory floodway."

"Floodway encroachment lines" means the lines marking the limits of floodways on federal, state and local floodplain maps.

"Floodway fringe" means the area of the floodplain on either side of the regulatory floodway where encroachment may be permitted.

"Flood insurance risk zone designations" means the zone designations indicate the magnitude of the flood hazard in specific areas of a community.

Zone A	Special flood hazard areas inundated by the one hundred year flood; base flood elevations are not determined.
Zone A1-30 and Zone AE	Special flood hazard areas inundated by the one hundred year base flood elevations are determined.
Zone AO	Special flood hazard areas inundated by the one hundred year flood; flood depths of one to three feet (usually sheet flow on sloping terrain) average depths are determined. For areas of alluvial fan flooding, velocities are determined.
Zone AH	Special flood hazard areas inundated by the one hundred year flood; flood depths of one to three feet (usually areas of ponding); base flood elevations are determined.
Zone AR	Special flood hazard areas that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a one hundred year or greater level of flood protection.

Zones AR/A1-30, AR/AE, AR/AH	Special flood hazard areas that result from the decertification of a previously accredited flood protection system that is in the process of being restored to provide a one hundred year or greater level of flood protection. After restoration is complete, these areas will still experience residual flooding from other flooding sources.
Zone A99	Special flood hazard areas inundated by the one hundred year flood to be protected from the one hundred year flood by a federal flood protection system under construction; no base flood elevations are determined.
Zone V	Special flood hazard areas inundated by the one hundred year flood; coastal floods with velocity hazards (wave action); no base flood elevations are determined.
Zones V1-30 And Zone VE	Special flood hazard areas inundated by the one hundred year flood; coastal floods with velocity hazards (wave action); base flood elevations are determined.
Zone B and Zone X (shaded)	Areas of one hundred year flood; areas subject to the one hundred year flood with average depths of less than one foot or with contributing drainage areas less than one square mile; and areas protected by levees from the base flood.
Zone C and Zone X (unshaded)	Areas determined to be outside the one hundred year floodplain.
Zone D	Areas in which flood hazards are undetermined.
Zone E	Area of special flood-related erosion hazards.
Zone M	Area of special mudslide or mudslide or mudflow hazards.

“Footing” means the enlarged base of a foundation wall, pier, or column; designed to spread the load of the structure so that it does not exceed the soil bearing capacity.

“Foundation” means the underlying structure of a building usually constructed of concrete that supports the foundation walls, piers or columns.

“Foundation walls” means a support structure that connects the foundation to the main portion of the building or superstructure.

“Fraud/ or victimization” means related to variance provisions of this chapter, the variance granted must not cause fraud on or victimization to the public. In examining this requirement, the authority evaluating the request for a variance must consider the fact that every newly constructed building adds to government responsibilities, and remains a part of the community for fifty to one hundred years. Buildings permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. Additionally, future owners may be unaware of the risk potential to the property due to flood damage and the extremely high rates for flood insurance.

“Freeboard” means a margin of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for selected size

flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

"Functionally dependent use" means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only marina facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and boat building and boat repair facilities, but does not include long-term storage or related manufacturing facilities.

"Governing body" means the *Storey County board of county commissioners*. ~~local governing unit, county or municipality that is empowered to adopt and implement regulations to provide for public health, safety and general welfare of its citizenry.~~

"Hardship" means *a requirement* related to variance of this chapter. The exceptional hardship would result from a failure to grant the requested variance. The Storey County commission requires the variance be exceptional, unusual, and pertain only to the property involved. Mere economic or financial considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Hydraulics" means the science that deals with practical applications of water in motion.

"Hydrodynamic loads" means forces imposed on structures by floodwaters due to the impact of moving water on the upstream side of the structure, drag along its sides, and eddies or negative pressures on its downstream side.

"Hydrograph" means a graph that charts water movement as a function of time. It shows flood stages, depicted in feet above mean sea level or gage height, plotted against stated time intervals.

"Hydrology" means the science of the behavior of water in the atmosphere, on the earth's surface and underground.

"Hydrostatic loads" means forces imposed on a flooded structure due to the weight of the water.

“Letter of map amendment (LOMA)” means the procedure by which any owner or lessee of property who believes his property has been inadvertently included in a special flood hazard area can submit scientific and technical information to the Federal Insurance Administrator for review to remove the property from said area. The administrator will not consider a LOMA if the information submitted is based on alternation of topography or new hydrologic or hydraulic conditions since the effective date of the FIRM.

“Letter of map revision (LOMR)” means an official revision to a currently effective FIRM. A LOMR officially changes flood zone, floodplain and floodway designations, flood elevations and planimetric features.

“Letters of map revision (based on fill) (LOMR-F)” means a letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood.

“Levee” means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system, which consists of a levee or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building’s lowest floor; provided that the enclosure does not violate applicable non-elevation design requirements.

“Lowest floor elevation (LFE)” means the measured distance of a building’s lowest floor above the National Geodetic Vertical Datum (NGVD) or other datum specified on the FIRM for that location.

“Manufactured home (mobile home)” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term “manufactured home” does not include “recreational vehicles.” For flood plan management purposes, “manufactured home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, “manufactured home” does not include park trailers, travel trailers and other similar vehicles.

“Manufactured home park or subdivision” means a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

“Market value” means for the purposes of determining substantial improvement, market value pertains only to the structure in question. It does not pertain to the land, landscaping or detached accessory structures on the property. For determining improvement, the value of the land must always be subtracted.

Acceptable estimates of market value can be obtained from the following sources:

1. Independent appraisals by a professional appraiser.
2. Detailed estimates of the structure’s actual cash value (used as a substitute for market value based on the preference of the community).
3. Property appraisals used for tax assessment purposes (adjusted assessed value: used as a screening tool).
4. The value of buildings taken from NFIP claims data (used as a screening tool).

5. "Qualified estimate" based on sound professional judgment made by staff of the local building department or local or state tax assessor's office.

As indicated above, some market value estimates should only be used as screening tools to identify those structures where the substantial improvement ratios are obviously less than or greater than fifty percent (e.g., less than forty percent or greater than sixty percent). For structures that fall between the forty percent and sixty percent range, more precise market value estimates should be used.

"Mean sea level" means for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Mobile home. See "manufactured home."

"Modular building" means a building that is usually transported to its site on a steel frame or special trailer because it does not have a permanent chassis like a manufactured (mobile) home. A modular building is classified and rated under one of the other building types.

"Mudslide (mudflow) area management" means the operation of an overall program of corrective and preventive measures for reducing mudslide (mudflow) damage including, but not limited to emergency preparedness plans, mudslide control works and floodplain management regulations.

"Mudslide (mudflow)" means a condition where there is a river, flow or inundation of liquid mud down a hillside usually as a result of a dual condition of loss of brush cover, and the subsequent accumulation of water on the ground preceded by a period of unusually heavy or sustained rain. A mudslide may occur as a distinct phenomenon while a landslide is in progress, and will be recognized as such by the Federal Insurance Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

"Mudslide prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflows.

"National Geodetic Vertical Datum (NGVD)" means as corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the floodplain.

"Natural grade" means the grade unaffected by construction techniques such as fill, landscaping, or berming.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, including any subsequent improvements.

"New manufactured home (mobile home) subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads is completed on or after the effective date of the floodplain management regulations adopted by Storey County.

"Non-residential" means and includes, but is not limited to: small business concerns, churches, schools, farm buildings (including grain bins and silos), pool houses, clubhouses, recreational buildings, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than six months duration.

"Obstruction" means and includes, but is not limited to, any dam, wall, whaft, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit,

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culvert, building, wire, fence, rock gravel refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may later, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, has the propensity to snare or collect debris carried by the flow of water, or the likelihood of being carried downstream.

"One hundred year flood." See "base flood."

"Other residential" means hotels or motels where the normal occupancy of a guest is 6 ~~six~~ months or more; a tourist home or rooming house ~~which~~ *that* has more than 4 ~~four~~ roomers. A residential building (excluding hotels and motels with normal room rentals for less than 6 ~~six~~ months duration and containing more than four dwelling units) is permitted incidental office, professional private school, or studio occupancy, provided that the total area of such occupancy is limited to less than 25 ~~twenty-five~~ percent of the total floor area within the building.

"Physical map revisions (PMR)" means a reprinted NFIP map incorporating changes to floodplains, floodways, or flood elevations. Because of the time and cost involved to change, reprint, and redistribute an NFIP map, a PMR is usually processed when a revision reflects large scope changes.

"Ponding hazard" means a flood hazard that occurs in flat areas when there are depressions in the ground that collect "ponds" of water. The ponding hazard is represented by the zone designation AH on the FIRM.

"Post-FIRM construction" means construction or substantial improvement that started on or after the effective date of the initial flood insurance rate map (FIRM) of the community or after December 31, 1974, whichever is later.

"Principal residence" means a single family dwelling in which at the time of loss, the named insured or the named insured's spouse has lived for either (1) 80 ~~eighty~~ percent of the calendar year, or (2) 80 ~~eighty~~ percent of the period of ownership, if less than one year.

"Principal structure" means a structure used for the principal use of the property as distinguished from an accessory use.

"Proper openings enclosures (applicable to zones A, A1-30, AE, AO, AH, AR, and AR dual zones)" means all enclosures below the lowest floor must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. A minimum of two openings, with positioning on at least two walls, having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding must be provided. The bottom of all openings must be no higher than one foot above grade.

"Public safety/ nuisance" means *a requirement* related to variance provisions of this chapter. The granting of a variance must not result in anything ~~which~~ *that* is injurious to safety or health of the entire community or neighborhood, or any number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle built on a single chassis, four hundred square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty track, and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Residential cost" means the cost to replace property with the same kind of material and construction without deduction for depreciation.

"Residential condominium building" means a building owned by the members of a condominium association containing one or more residential units and in which at last seventy-five percent of the floor area within the building is residential.

"Residential condominium building association policy (RCBAP)" means a policy designed to insure, under one master policy, the entire residential condominium building, including all units within the building. It is available only to residential condominium associations.

"Riverine" means relating to, formed by, or resembling a river including tributaries, stream, brook, etc.

"Special flood hazard area" "Sheet flow area" means darkly shaded area on a flood hazard boundary map (FHBM) or a flood insurance rate map (FIRM) that identifies an area that has a one percent chance of being flooded in any given year (one hundred year floodplain). Over a thirty year period, the life of most mortgages[-], there is at least a twenty-six percent chance that this area will be flooded. The FIRM identifies these shaded areas as FIRM zones A, AO, AH, AI-30, AE, A99, AR, AR/A, AR/AE, AR/AI-A30, AR/AH, AR/AO, V, VI-30 and VE.

"Start of construction" means and includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground and includes gas or liquid storage tanks and manufactured homes.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either;

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter, which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development in a special flood hazard area, without an elevation certificate, other certifications, or other evidence of compliance required in this chapter, is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or (other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Zone" means a geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.

15.20.104 Declaration of public nuisance.

Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after date of first FIRM in violation of this ordinance is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.

15.20.106 Abatement of violations.

Within thirty days of discovery of a violation of this chapter, the floodplain administrator must submit a report to the governing body, which includes all information available to the floodplain administrator that is pertinent to the violation. Within thirty days of receipt of this report, the governing body may either:

- A. Take any necessary action to effect the abatement of the violation;*
- B. Issue a variance to this ordinance in accordance with the provisions of this chapter;*
- C. Refer the matter to the district attorney's office; or*

D. Order the owner of the property where the violation exists to provide whatever additional information may be required for their determination. The information must be provided to the floodplain administrator within thirty days of the order, and he must submit an amended report to the floodplain board within twenty days. At their next regularly scheduled public meeting, the governing body may take any action allowed in this section.

E. Submit to the administrator of Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited statute or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.

15.20.108 Unlawful acts.

A. It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Storey County building official. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the floodplain administrator.

B. Any person violating the provisions of this section is guilty of a misdemeanor.

15.20.110 Violation-Penalty.

~~No structure shall hereafter be~~ *A person may not* constructed, located, extended, converted, or altered ~~a structure~~ without full compliance with the terms of this chapter and other applicable regulations. ~~Violations (including violations of conditions and safeguards established in connection with conditions) shall constitute~~ *Any person violating the provisions of this chapter is guilty of* a misdemeanor. ~~Nothing herein shall prevent the county from taking such lawful action as is necessary to prevent or remedy any violation.~~

15.20.120 Development permit-Required.

A floodplain development permit is ~~hereby established~~ *required* for all construction and other development to be undertaken in areas of special flood hazard in Storey County for the purpose of protecting its citizens from increased flood hazards and ensuring new development is constructed in a manner that minimizes its exposure to flooding. ~~It shall be~~ *is* unlawful to undertake any development in an area of special flood hazard, as shown on the flood insurance rate map enumerated in Ssection 15.20.070, without a valid floodplain development permit. Applications for a permit ~~shall~~ *must* be made on forms furnished by the local floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question, existing or proposed structures, fill, storage of materials, drainage facilities, ~~and the location of the foregoing.~~

15.20.130 Development permit-Application.

The applicant shall *must* provide at least the following information, where applicable. Additional information may be required on the permit application forms.

A. The proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all residential and non-residential structures whether new or substantially improved to be located in zones A, A1-A30, AE, and AH, if base flood elevation data are available.

B. In zone AO the proposed elevation in relation to mean sea level, of the lowest floor (including basement) and the elevation of the highest adjacent grade of all residential and non-residential structures whether new or substantially improved.

C. The proposed elevation in relation to mean sea level, to which any new or substantially improved non-residential structure will be flood proofed.

D. A certificate from a licensed professional engineer or architect in the state of Nevada that any utility flood proofing meets the criteria in Ssection 15.20.220, (Utilities).

E. A certificate from a licensed professional engineer or architect in the state of Nevada that any non-residential flood proofed structures meet the criteria in Ssection 15.20.260, Non-residential construction.

F. When a watercourse will be altered or relocated as a result of the proposed development, the applicant must submit the maps, computations, and other materials, required by the ~~Federal Emergency Management Agency (FEMA)~~ to process a letter of map revision (LOMR) and pay any fees or other costs assessed by FEMA for processing the revision.

G. A technical analysis, by a professional engineer licensed in the state of Nevada, showing the proposed development located in the special flood hazard area will not cause physical damage to any other property.

H. When there is no base flood elevation data available for zone A from any source, the base flood elevation data will be provided by the permit applicant for all proposed development of subdivisions, manufactured home and recreational vehicle parks in the special flood hazard areas, for all developments of ~~fifty~~ *at least 50* lots or ~~five~~ *5* acres, whichever is less.

15.20.150 Building official-Duties.

Duties and responsibilities of the building official ~~shall~~ include, but *are* not be limited to:

A. Permit Application Review.

1. Review all applications for completeness, particularly with the requirements of Ssection 15.20.130 (Development permit-Application), and for compliance with the provisions and standards of this chapter.

2. Review all subdivision and other proposed new development, including manufactured home and recreational vehicle parks to determine whether the proposed development site will be reasonably safe from flooding. When the proposed building site is located in the special flood hazard area, all new construction and substantial improvements *must* ~~will~~ meet the applicable standards of Ssection 15.20.190 (General standards).

3. Determine whether any proposed development in the special flood hazard area may result in physical damage to any other property to include stream bank erosion and any increase in velocities or that it does not adversely affect the carrying capacity of the areas where base flood elevations have been determined but a floodway has not been designated. For purposes of the chapter, "adversely affects" means the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one-half foot at any point. To assist the local floodplain administrator in making this determination, the permit applicant may be required to submit additional technical analysis.

4. Ensure all other required state and federal permits have been received.

B. Use of Other Base Flood Data.

1. When the ~~Federal Emergency Management Agency (FEMA)~~ has designated special flood hazard areas on the community's flood insurance rate maps (~~FIRM~~) but has *not* ~~neither~~ produced water surface elevation data ~~not~~ identified as a floodway, the local floodplain administrator ~~shall~~ *must* attempt to obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, state or other source, including data developed pursuant to Ssubsection 15.20.150(~~FH~~), as criteria for requiring new construction, substantial improvements or other proposed development *to* ~~meets~~ the requirements of this chapter.

2. When base flood elevations are not available, the local floodplain administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the special flood hazard areas. ~~This information shall~~ *Any new flood elevations established by the flood plain administrator must* be submitted to the ~~board~~ *Storey County commission for approval adoption*. *This information must be sent to FEMA.*

C. Alteration of Watercourses. Prior to issuing a permit for any alteration or relocation of watercourse the local floodplain administrator must:

1. Have processed *and received back from FEMA* a letter of map revisions (LOMR).

2. Notify all adjacent communities, Nevada's National Flood Insurance Program (NFIP) Coordinator, and submittal of evidence of such ~~the~~ notification to the Federal Insurance Administration, and the Federal Emergency Management Agency.

3. *Require that maintenance be provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.* ~~Determine that the potential permit recipient has provided for maintenance within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.~~

D. Inspections. The local floodplain administrator or designee ~~shall~~ *must* make periodic inspections throughout the period of construction to monitor compliance with the requirements of the floodplain development permit or any variance provisions.

E. Stop Work Orders. The local floodplain administrator ~~shall~~ *must* issue, or cause to be issued, a stop work *order* for any floodplain development found non-compliant with the provisions of this chapter or *the* conditions of the development permit, and all development found ongoing without a floodplain development permit. Disregard of a stop work order *will* ~~shall~~ subject the violator to the penalties described in Ssection 15.20.110.

F. Retaining Floodplain Development Documentation. The local floodplain administrator *must* ~~shall~~ obtain and retain for public inspection and have available for the National Flood Insurance Program coordinator or the *FEMA* Federal Emergency Management Agency representative conducting a community assistance visit, the following:

1. Floodplain development permits and certificates of compliance.
2. Certification required by Ssection 15.20.250(C).
3. Certification required by Ssection 15.20.260 (Flood-proofing nonresidential construction).
4. Certification of elevation required by Ssection 15.20.230 (Subdivisions).
5. Certification required by Ssection 15.20.280 (Floodways).
6. Reports required by Ssection 15.20.350 (Mudslide (i.e. mudflow) prone areas).
7. Variances issued pursuant to Ssection 15.20.175370 (Nature of variances).
8. Notices required under Ssection 15.20.150(C) (Alteration of Watercourses).

G. Map Determinations. The local floodplain administrator may make map interpretations where needed, in writing with appropriate documentation, as to the exact location of the boundaries of the areas of special flood hazard and where there appears to be a conflict between a mapped boundary and actual field conditions.

H. Submission of New Technical Data to FEMA. When Storey County base flood elevations either increase or decrease resulting from physical changes affecting flooding conditions, as soon as practicable, but not later than six months after the date ~~such~~ *the* information becomes available, Storey County will submit the technical or scientific data to FEMA. ~~Such~~ *These* submissions are necessary so that upon confirmation of the physical changes affecting flooding conditions, risk premium rates and flood plain management requirements will be based upon current data.

15.20.160 Building official-Additional duties.

The building official ~~shall have~~ *has* the following additional duties:

- A. Assist the administrator, at his request, in his delineation of the limits of the area having special flood, mudslide, or flood-related erosion areas;
- B. Provide ~~such~~ information as the administrator may request concerning present uses and occupancy of the floodplain, mudslide, or flood-related erosion areas;
- C. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain mudslide, or flood-related erosion areas, and

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cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide, and/or flood-related erosion areas in order to prevent aggravation of existing hazards;

D. Submit on the anniversary date of the community's initial eligibility an annual report to the administrator on the progress made during the past year within the community in the development and implementation of floodplain management measures;

E. Upon occurrence, notify the administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. In order that all flood hazard boundary maps and flood insurance rate maps accurately represent the community's boundaries, include within such the notification a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

F. The building official shall *must* maintain for public inspection and furnish upon request, for the determination of applicable flood insurance risk premium rates within all areas having special flood hazards identified on a flood hazard boundary map or flood insurance rate map, any certificates of flood proofing, and information on the elevation (in relation to mean sea level) of the level of the lowest habitable floor (including basement if habitable) of all new or substantially improved structures, and include whether or not such structures contain a basement, and if the structure has been flood proofed, the elevation (in relation to mean sea level) to which the structure was flood proofed.

15.20.170 Appeal board.

The flood hazard area appeal board as is established by Storey County shall to hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. *The board of county commissioners is the flood hazard area appeal board.*

A. ~~In passing upon~~ *When reviewing* requests for variances, the flood hazard appeal board shall *must* consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and;

1. The danger of materials being swept onto other lands and injuring others;
2. The danger to life and property due to the flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in time of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site;

11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Any applicant, to whom a variance is granted *a variance must* shall be given written notice ~~over the signature of~~ *signed by the floodplain administrator a community official that* [;].

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as 25 ~~twenty-five~~ dollars for ~~100 one hundred~~ dollars of insurance coverage [;].

2. ~~Such~~ eConstruction below the base flood level increases risks to life and property. ~~It is recommended that a~~ A copy of the notice ~~shall~~ *must* be recorded by the floodplain administrator in the office of the Storey County recorder ~~and shall be recorded in a manner so that it appears as an exception on the title of the affected parcel of land.~~

C. The floodplain administrator ~~shall~~ *must* maintain a record of all variance actions, including justification for their issuance, and report ~~such each~~ variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

15.20.175 Nature of variances.

These variance criteria are based on the general principal of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the board of county commissioners to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. The variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

15.20.180 Variance-Conditions.

A. Generally, variances may be issued for new construction, substantial improvements, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of this ~~chapter~~ *article* have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Ssection 15.20.040) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances ~~shall~~ *may* not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances ~~shall~~ *may* only be issued upon a determination that the variance is the “minimum necessary” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the *board Storey County commission* need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposed, but only to that elevation which the *board Storey County commission* believes will both provide relief and preserve the integrity ~~iof~~ of the local ordinance.

E. Variances ~~shall~~ *may* only be issued upon a[+]:

1. A ~~s~~Showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional “hardship” (as defined in Ssection 15.20.040) to the applicant; *and*
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (as defined in Ssection 15.20.040, “~~p~~Public safety/nuisance”), cause fraud or victimization (as defined in Ssection 15.20.040) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of this *chapter* Sections ~~15.20.170(A) through 15.20.180(E)~~ are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

G. Upon consideration of all the factors of Ssection 15.20.380 and the purposes of this chapter, the *board Storey County commission* may attach such conditions to the granting of, variances as it deems necessary to further the purposes of this chapter.

15.20.230 Subdivisions.

A. All preliminary subdivision proposals ~~shall~~ *must* identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans ~~shall~~ *must* provide the elevation of proposed structures and pads. If the site is filled above the base flood, the final lowest floor and pad elevation ~~shall~~ *must* be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals ~~shall~~ *must* be consistent with the need to minimize flood damage.

D. All subdivision proposals ~~shall~~ *must* have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions ~~shall~~ *must* provide adequate drainage to reduce exposure to flood hazards.

F. Additionally all subdivision proposals ~~shall~~ *must* demonstrate, by providing a detailed hydrologic and hydraulic analysis, that the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

15.20.240 Specific standards.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Ssection 15.20.070 or 15.20.150 (B), the provisions set out in this article are required *to be met*.

15.20.250 Residential construction.

Residential construction, new or substantial improvements, ~~shall~~ *must* have the lowest floor, including basement:

A. In zone AO, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least ~~two~~ 2 feet above the highest adjacent grade if no depth number is specified.

B. In zone A, elevated to or above the base flood elevation, as determined by the community.

C. In all other zones, elevated to or above the base flood elevation.

Upon completion of the structure, the elevation of the lowest floor including basement *must* ~~shall~~ be certified by a registered professional engineer or surveyor and verified by the community-building inspector to be properly elevated. The certification ~~shall~~ *must* be provided to the floodplain administrator using the current FEMA Elevation Certificate.

D. When constructing a crawlspace in a building within special flood zone areas, ~~you~~ *it* must ~~meet~~ abide by the National Flood Insurance Program's minimum requirements defined in FEMA Technical Bulletin 11-01.

E. Fully enclosed areas below the lowest floor, which are subject to flooding are prohibited or ~~shall~~ *must* be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect to meet or exceed the following minimum criteria:

1. Must have a minimum of ~~two~~ 2 openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all such openings will be no higher than one foot above the lowest adjacent finished grade.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

15.20.260 Nonresidential construction.

Nonresidential construction ~~shall~~ *must* either be elevated to conform with Ssection 15.20.250 or together with attendant utility and sanitary facilities; ~~must~~:

A. ~~Will~~ *Be* flood proofed below the elevation recommended under Ssection 15.20.250 so that the structure is watertight with walls substantially impermeable to the passage of water;

B. ~~Will~~ *Have* the structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

C. ~~Will~~ *Be* certified by a registered professional engineer or architect that the standards of Ssection 15.20.250 are satisfied. The certification ~~shall~~ *must* be provided to the floodplain administrator.

15.20.270 Manufactured homes.

A. All manufactured homes that are placed or *that are* substantially improved, within zones A, AH, AE, and on the community's flood insurance rate map, on sites located:

1. Outside of a manufactured home park or subdivision;
2. In a new manufactured home park or subdivision;
3. In an expansion to an existing manufactured home park or subdivision; or
4. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred "substantial damage" as a result of a flood;

~~a. Shall~~

Must be elevated on a permanent foundation so that the ~~lowest floor~~ *bottom of the structural frame or the lowest point of the manufactured home* will be elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A, AH, and AE on the community's flood insurance rate map that are not subject to the provisions of will be elevated so that either:

1. The bottom of structural frame or the lowest point of the manufactured home is at or above the base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements, of at least equivalent strength, that are no less than thirty-six inches in height above grade and securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

C. Within zone A, when no base flood elevation data is available, new and substantially improved manufactured homes ~~shall~~ *must* have the floor elevated at least ~~three~~ 3 feet above the highest adjacent grade.

D. Within zone AO, the floor for all new and substantially improved manufactured homes ~~will~~ *must* be elevated above the highest adjacent grade at least as high as the depth number specified on the flood insurance rate map, or at least two feet if no depth number is specified. Upon completion of the structure, a registered professional ~~shall~~ *must* certify the elevation of the lowest floor, including basement.

15.20.280 Floodways.

Designated floodways are located within the special flood hazard areas established in Ssection 15.20.070. Since the floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachment ~~shall be~~ *are* prohibited, including fill, new construction, substantial improvements, storage of equipment or supplies, and any other development within the adopted regulatory floodway; unless it has been demonstrated through hydrologic and hydraulic analysis, performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge and ~~FEMA the Federal Emergency Management Agency~~ has issued a conditional letter of map revision (CLOMR).

B. If subsection A has been satisfied; all proposed new development and substantial improvements *will must* comply with all other applicable flood hazard reduction provisions of this article.

~~15.20.290 Declaration of public nuisance.~~

~~— Every new structure, building, fill, excavation or development located or maintained within any area of special flood hazard after date of first FIRM in violation of this ordinance is a public nuisance per se and may be abated, prevented or restrained by action of this political subdivision.~~

~~15.20.300 Abatement of violations.~~

~~— Within thirty days of discovery of a violation of this chapter, the floodplain administrator shall *must* submit a report to the governing body which shall includes all information available to the floodplain administrator which that is pertinent to said *the* violation. Within thirty days of receipt of this report, the governing body shall *may* either:~~

~~— A. Take any necessary action to effect the abatement of such *the* violation; or~~

~~— B. Issue a variance to this ordinance in accordance with the provisions of herein *this* chapter; or~~

~~— C. Order the owner of the property upon which the violation exists to provide whatever additional information may be required for their determination. Such *The* information must be provided to the floodplain administrator within thirty days of such *the* order, and he shall submit an amended report to the floodplain board within twenty days. At their next regularly scheduled public meeting, the governing body shall either order the abatement of said violation or they shall grant a variance in accordance with the provisions of herein.~~

~~— D. Submit to the administrator of Federal Insurance Administration a declaration for denial of insurance, stating that the property is in violation of a cited statute or local law, regulation or ordinance, pursuant to Section 1316 of the National Flood Insurance Act of 1968 as amended.~~

~~15.20.310 Unlawful acts.~~

~~— A. It is unlawful for any person to divert, retard or obstruct the flow of waters in any watercourse whenever it creates a hazard to life or property without securing the written authorization of the Storey County building official. Where the watercourse is a delineated floodplain, it is unlawful to excavate or build any structure affecting the flow of waters without securing written authorization of the floodplain administrator.~~

~~— B. Any person violating the provisions of this section shall be *is* guilty of a class 2 misdemeanor.~~

~~15.20.320 Severability.~~

~~— This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decisions shall does not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.~~

15.20.340 Standards for recreational vehicles.

All recreational vehicles placed on sites within the floodplain on the community's flood insurance rate map will either~~[-]~~:

- A. Be on the site for fewer than ~~one hundred eighty~~ 180 consecutive days;
- B. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C. Will meet the permit requirements of ~~S~~section 15.20.130 *Development permit-Application* and the elevation and anchoring requirements for manufactured homes in ~~S~~section 15.20.270 *Manufactured homes*.

15.20.350 Mudslide (i.e. mudflow) prone areas.

A. All permit applications ~~will~~ *must* be reviewed by the floodplain administrator to determine if the proposed development will be located within a mudslide area.

B. The flood plain administrator ~~reviewing process~~ will determine if the proposed site and improvements will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include but are not limited to the following:

- 1. Type and quality of soils.
- 2. Evidence of ground water or surface water problems.
- 3. Depth and quality of any fill.
- 4. The overall slope of the site.
- 5. The weight that any proposed structure will impose on the slope.

C. When a proposed development is located in an area that may have mudslide hazards, the following will be the minimum requirements *to be met by the applicant*:

- 1. A *report of a* site investigation and further review ~~be~~ made by persons qualified in geology and soils engineering.
- 2. The proposed grading, excavations, new construction, and substantial improvements are adequately designated and protected against mudslide damages.
- 3. The proposed grading, excavations, new construction and substantial improvements do not aggravate the existing hazard by creating either on-site or off-site disturbances.
- 4. Drainage, planting, watering, and maintenance ~~be such as~~ *does not* to endanger slope stability.

D. When a proposed development is determined to be within a mudslide hazard area, ~~time~~ *the* following requirements will *apply*, including but not be limited to:

- 1. ~~Adopting and enforcing a~~ *Require the proposed development to meet county grading standards ordinance in accordance with data supplied by the Federal Emergency Management Agency.*
- 2. Regulate the location of foundation systems and utility systems of new construction and substantial improvements.
- 3. Regulate the location, drainage and maintenance of all excavations, cuts and fills and planted slopes.
- 4. Provide special requirements for protective measures including but not necessarily limited to retaining walls, buttress fills, subdrains, diverted terraces and benching.
- 5. Require engineering drawings and specifications to be submitted for all corrective measures, accompanied by supporting soils engineering ~~amid~~ geology reports.

15.20.360 Flood-related erosion-prone areas.

A. All permit applications will be reviewed by ~~t~~The floodplain administrator *must review all permit applications* to determine if the proposed development will be located within a special flood-related erosion hazard zone.

B. The *flood plain administrator reviewing process will must* determine if the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing flood-related erosion hazard.

C. When the proposed development is found to be in the path of flood-related erosion or to increase the erosion hazard, ~~require~~ the improvement to *must* be relocated or adequate protective measures to be taken which will not aggravate the existing erosion hazard.

D. When *flood plain administrator determines it has been determined* the proposed development is in a special flood-related erosion hazard, as delineated zone E on the community FIRM, *the administrator must require*;

1. A setback for all new development from the lake, bay, riverfront or other body of water, to create a safety buffer consisting of a natural vegetative or contour strip. This buffer will be designated according to the flood-related erosion hazard and erosion rate, in conjunction with the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic and climatic characteristics of the community's land. The buffer may be used for suitable open spaces purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

15.20.370 ——— Nature of variances:

~~—— The variance criteria set forth in this section of the chapter are based on the general principal of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristics must pertain to the land itself, not to the structure, its inhabitants, or the property owners.~~

~~—— It is the duty of the county commission to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.~~

15.20.380 Letters of map revision or amendment.

National Flood Insurance Program regulations provide procedures to remove property from the one hundred year floodplain or from a special flood hazard area. Amendments and revisions to community flood insurance rate maps cannot adversely impact the floodplain or floodway delineation's of the level of the one hundred year flood.

There are several procedures ~~provided whereby~~ *used by* the Federal Insurance Administrator ~~will to~~ review information from the community, an owner, or a lessee of property where it is believed the property should not be included in a special flood hazard area.

Submissions to FEMA for revisions to effective Flood Insurance Studies (FISs) by individual and community requestors will require the signing of application ~~and~~ certification forms *by the applicant*. These forms will provide FEMA with assurance that all pertinent data relating to the revision is included in the submittal. They will also assure that: (a) the data and methodology are based on current conditions; (b) qualified professional have assembled data and performed all necessary computations; and (c) all individuals and organizations impacted by proposed changes are aware of the changes and will have an opportunity to comment on them. FEMA procedures permit the following types of request:

A request for revision to the effective FIS information (FIRM, FBFM, and /or FIS report) is usually a request that FEMA replace the effective floodplain boundaries, flood profiles, floodway boundaries, etc., with those determined by the requestor. Before FEMA will replace the effective FIS information with the revised, the requestor must: (a) provide all of the data used in determining the revised floodplain boundaries, flood profiles, floodway boundaries, etc.; (b) provide all data necessary to demonstrate that the physical modifications to the floodplain have been adequately designed to withstand the impacts of the one percent annual chance flood event and will be adequately maintained; (c) demonstrate that the revised information (e.g., hydrologic and hydraulic analysis and the resulting floodplain and floodway boundaries) are consistent with the effective FIS information.

Requests for amendments or revisions to FEMA maps must be ~~reviewed and~~ submitted to ~~FEMA by the county commission of Storey County~~ for review *on forms acceptable to FEMA*.

~~†The applicant for a map amendment or revision is required to prepare all the supporting information and appropriate FEMA forms. If the review of the application requires expertise beyond that of county personnel, the county may hire qualified persons, to be paid by the applicant, to review the application. Once the application is approved by the county as to form and content, and it meets the requirement of this code, the county will send it to FEMA.~~

The scientific or technical information to be submitted with these requests may include, but is not limited to the following:

A. An actual copy of the recorded plat map bearing the seal of the appropriate recordation official ~~County clerk or recorder of deeds~~ indicating the official recordation and proper citation, deed or plat book volume and page number, or an equivalent identification where annotation of the deed or plat book is not the practice.

B. A topographical map showing:

1. Ground elevation contours in relation to the NVGD (National Geodetic Vertical Datum).
2. The total area of the property in question.
3. The location of the structure or structures located on the property in question.
4. The elevation of the lowest adjacent grade to a structure or structures.
5. An indication of the curvilinear line, which represents the area subject to inundation by a base flood. The curvilinear line should be based upon information provided by an appropriate authoritative source, such as a federal agency, department of water resources, a county water control district, a county or city engineer, a Federal Emergency Management Agency Flood Insurance Study, or a determination by a registered professional engineer.

C. A copy of the FHBM or FIRM indicating the location of the property in question.

D. A certification by a registered professional engineer or licensed land surveyor that the lowest grade adjacent to the structure is above the base flood elevation.

E. The completion of the appropriate forms in the Federal Emergency Management Agency's Packets, Amendments and Revisions to National Flood Insurance Program Maps (MT-1 FEMA FORM 81-87 Series and MT-2 FEMA form 81-89 Series).

Proposed on _____, 2013.

by Commissioner _____

Passed on _____, 2013.

Vote: Ayes Commissioners _____

Nays Commissioners _____

Absent Commissioners _____

Bill Sjovangen, Chairman
Storey County Board of County Commissioners

Attest:

Vanessa DuFresne
Clerk & Treasurer, Storey County

This ordinance will become effective on _____, 2013.