



# STOREY COUNTY COMMISSION MEETING

TUESDAY, JULY 16<sup>th</sup>, 2013 2:00 P.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

## MINUTES

BILL SJOVANGEN  
CHAIRMAN

BILL MADDOX  
DISTRICT ATTORNEY

MARSHALL MCBRIDE  
VICE-CHAIRMAN

LANCE GILMAN  
COMMISSIONER

VANESSA DU FRESNE  
CLERK-TREASURER

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**Roll Call:** Chairman Sjovangen, Vice-Chairman McBride, Commissioner Gilman, District Attorney Maddox, Clerk & Treasurer Vanessa DuFresne, County Manager Pat Whitten, Emergency Management Cherie Nevin, Public Works Director Mike Nevin, Recorder Jen Chapman, Community Development Dean Haymore, Community Services Deny Dotson, Dean Haymore, Senior Planner/Administrative Officer Austin Osborne, Sheriff Gerald Antinoro and Comptroller Hugh Gallagher.

1. **CALL TO ORDER AT 2:00 P.M.**

The meeting was called to order by the Chairman at 2:00 p.m.

2. **PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for July 16, 2013

Mark Joseph Phillips questioned item 9, he stated it isn't clear and is eluding. He looked up the Jeep Posse; James Trabert is listed as the resident agent. The agenda item was request by Melissa Field and he doesn't believe she has any authority to speak for Storey County Jeep Posse. Mr. Whitten responded that Melissa Field has plenty authority to speak, she is a full time employee of the Sheriff's Office. This should be on there as a first reading he botched the part of first reading. He has checked with legal counsel and being this is a first reading with no action there isn't any issue.

**Motion:** Approve the agenda for July 16, 2013, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

## CONSENT AGENDA

1. Claims - For possible action approval of Payroll Check date 7/05/13 for \$464,574.42, Accounts Payable date 06/27/13 for \$68,306.50, 6/28/13 for \$140,420.88 and 07/01/13 for \$398,399.85
2. Possible approval of Treasurer Report for June 2013
3. For possible action approval and acceptance of 2013 Community Development Block Grant (CDBG) Award in the amount of \$63,150.00 and authorization of Cherie Nevin and/or Jessica Fain to sign grant award and all associated grant documentation.
4. For possible action approval and acceptance of 2013/2014 Community Development Block Grant (CDBG) Program Sub-recipient Agreement between Storey County and the Nevada Rural Counties Retired Senior Volunteer Program (RSVP), Inc.
5. For possible action approval of Licensing Board First Reading:
  - A. **SUSAN NEELEY - HB / 1011 Cour de la Celedon**(health care consultant)
  - B. **AMPLUS, LLC - General / 3033 Waltham Way**(precious metals recovery) **TRI**
  - C. **LONE ELK GALLERY - HB / 340 Prospector Road**(artistic / graphic materials)
  - D. **ROCKY MOUNTAIN CONSTRUCTION - Contractor / 16470 Snow Flower Dr ~ Reno**  
(Gen. Cont.)

## END OF CONSENT AGENDA

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

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

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

#### **Emergency Management Cherie Nevin:**

She reported that the second round of door to door surveys for the income survey has begun in the Virginia City/Gold Hill area. In a two and half hour period 32 homes were visited with 15 responses collected. We need a total of 42 responses prior to tabulation. She added that Storey County will be hosting the Nevada Emergency Management Responder's Conference at Piper's Opera House on September 17<sup>th</sup> and 18<sup>th</sup>. Ms. Nevin stated the pool project is nearing completion; we have until December 31<sup>st</sup> to clear out the grant allowing for a little leeway. She has been keeping busy working on other grants.

#### **Public Works Director Mike Nevin:**

Mr. Nevin pointed out the orange safety netting along the backside of the Courthouse; the chain-link fencing has been removed. On Monday the fencing contractor will be here to install the new wood fence. The project is being funded with a historic preservation grant. The part-time maintenance position for the Louis Peri Park is being advertised. He thanked John and Merilee for volunteering their time on the park and to the community. Mr. Nevin added that the part-time mechanic position has been filled by Steve Fate. He has been a huge help with the recent repairs that have been needed by the fire Department. He has been informed that we have an

opportunity to receive an additional \$35,000 in grant funds, some match will be required. A portion of that will be used for the upstairs electrical in the Courthouse. There was a flash flood event in the first part of June; we spent 3 weeks cleaning up in TRI and an additional week in the Canyon. This has put us behind on a couple of projects, emergency events take precedent. Today we repainted the parallel hash marks on C Street; they are also repainting the curbs and the loading zones.

**Fire Chief Gary Hames** (Mr. Whitten read a prepared statement on behalf of Chief Hames):

We have had several pieces of apparatus out at different fires within the region. The most notable is the Bison Fire in which we had three dozers, three dozer support apparatus, one type three engine and one water tender. They were there for 11 days total. All apparatus are back in service in the district at this time. Public Works Maintenance has made amazing progress in keeping all of our rolling stock on-line. At one point we had seven (7) apparatus out of service of which is all back in service now with the exception of one type 6 engine and one water tender. The type 6 engine is at Capital Ford awaiting parts (parts are backordered and has been there for 6 weeks already). The water tender should be done late the week or next week. The tender required a complete transmission replacement which they did in-house. They pulled a surplus military transmission and pace it in the water tender. Saved thousands of dollars on parts and other costs. We had a dozer transport have a catastrophic engine failure. This is going to require an engine replacement. Fortunately, we believe that one of the federal excess trucks has the same engine and will be able to get installed in the broken transport. The County Wildland Fire program will be receiving a new/used tender next week that will be placed in service in the Highlands. This unit is 6 Wheel Drive and has a 4,000 gallon water tank. It will serve the needs of the Highlands extremely well. TRIC building inquires, tenant improvements and interest has really been picking up. We are actively working with Dean's office on numerous requests for information in regards to fire protection plan reviews and permits. The seasonal staff has been actively conducting 30' Residential Courtesy Survey's in the Highlands, Mark Twain and Painted Rock. The crew from FS #75 is actively removing fuels along Canal Road in Painted Rock as well. The Volunteer Fire Department will be doing a "fill-the-boot" fundraiser on July 20<sup>th</sup> and July 21<sup>st</sup> for the Granite Mountain Hotshot fallen firefighter's families. In addition to the fund raiser, the volunteers are preparing for a massive recruitment drive. I have been working very closely with them on this and there will be more to come over the next 60-90 days.

**Community Services Director Deny Dotson:**

He reported that we actually paid for the fireworks for the 4<sup>th</sup> of July, his hats off to the community and the business for all of the donations. The webcam here in town typically gets 350-400 views per a day; on the 4<sup>th</sup> of July we had 1,061 views from all over the world. Mr. Dotson stated that this weekend is the Americana Music Festival; we are locked and loaded for the event. There will be a poker run for Hot August Nights on August 8<sup>th</sup>; they will be coming into town midmorning to late afternoon. There is an animated map called the Camel Walk, if visitors bring back 4 receipts for the business listed on the camel walk to the VCTC they will be entered to win VIP passes for the Camel Races. He thanked Nicole Barde for a led with the Discovery Museum; we will be meeting with them to organize some events to kick off the camel race weekend. The VCTC has been charged with building a Storey County/Virginia City float for the Nevada Day parade, he stated we will have the best float in the parade.

Commissioner Gilman said that his daughter is over in Germany and she gets home sick. She has been there for little over a year now, 24 hours a day she can tune into our webcam and watch Virginia City, it satisfies some of her home sickness.

Janet Houts, Storey County resident, asked why there is no maintenance at the park in Mark Twain. She has pictures that she will be sending to everyone.

**Comptroller Hugh Gallagher:**

He informed the Board that we have released the request for proposal for the new water treatment plant. They have gone out to about a half a dozen banks in the area; we are requesting \$3,002,000 in funds for interim financing. Construction has been pushed back to January due to pending approval from BLM. The bids should be in by August 31<sup>st</sup>.

**Senior Planner/Administrative Officer Austin Osborne:**

He will be updating the County Administrative Policies; we are at the required 5 year update. He asked staff to provide comments on revision. The July 18<sup>th</sup> Planning Commission meeting will be postponed to August 15<sup>th</sup>, he is working with the surveyor. He is hoping that at the August 15<sup>th</sup> meeting he will be able to bring forward the owner of the Vista Tower in the Highlands. He has been receiving a lot of inquiries. He has spoken with the owner regarding some type of reclamation bonding incase 20 years from now the tower becomes obsolete. The applicant has been totally open to several different types of bonding.

**Community Development Director Dean Haymore:**

We are very busy in the industrial park. We have gotten GSI's 4 floor pic-modular approved and operational this week. He has asked that they allow him to do a tour with the County Commissioners because they have also applied for tax abatement. On Friday night got an additional 800 amps and 600 amps to the building due to moving 1-800 Flowers over there. Mr. Haymore stated we have also started the racking for 1-800 Flowers and Schwab. He has facilitated a USA Parkway tour with NDOT; we are going to host the NDOT directors and hopefully the Governor on August 27<sup>th</sup> at 8:00am. He permitted today to start moving the top soil at Comstock Mines; they have met the requirements with NDEP. He will permit the Nature Conservancy today for their river restoration project. Mr. Haymore listed several other projects that are underway in the industrial park. Commissioner Gilman commented on one of the projects, all of the issues have been worked out and closing is on schedule. He added that we have more LEAD certified buildings than anywhere in Northern Nevada.

**Sheriff Gerald Antinoro:**

He commented on the agenda item regarding the Jeep Posse. The agenda request left his office without review. It is only a first reading. He stated that contrary to information that is going out in the community National Night Out is happening on August 6<sup>th</sup>. He has been working with the We Care organization to coordinate the event in Virginia City and Lockwood.

**Community Chest Director Shaun Griffin:**

Mr. Griffin thanked everyone for making the Library Grand Opening such a special event. He thanked Bill Maddox for getting all of the law library books over to the office; they are available Monday thru Friday 8:00am to 5:00pm along with 5 computer terminals. We had a great event on

Saturday at the park for a picnic. The Farmer's Market is on Thursday nights and is being ran by the children attending the before and after program.

**District Attorney Bill Maddox:**

He informed everyone that Dawn Pohlman is back at the District Attorney's Office on a part-time base. District Attorney Maddox provided updates on the externs that have come through the office over the past several months.

**County Manager Pat Whitten:**

Mr. Whitten commented on Mr. Griffin's statements regarding the Library. By his count it is 45 hours a week of available library access. The prior library was open 19 hours a week that is a huge change on a fifth of the budget. Mr. Griffin clarified that it is the Law Library that is open for those hours. The remainder of the library is operated by volunteer staff. Mr. Whitten provided an update of the USA Parkway following a meeting with NDOT's project manager. The benefits of the project has been rated 9.1 to 1. He will continue to work with the team to push the project through. Mr. Whitten stated that EDawn is the best he has ever seen, the results are staggering. We have never been better positioned for the next boom. He clarified comments made by Mr. Gallagher regarding the RFP for financing. This is required by the USDA, they have a very prescribed program that has to followed. He complimented Cherie Nevin on all of her hard work in securing grants funds and grant compliance.

Chairman Sjovangen stated that the website migration will take place in two weeks from today; we may experience some glitches during the migration. Mr. Whitten added they are working to debug everything up front.

Commissioner Gilman followed up on Sheriff Antinoro's comments regarding National Night Out. It is wonderful event that gives the public a chance to see what is going on. He stated that Mustang Cares will be providing the food and beverages for both locations. He would like to see this be the biggest year yet.

7. **DISCUSSION (No Action):** Mike Kazmierski - President and CEO of the Economic Development Authority of Western Nevada (EDAWN) providing an end of year update on economic development activities in our County and region.

Mike Kazmierski thanked the Board for the opportunity to give an update; this is his first time here in an official capacity. He reviewed a power point presentation he provided for the Board. (A copy of the presentation is available in the Clerk's Office.) Commissioner Gilman shared a story regarding the "Can Company" that is moving to the industrial park. The story illustrated that hard work that EDWAN does and the importance of the organization. Mr. Kazmierski thanked Commissioner Gilman and his team for their work.

8. **DISCUSSION/POSSIBLE ACTION:** Appoint one member to the Nevada Land Management Task Force pursuant to Assembly Bill 227.

Mr. Whitten explained this appointment is a result of the 2013 Legislative session. The task force is to conduct a study addressing the potential land transfers between the federal government and

counties. He stressed that this has nothing to do with the Storey County land transfer bill. Each of the 17 counties is required to appoint a member; Chairman Sjovangen has attended the first meeting. It is staff's recommendation that Chairman Sjovangen be appointed to the Task Force.

Ms. Houts asked if he will be giving us feedback regarding the status. Chairman Sjovangen said he is anticipating that they will be establishing a website to post their findings.

**Motion:** Appoint Chairman Sjovangen to the Nevada Land Management Task Force pursuant to Assembly Bill 227, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

9. **DISCUSSION (No Action):** The "Jeep Posse" is requesting for a, NP status, Business Licenses and Liquor Licenses.

Chairman Sjovangen stated this is a first Reading of Liquor License, no action taken.

10. **DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 13-378 Setting of Salaries (Updated COLA verbiage to reflect new CBA terms)

Mr. Whitten explained this is to update the previous resolution. This impacts the employees that are capped in non PERS years; the change is in language to be consistent with the new CBA.

Dale Beach asked how we got into the position we are in now where we pay for dependents.

**Motion:** Approve Resolution 13-378 Setting of Salaries (Updated COLA verbiage to reflect new CBA terms), **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

11. **DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 13-380 honoring Dianne Stewart

Chairman Sjovangen read resolution 13-380 into the record. Mr. Osborne commented on Dianne Stewart's service to the County, he thanked her for all of her hard work. He will miss her; she leaves huge shoes to fill for the next person. He reminded everyone of the upcoming BBQ that will be held in honor of Diane. He presented her with a plaque honoring her service.

**Motion:** Approve of Resolution 13-380 honoring Dianne Stewart, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

12. **DISCUSSION/POSSIBLE ACTION:** First reading of Ordinance 13-251 an ordinance amending Storey County Code by adding section 2.04.12 to provide for rules of decorum at board of county commissioner's meetings and providing for other properly related matters.

Chairman Sjovangen called for discussion. Mr. Whitten stated that we have been plagued recently with some what he called sidebar conversations, he will be asking the District Attorney to add language discouraging these conversations to the ordinance.

Ms. Barde read a prepared statement as follows: While I don't understand the necessity for or what has prompted this ordinance, I believe "less is better" in most things government, I have to point out a few issues with it as written. I think it is important to spell out what is and is not appropriate behavior during public meetings. It's your meeting and you are accountable for getting things done effectively, quickly and within the law. However, as written this ordinance doesn't contain an "equal bargain" in describing what the expected behaviors are and what the consequences are for violating them for the commissioners. It is ambiguous and leaves it wide open as to what is considered "objectionable" behavior by a commissioner. As written it would be very subjective and each commissioner would be able to use their own individual and differing standard. It is written purely from the view of the board. If you are going to define decorum you need to do it for all players and hold everyone, including yourselves accountable. Then, if you do write a detailed, fair and equal ordinance complete with consequences and redress process you may create a potential liability for the county and paper-trial if you violate it. I suggest that you rethink doing it at all, use "effective meetings" discipline and restraint when conducting meetings. I am willing to go over Effective Meeting elements and techniques with you to help you control for time and disruption.

Mr. Phillips stated he would like any such ordinance to acknowledge chapter 241 of NRS. He thinks it should be written to acknowledge the NRS and the Open Meeting Law manual.

Mr. Beach sees the new ordinance as trying to put controls on "we the people". He thinks that it is wrong, he can't clap for Mark but everyone stood up and clapped today. We don't need any more controls on us. Anything that Mark has ever said in these meetings he agrees with.

Ms. Houts stated she concurs with Ms. Barde and asked when the second reading will be.

District Attorney Maddox said that these are rules that should have applied all along they just weren't in writing. He addressed the comments made by Ms. Barde stating he can probably take care of that by including intent of the ordinance within it. He further discussed the history behind the motivation for this ordinance and the issue of clapping. District Attorney Maddox explained how he developed these rules and the purpose of the ordinance. He asked that any comments be sent to him.

Sheriff Antinoro commented that in the 6 or 7 years that he has been attending the meetings he has never seen anyone truly get out of hand. He stated that at the last meeting we had the first reading for an ordinance addressing penalties for violations of codes. He asked if someone violates this ordinance do we have a misdemeanor event.

Mr. Beach stated this ordinance would be a good place to lock up public comment. This would give him an idea as to when he can speak. District Attorney Maddox responded that if someone requests a head of time that they have a disability and they would like to speak there isn't any reason they can take items out of order and allow them their time to speak. He further explained the reasoning behind public comment being ajenized as it is. Once these rules are adopted they will be referred to in the agenda language.

Mr. Whitten stated the second reading will be the second meeting in August.

**Motion:** Approve First reading of Ordinance 13-251 an ordinance amending Storey County Code by adding section 2.04.12 to provide for rules of decorum at board of county commissioner's meetings and providing for other properly related matters, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

## COMMUNITY DEVELOPMENT AND PLANNING

### 13. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- A. A B CUSTOM WOODWORKING - General / 200 Canyon Way(cabinetry) RD
- B. UPRISING PARAGLIDING - Home Business / 240 Vermillion (recordkeeping only)VCH
- C. NEVADA DISTRIBUTION SERVICES, LLC - General / 625 Waltham Way #103/104 TRI  
(public warehouse and distribution)
- D. SCHWABE NORTH AMERICA, INC. - General / 2777 USA Pkwy #106 TRI  
(distribution center for dietary supplements)
- E. VIRGINIA CITY KETTLE CORN DEPOT - General / 188 South C Street VC  
(make and sell kettle corn)
- E. BATTLE BORN MUNITIONS, INC. - General / 625 Waltham Way TRI  
(import and distribute firearms and ammunition)

Mr. Osborne asked that A B CUSTOM WOODWORKING, NEVADA DISTRIBUTION SERVICES, LLC, SCHWABE NORTH AMERICA, INC. and BATTLE BORN MUNITIONS, INC. be continued with remaining items approved.

**Motion:** A B CUSTOM WOODWORKING, NEVADA DISTRIBUTION SERVICES, LLC, SCHWABE NORTH AMERICA, INC. and BATTLE BORN MUNITIONS, INC. be continued with UPRISING PARAGLIDING and VIRGINIA CITY KETTLE CORN DEPOT approved, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

District Attorney Maddox stated that item 9 should be placed somewhere else on the agenda next time. Mr. Gallagher asked if this means that Jeep Posse will not have a liquor license for the upcoming BBQ. Mr. Whitten explained this has been addressed and alternative solutions have been worked out.



#### 14. PUBLIC COMMENT (No Action)

John Miller, Rainbow bend resident, commended the Commissioners, Mike Nevin and Jason, the park is looking great. On behalf of the people in Rainbow Bend and Lockwood he thanked everyone.

Merilee Miller thanked the Board for closing the shades. She stated that they now have brand new computer equipment on a new desk at the Community Center. She acknowledged Shaun Griffin and the library proposals he has put forward.

Ms. Barde stated at the April 2<sup>nd</sup> meeting she asked how Jeep Posse continued to receive funding when she could find no evidence of direct services, additionally there are no women allowed in the organization. Since then she has done a little digging, she provided a copy of her findings to the Board. She came across issues with their status with the State and IRS; she reviewed a copy of an audit of the Jeep Posse that she was provided. She is back here asking that you reconsider the money you are giving to the Jeep Posse; she would like to see it go to an agency she can see results from. Ms. Barde further commented on findings from her research.

Mr. Beach stated that the District Attorney did something and got the chain and locks off the gate so that wheelchairs can get it. He asked if we could get someone to clear the weeds off of the basketball court. In the campaign of 2012 there was discussion regarding cutting taxes, that was the last he heard of it and most taxes have stayed the same or gone up. He stated that most of his remarks from this point forward will be towards Commissioner Gilman, we have 75 kids ride the bus from his neighborhood up the hill, 29 of those kids don't live in our county. But when Commissioner Gilman passes out food down there he only passes it out to kids with a Storey County address, about a 1/3 of the kids are being discriminated against. He thinks it is wrong, Community Chest treats everyone the same and they handle his money better than anyone in the county. If there weren't no people there wouldn't be any government, there should be more respect for the people. He would like to see an advisory question about 5 commissioners. Mr. Beach further discussed the audio in the Courtroom and the District Attorney.

Kim Fegert, Gold Hill Historical Society, thanked some of the people on the County staff that has helped them with their project. Because of recent events the Society has been put under financial distress and enduring losses of tens of thousands of dollars. They do not expect to make any sort of sort of proposal on the renewal of their occupation of the property. He wished everyone the best, and added that we hates to see 25 years of our time go to waste. The main thing they have to do is protect their assets at this time.

Mr. Phillips asked to talk about the future of public comment. He has 3 minutes and if he is courteous and isn't insulting anyone he should be given his 3 minutes. NRS doesn't require the Commissioners to respond. He asked that the Board ask the County Manager not to respond to his comments they are to the Board.

#### 15. BOARD COMMENT

Vice-Chairman McBride discussed a recent road trip to Tonopah to visit a solar reserve project. We are storing 70 million tons of salt in TRI to be used on the project. He provided some of the details and specifics used in the project and the process to create energy. If it works out and he hopes it does there could be something in the future for Storey County. He thanked John and Merilee Miller, they show true citizenship.

**16. ADJOURNMENT**

The meeting was adjourned at the call of the Chair at 3:54pm

Respectfully Submitted,

By \_\_\_\_\_  
Vanessa DuFresne, Clerk-Treasurer