



STOREY COUNTY COMMISSION MEETING

TUESDAY, AUGUST 6th, 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

Roll Call: Chairman Sjovangen, Vice-Chairman McBride, Commissioner Gilman, District Attorney Maddox, County Manager Pat Whitten, Clerk and Treasurer Vanessa DuFresne, Sheriff Gerald Antinoro, Community Services Director Deny Dotson, Government Affairs Greg "Bum" Hess, Battalion Chief Jeff Nevin, Comptroller Hugh Gallagher, Senior Planner and Administrative Officer Austin Osborne and Recorder Jen Chapman

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

The meeting was called to order by the Chair at 2:00pm

2. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for August 6, 2013

Chairman Sjovangen asked that item #1 of the consent agenda be heard under the regular agenda. Mr. Whitten stated that item #5 of the consent agenda should read Virginia City Tourism Commission (VCTC).

Mark Joseph Phillips, Storey County resident, addressed his concern regarding agenda item #10. The item does not meet the clear and complete standard. The amount of the voucher is not reflected nor the remaining balance of the debt after payment of the voucher. He continued with item #5 of the consent agenda, he would like to discuss this item on the regular agenda. It has come to his attention that a business license administrator has not been appointed and approval of the licenses should be continued. Mr. Whitten clarified Mr. Phillips requests with Chairman Sjovangen, he deferred to District Attorney Maddox regarding the clear and complete issue.

District Attorney Maddox explained this is similar to the issue that Mr. Phillips raised at the school board meeting. The voucher was included in the packet with the amounts specifically listed in the staff report. He explained the process the School Board uses and he will be discussing the issue with George Taylor, if he feels the amounts should be included in the agenda language we will make the change. Further discussion was held regarding the posting of the agenda and the packet on the county website. The website is now being hosted in-house allowing for more control. He believes the information being provided in the packet is sufficient. District Attorney Maddox explained the website change and how to access the page.

Mr. Whitten stated that Mr. Phillips is correct regarding an administrator of business licenses. A resolution is being drafted for consideration at the next meeting. He suggested, as we have historically approved and continued various businesses we continue with that practice until the resolution is approved.

Janet Houts, Storey County resident, asked that item #6 of the consent agenda be removed for discussion.

Motion: Approve the agenda for August 6, 2013 with removal of item #1, #5 and #6 from the consent agenda, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

4. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for May 7, 2013

No discussion.

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

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

Claims - For possible action approval of Payroll Check date 7/19/13 for \$424,294.35 Accounts Payable date 07/12/13 for \$775,268.76 and 07/26/13 for \$278,686.31 (removed from the Consent Agenda)

Mr. Whitten explained this is a standard item with the exception that the quarterly payment to the Bucket of Blood is included for the parking lot lease. He would like it voted on separately so that Vice-Chairman McBride can abstain. Chairman Sjovangen stated Vice-Chairman McBride is abstaining.

Motion: Approve claims of Payroll Check date 7/19/13 for \$424,294.35 Accounts Payable date 07/12/13 for \$775,268.76 and 07/26/13 for \$278,686.31, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Chairman Sjovangen

Vote: Motion carried by unanimous vote (**summary:** Yes=2) Vice-Chairman McBride abstained.

For possible action: appointment of member to Virginia City Tourism Commission to represent the hotel operators per NRS 244A.599 (5) (b). (removed from the Consent Agenda)

Mr. Whitten stated that his staff report explains that NRS 244A establishes the regulations for counties that wish to have a Fair and Recreation Board, which includes the Virginia City Tourism Commission. He explained that a vacancy has been created due to Doug McQuide's separation from the Gold Hill Hotel. The hotel operator seat is in need of being filled, the advertisement was run in the local paper for 2 consecutive weeks. Three letters of interest were received, Robert Steiner of the Silverland Inn and Suites, Clay Mitchell with Gold Hill Hotel and Scott Jolcover of the Gold Hill Hotel. Mr. Whitten explained that a new procedure was followed to fill this vacancy; all of the applicants were interviewed. The process worked so well they are planning on using it to fill vacancies on other boards. The interview panel consisted of VCTC board member Leisa Findley, Vice-Chairman McBride, Deny Dotson and himself. Each interview lasted for approximately 45 minutes and he feels that we could not have made a bad decision. Mr. Whitten reviewed the interviews of each applicant with the Board. He explained that Mr. Jolcover has previously served on the VCTC board, it is staff's recommendation that Mr. Jolcover be appointed to the vacancy.

Mr. Phillips stated this is an appointment to fill a vacancy in office and he hasn't seen anything stating that Doug McQuide has resigned. He should have come to a meeting and presented the resignation. Mr. Phillips added that this appointment to fill a vacancy for the remaining part of Mr. McQuide's term. This appointment would be through January of next year. Mr. Phillips continued that as of yesterday only two members of the VCTC had taken their oath and would be qualified to make any decisions, he is hoping the rest of the Board will take their oath before the meeting tomorrow. His biggest concern about Mr. Jolcover is related to item #11 further down the agenda, eliminating the special revenue fund for the Town of Gold Hill and Virginia City. The resolution says that the funds will be transferred to the VCTC. His worry is that some day in the future if someone is having water problems in Virginia City or Silver City we are going to have to call Scott Jolcover or Deny Dotson. He sees a hostile takeover of the Gold Hill and Silver City water and sewer system.

Mr. Whitten clarified that this has absolutely nothing to do with the water and sewer system funds. Those are enterprise funds that are operated totally separate. The other funds are old funds that have been advertised through the public budgeting process on multiple occasions indicating they have long outlived their usefulness. Has nothing to do with any water or sewer services.

Ms. Houts said as she was reading the profile of the candidates she saw that Mr. Jolover is representing the Gold Hill and it is owned by Comstock Mining, Inc. Vice-Chairman McBride has dealings with the VCTC and he is also a Commissioner, she asked if there is a conflict on that basis. Because he is a Commissioner and is still getting a benefit from the VCTC. Ms. Houts stated that at the last meeting she was asking about liquor that was being purchased through the Bucket of Blood as well as the \$6,200 for the cart. She is curious what are the definitions of the Commissioners and the VCTC members.

Motion: Approve appointment of Scott Jolcover to Virginia City Tourism Commission, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

For possible action: approval of Liquor License First Reading for the VCTC (removed from the Consent Agenda)

Sheriff Antinoro stated that generally not much is done on a first reading in this particular instance there is some concern as to what the VCTC is. In conversations with District Attorney Maddox the VCTC is essentially the Fair and Recreation Board for Storey County and is a political sub-division. For his purposes it was important to know if they were exempt from the fees. This has been resolved and the fees will be paid.

Ms. Houts asked when applying for a liquor licenses does the applicant have an EIN number or what reference do you use. Sheriff Antinoro explained that they are a governmental entity, they do have a tax exempt number and he has a letter from the State in the packet. She asked for a copy of the letter. He stated that once the application is approved the packet becomes public documents, he is happy to release them pursuant to a public records request. She stated she is requesting the document.

Mr. Phillips asked that the physical address for liquor deliveries be stated. He would also like the record to reflect the type of liquor license being applied for. He was told by Sheriff Antinoro yesterday that Deny Dotson made this application and Mr. Dotson has no legal right to make the application as the VCTC has never given him the authority to apply for a liquor license. Sheriff Antinoro stated there is a physical address on the application of 86 South C Street, Virginia City, Nevada and it meets the requirements of the ordinance.

Motion: Approve Liquor License First Reading for the VCTC **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 7/19/13 for \$424,294.35 Accounts Payable date 07/12/13 for \$775,268.76 and 07/26/13 for \$278,686.31 (heard on the regular agenda)
2. For possible action approval of Justice Court Quarterly Report (April-June 2013)
3. For possible action approval of correction to the 2014 Tax Roll for APN 003-303-17 Anthony and Lee Lee Lim Houts
4. For possible action approval of correction to the 2014 Tax Roll for APN 003-555-02 Steven L. Farlan
5. For possible action appointment of member to Virginia City Convention and Tourism Commission to represent the hotel operators per NRS 244A.599 (5) (b). (heard on the regular agenda)

6. For possible action approval of Liquor License First Reading for the VCTC(heard on the regular agenda)
7. For possible action approval of Licensing Board First Reading:
 - a. NEVADA ENERGY SYSTEMS - Contractor/1395 Spice Island , Sparks (generator install/repair)
 - b. 1-800 FLOWERS - General/2777 USA Parkway, Ste 108 (internet sales and dist) TRI
 - c. KROEKER, INC. - Contractor/4627 S Chestnut, Fresno (demolition contractor)
 - d. LINDSEY FAMILY INV dba VC MOTEL - General/675 South C Street (motel) VC
 - e. NEHEMIAH REBAR SERVICES - Contractor/3025 Alhambra Dr., Cameron Pk CA (rebar cont.)
 - f. KMC GLOBAL VENTURES - Home Business/121 Ave de la Bleu de Claire (internet sales)

END OF CONSENT AGENDA

Motion: Approve the consent agenda with the exception of item 1, 5 and 6, **Action:** Approve
Moved by Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

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

Eric Schoen Deputy Director of Community Chest:

He stated that Community Chest is working to get the word out that the Library is open. He provided a few flyers to the Board and public. The Library is staffed with volunteers Tuesday, Wednesday and Thursday from 5pm-7pm in Virginia City. The hope is to begin providing services in Lockwood in the beginning of November; they are also working to get services in Mark Twain. Mr. Schoen provided a list of the exact services that are available. District Attorney Maddox added that all of the books for the law library are down there and he has some book shelves on order.

Sheriff Gerald Antinoro:

He reminded everyone that tonight is National Night Out in Virginia City and in Lockwood starting at 5pm. He announced the passing of Doug Puskar. He was a deputy Sheriff with Storey County for a number of years. Vice-Chairman McBride added that he and his wife operated the Silver Stoppe Restaurant and was a world renowned banjo player.

Mark Twain Community Center Chairman Adam Robello:

The grand opening for the center was on August 1st, it is estimated that between 70 and 100 people attended. At the event questions and comments were taken in addition to several people volunteering for committees. Mr. Robello stated the first meeting will be August 14th at 6:30 p.m.

Dale Beach requested to speak from the audience. District Attorney Maddox explained this is an agendized item and at the end of the item public comment will be allowed, not following each

speaker. Additional comments were made from the audience regarding public comment. Chairman Sjovangen warned Mr. Beach he was close to being removed from the meeting.

Community Services Director Deny Dotson:

Mr. Dotson clarified that the VCTC meeting is tomorrow at St. Mary's and not on Thursday. Discussion at the meeting will include procedures on the boardwalk regarding merchandise, music and panhandling. On Thursday there will be some coning done on C Street to hold some parking spots for Hot August Nights. Mr. Dotson reported that Room Tax and Sales Tax were up considerably again for the last month, we are currently sitting \$5,000 over last year's number for Room Tax and \$17,000 over in Sales Tax. We are always trying to communicate better with 2 newsletters that will go out each month. He added that the VCTC will have booths at National Night Out.

Government Affairs Director Greg "Bum" Hess:

Mr. Hess reported that negotiations continue with the "Feds" regarding them taking over USA Parkway. He will be meeting with Mr. Amodei and Mr. Heller on the issue once they return from Washington DC. He and Mr. Whitten will be meeting with Governor Sandoval on the same topic. Mr. Hess reported that the Washoe land deal is going very smoothly, it is much more political down there than it is up here. One of the issues they are having a hard time realizing the money that could be afforded to them by having Storey County take that property over and bring in all the infrastructure. Like everyone else Washoe County has a lot of pride and they think they can do it better. Even with the playbook people cannot duplicate what we do up here. It is looking very good at this time. The lake above Mark Twain has been narrowed down to 2 owners, it is probably Barrick. He will be attending a meeting tomorrow in Elko to see what we can do with that water; there are some reservations on who owns the water rights. The goal is to get the water tied up for use in Mark Twain for fire protection or domestic use.

Senior Planner & Administrative Officer Austin Osborne:

He reported that a planner has been hired and will begin work on the 13th. He provided some background of the new hire. Mr. Osborne explained that with the retirement of Dianne Stewart we have a new maps specialist, Lyndi Renaud; she is a part time employee. He believes she is going to do very well. The Planning Office has moved to the Courthouse. The new planner will also be responsible for nuisance abatement and code enforcement. We will now have the extra staff to go along the boardwalk and bring things into compliance. Mr. Osborne explained that at the next VCTC meeting discussion will be held about the gentleman that wants to have the hawk and other birds of prey on C Street. The way the zoning ordinance is written it is not a prohibited or permitted use, there is a special use permit process for business that don't take place underneath a roof top. We will be taking this issue to the businesses and the community for their input. He added that on September 19th there will be a master plan workshop at the Highlands Fire Station. Mr. Osborne said that on Friday he received a call from Comstock Mining to look at an event, it was a small slide of 27 cubic yards of ore that slid from the heap leach to another contained area. Due to the ore containing 2lbs of cyanide it is classified as an event and because of the contact with the ground. Comstock Mining mitigated the hazard and cleaned it up. NDEP was called as well and they indicated that the slide was small enough to be counted in their quarterly report. Comstock Mining has gone over and beyond and is 100% compliant at this time; he commended them for their actions. Commissioner Gilman thanked

Austin for his quick response; he received a call just moments after the incident taking place from his office after hours.

Storey County Fire District Battalion Chief Jeff Nevin:

Mr. Nevin reported they have been slow this month with no fires in the area, 5 people have been sent out on assignment to neighboring states. The fire break project from south B Street across Mt. Davidson to the water tank has been completed. He added that the project in Painted Rock has been completed; the seasonal staff is in the process of hauling the materials they cut down to the Lockwood landfill. Mr. Nevin stated that within the next few weeks we will be completing the Mark Twain fire break. He thanked Public Works for their assistance with some equipment for the projects. The wood chipper has been ordered thru grant funding, should arrive in the next few weeks. Once the chipper arrives we will start chipping the pile in the Highlands. Due to the intermixed nature of the slash pile it will be too dirty for use by residents. The Fire district will also be participating in National Night Out in Virginia City and Lockwood. Mr. Nevin stated a red flag warning system has been instituted at the fire stations and will be displayed on the flag poles. Mr. Whitten asked if the chips have any bio fuel use. He responded that it possibly could be used, they would be welcome to haul it away.

Comptroller Hugh Gallagher:

He reported that Geraldine Honea has announced her retirement effective November 30th. Within the next few days an internal document will be released to fill the vacancy, the position will be upgraded to a Management Analyst with additional requirements. Mr. Gallagher explained that during his five and half years as Comptroller he has discovered some very bright people within the organization. If a replacement is not found in-house the advertisement will be taken to the general public, a decision should be made within 20 days.

County Manager Pat Whitten:

Mr. Whitten stated that the hottest topic that seems to be out currently is Bank of America's decision to close the branch and reportedly remove the ATM here in Virginia City. This happened back in 2005 shortly after he got his current position. The approach this year will be similar to what it was in 2005. At that time a letter writing campaign was launched to the executives a Bank of America asking them to reconsider and take additional factors into consideration. These factors include the County and the School District bank with the bank. We will remind them of that and tourist that visit the town as well. Mr. Whitten added that having worked for them for 20 years he is a pessimist on this one; however this doesn't mean we aren't going to try. We will also be contacting the Treasury Department in an effort to remind them of the bank's duty to be a community service based bank under the Community Reinvestment Act. We have a fairly good sized list of banks and credit unions that are interested in filling the shoes of Bank of America. He encouraged the public to write letters. Mr. Whitten addressed the website migration as discussed earlier in the meeting. Bringing it in house allows us to control the cost and take advantage of the robust flexibility that a good website can have. The intent is to try to get as many of the public records documents on the web as possible. The glitches are temporary and should be worked out shortly. Mr. Whitten explained that we are sand blasting away the red and blue paint in front of the Courthouse to open up 5-6 additional parking places. He also commended and complimented CMI for their response to the recent event.

Dale Beach thanked the Public Works Director for the recent work that was done in his neighborhood. He addressed the bulletin board at the park and the out of date information that is currently posted on it. There has been a 40% population turn over in the last 7 years and someone needs to take charge of the bulletin board and keeping the residents informed. Mr. Beach requested that Deny Dotson do something with the bulletin board. He added that the Public Works Director is a great guy he just hasn't put a water tap in at the park. Mr. Beach stated he wrote a letter to the guy who wears all the hats asking for some information and he received a letter back saying that in 2014 he would do something. Mr. Beach responded with send me 30 minutes worth of stuff and he didn't like that. Mr. Beach said he is a prolific letter writer and each section is an event not to be taken all together. He asked when the classes were going to start so he can learn to use a computer. He would like whoever is in charge of junk cars to give him a call and he will show them around there are 200 loads of junk to be hauled out. Mr. Beach further discussed the homes that are in need of paint in the Mark Twain area.

Judy Cohen, Storey County resident and local business owner, said that she heard Mr. Osborne say very clearly that he was going to consult with the local business to get their opinions. She thanked him for that and asked if he is going to take seriously into consideration what the local business people say. Mr. Osborne explained that there is an applicant who wants to have birds of prey on C Street, he will be going to the VCTC and asking what they want to see. There will be public comment at that meeting and ask for the blessing of the commission for direction. Deny will be doing a similar thing with music on the boardwalk, it is about what the businesses want. Ms. Cohen commented that if it is limited to make public comments on staff reports at the end of the item then the staff giving the reports should stay so that questions may be asked of them. Mr. Whitten replied that he agrees that it is fair; circumstances today required that Deny leave early.

Gunther Prosser, River District Resident, he has observed that at the last 2 meetings public comment was allowed following each staff report and at this meeting it is only allowed at the end. He asked the HR Department to update the Board on the part time worker in Lockwood. The applications were closed on the 23rd of July, he is wondering how many applications there was, who the person will be accountable to and what are his job responsibilities. He also had a question for Mr. Dotson who had left the meeting. Mr. Prosser explained that a grant was received for the community garden expansion 3 years ago, with the grant running out a year ago, however an extension was given. He asked when are they going to start doing some stuff down there, how much money is left and what are the plans for fixing up that area. Mr. Osborne stated that we are in the process of going through the applications, with approximately 8 received. The scope of the position is taking care of the Peri Park and they will be answering to the Public Works Director. Mr. Prosser asked if anyone present could clarify how much of the grant is left and when work will start, because the grant is over in 4 months. If the public would have been allowed to ask the questions after each speaker Mr. Dotson would have been here to answer him.

Mr. Phillips asked if the Storey County Planning Department has been moved to the Courthouse, what will be done with the building on Toll Road. Mr. Whitten explained that Community Development will remain in the building. It is difficult to conduct business in the upstairs of the building as there isn't any ADA access.

Ms. Houts stated she has requested the audio from the Mark Twain Community Advisory Board meetings. She has not seen any notification of their meetings. She asked Mr. Hess about the zip code revenue and what the status is. She asked about the properties that have title issues with BLM. Ms. Houts said she is trying to reconcile the ¼% sales tax and when she looks at the ledger it doesn't reconcile. She asked Mr. Whitten about the propane rack prices, she has not received any correspondence. Ms. Houts submitted tentative budget questions to Mr. Gallagher and he has not provided her with the information. She reviewed the list of requests that she has not received responses to. Mr. Whitten stated that advisory is a mislabel it is the community center committee. The zip coding is slowly making its way through congress with future briefings scheduled. She is welcome to call Public Works regarding the rack rate of propane. Mr. Gallagher stated he is not sure about the sales tax but he does know that Susan Lewis has an issue. The problem is a timing difference; he doesn't know where all of this came from. He will go back and review Ms. Houts records request.

A recess was called at 3:27pm; the meeting was called to order at 3:41pm

9. **DISCUSSION/POSSIBLE ACTION:** Review, acceptance, rejection or modification of Settlement Agreement between Comstock Mining, Inc. and Storey County in regards to Quiet Title Action filed by CMI in the First Judicial District Court Case No. 13 RP 00009 1E pertaining to the following properties:

1. Parcel #002-122-02: Lots 47, 48, 49, 50 and 52 in Block 8, Range "D," consisting of approximately 3.37 acres as shown on the official map of Gold Hill, Storey County, State of Nevada.
2. Parcel #002-142-01: Lots 53, 54 and the N½ of Lot 55 in Block 8, Range "D" (known as 2700 Main Street), consisting of approximately 1.46 acres as shown on the official map of Gold Hill, Storey County, State of Nevada.
3. Parcel #002-142-03: Lot 57 in Block 8, Range "D," consisting of approximately 1.48 acres as shown on the official map of Gold Hill, Storey County, State of Nevada.
4. Parcel #002-151-01: Lot 34 in Block 6, Range "C" (known as 3141 Main Street), consisting of approximately 1.82 acres as shown on the official map of Gold Hill, Storey County, State of Nevada.
5. Parcel #002-151-04: A portion of Lot 36 in Block 6, Range "C" (known as 3321 Main Street), consisting of approximately 1.66 acres as shown on the official map of Gold Hill, Storey County, State of Nevada.
6. Parcel #002-151-06: A portion of Lot 35 in Block 6, Range "C," consisting of approximately 0.28 acres as shown on the official map of Gold Hill, Storey County, State of Nevada.

District Attorney Maddox explained that a couple of months ago Comstock Mining (CMI) sent a letter to himself and Vanessa setting forth their position on all of the land included in the stipulation. He explained that mining patents and town sites are filed with the Federal

Government. In the 1870's congress passed a law that mineral patents supersede everything else making the town site that was later filed invalid. The tax deeds that were later filed by the Treasurer were invalid resulting in the county not having the authority to sell or lien the land. District Attorney Maddox reviewed a prior situation in which the county was taken to court and was proven to not have the authority to sell the property. At this point even if the proper process was followed we do not have the paperwork trail. He covered the different options that have been looked at. The County has entered into a stipulation resolving the title issues; CMI has agreed to pay \$19,000 for any taxes that may have been owed to the County. The quiet title suite will clean up the issues and clear the lots of the treasurer deed listing.

Mr. Beach stated that his concern is what the prevailing value is for similar lots in the area. His grandma and grandpa owed 4,000 acres in Montana and Canada, the land was sold but mineral rights were held on to. Mineral rights can be separate from the land, such as in Virginia City. Mr. Beach would like to establish a value of the lots and ask CMI in good faith to pay the value. District attorney Maddox clarified that we do not own the property therefore we cannot sell it. There is a similar issue with a property in the cemetery. Mr. Beach stated that it looks to the people that we are giving them a special deal. Chairman Sjovangen clarified that we do not own the property and that we aren't owned anything and could easily be taken to court. Additional conversation was held regarding the ownership of the property and the possibility of a court action. Mr. Whitten added that CMI is being a good neighbor and they are under no obligation to pay us \$19,000.

Ms. Houts she asked how we can do a quit claim deed if we don't own the property. District Attorney Maddox stated we are not doing a quit claim deed, it is a quiet title action pending before the court. Ms. Houts asked what happens if the next of kin comes forward to claim the property. District Attorney Maddox explained the notification process that is involved in a quiet title action and that no one can come forward once the court finalizes the case and a new deed is issued. Ms. Houts asked what about the people who are not within the county; District Attorney Maddox stated the requirements of NRS have been met. Mr. Whitten suggested she attend the court hearing and address her concerns before the Judge.

Mr. Phillips stated that his first concern is that in the agenda and the recommended motion Comstock Mining, Inc. is the only one listed. To meet the clear and complete guideline the record should include Comstock Mining, LLC and Northern Comstock, LLC. He added the motion should include the \$19,000 payment. He asked the Board to pretend for a moment what he believes to be true, that the mining company is planning to turn these lots into prime commercial residential properties and send the sewage right down the mine exploration holes. If what he is saying is true when is the mining company going to start paying taxes at a rate that they are going to build some day. Mr. Whitten responded he believes that taxes are paid once they receive full and clear title from the court.

Commissioner Gilman commented that we have been studying this in depth for a number of days so the information that is coming forward on his desk is not just arriving today. It is to his satisfaction that this is the very best decision we could make under these circumstances. He believes not following this path would open up to extensive litigation with the very strong possibility of lose. In his opinion after diligent research this is certainly the right decision.

District Attorney Maddox added that he will be filing on behalf of the Cemetery Foundation a similar action to clear up the Roberta Webster issue. This is probably the first of several that will need to be cleared up around the county. Commissioner Gilman stated he has asked staff to do a study regarding the zoning of the property in Gold Hill and look at the establishment of a redevelopment area. This may open up the grant and bonding opportunities. There are a lot of things to be looked at and our work does not stop here.

Chairman Sjovangen added that he himself had to go through a quiet title issue in the past. He stated that Comstock Mining already owns that land. The question is clearing the tax lien we have on the lots and we don't have any records. If this went to court the preponderance of evidence would show it is their land and they don't owe us anything for it. This issue is throughout the county, hence the petition to Congress regarding the BLM land.

Motion: Approve the Settlement Agreement between Comstock Mining, Inc. and Storey County in regards to Quiet Title Action filed by CMI in the First Judicial District Court Case No. 13 RP 00009 1E, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

10. **DISCUSSION/POSSIBLE ACTION:** For possible action approval of TRI vouchers submitted from through June 30, 2012.

Mr. Whitten explained that a revised version of his staff report was made available yesterday, that report included the total number paid to date. We could not include the numbers in the agenda item because we were still negotiating a finality of about \$12,000. He believes that Commissioner Gilman is going to abstain and he has not had any input on this item it has all been done thru TRI's legal counsel. Mr. Whitten stated this is an annual process thru the developer agreement. He briefly reviewed the process that was used in development of the voucher. The good news is that any money owed is interest free. He covered the additional work that is taking place and future projects, including the extension from I80 to Highway 50. Mr. Whitten explained the review process and audit of totals submitted to the county. The current obligation to payback sits at \$43,732,117.15. He thanked those involved in the preparation of the voucher and the members of the Storey County team. Staff recommends the voucher be approved.

Mr. Phillips stated that on the agenda we have TRI vouchers submitted from through June 30, 2012, he asked if we could all agree that is the 1st of July, 2011 through June 30, 2012. He asked that the dates be included in the motion and the outstanding balance to TRI. He went to the voucher that is going to be approved today, the word administrator is used again and the Board has not appointed an administrator. Mr. Whitten stated that he agrees with Mr. Phillips that the motion should include the fiscal year beginning July 1, 2011 and ending June 30, 2012. To insert any numbers in the motion would only cloud and convolute because the only number pertaining to this is the amount of the voucher itself, \$28,482. The information included in the packet will be retained, as it is a permanent record.

Mr. Beach stated he thinks TRI is a great place and he is happy with them but he wants the same conditions. When he bought his lot it was sagebrush and rough, he spent money grading it, putting a road, well and sewer system in. That is all infrastructure and he would like to bill back for all of those costs at \$.33 on the dollar. He has thousands upon thousands of dollars in grading and why can't he be treated just exactly like TRI. Discussion was held regarding Mr. Beach's question.

Motion: Approve TRI vouchers submitted from July 1, 2011 through June 30, 2012 in the amount of \$28,482, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Chairman Sjovangen

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

11. **DISCUSSION/POSSIBLE ACTION:** Approval of Resolution 13-381 eliminating the Special Revenue Fund of the town of Virginia City and town of Gold Hill.

Mr. Gallagher explained this is a housekeeping matter which he has been trying to research for some time. We don't know why these funds were created. The funds have been operating with state and local taxes that come through the various regions. In previous periods there have been expenditures for utilities that are associated with the two areas. He explained during the budget process we had to opportunity to clean the funds up. The business licenses that were previously being allocated to these funds will now go to the VCTC. The expenses will now be absorbed under the general fund. Mr. Gallagher recommended the elimination of the two funds.

Mr. Whitten clarified that the independent auditor and Department of Taxation have been notified of our intent to eliminate these funds and both concur. This in no way has any impact or even touches water and sewer in Virginia City, Gold Hill or Silver City.

Mr. Phillips stated that again the agenda is not clear and complete; it should refer to those funds going to the VCTC. He added that he is looking at the revenues for Gold Hill and as far as he knows there aren't very many businesses in Gold Hill. He sees zero to date under liquor and merchandise licenses. He also sees zero under cabaret licenses, he asked if this evidence that the Gold Hill Hotel isn't paying their taxes. Mr. Whitten responded with an explanation of how a business with a liquor license is handled, he suspects that the 3 digit account code was missed. Sheriff Antinoro confirmed that the Gold Hill Hotel is currently licensed. Ms. Cohen asked if they would be willing to hold off on making a decision. Mr. Whitten stated that budgets have already been cast based upon this. The funds have already been assigned during the budget approval process. Ms. Cohen asked if it is absolutely necessary that the old funds from the business licenses go into the VCTC. She asked if it could be broke down. Mr. Whitten explained that we are not obligated to give them a single penny, but historically we have given a portion of the licenses to the VCTC. This stems from an agreement reached in the 1990's.

Ms. Houts stated that she doesn't recall a bracket for this in the final budget. Under the business licenses resolution it states that 90% of the fee is transferred to the VCTC, which means that 10% is retained by the County for utilities and repair of street lights. She asked why we can't use that money for the utilities like the water and sewer which has recently been increased. Ms. Houts

received an estimate from the VCTC Chairman that there are about 70 operating businesses in Virginia City, she is not sure what is included in that estimate. She asked why you would take \$110,000 and help approximately 50% of the businesses when you could help all of the residents in Virginia City and Gold Hill. She further discussed the promoter bring used by the VCTC and how they are paid for services. Mr. Whitten answered that the bracketed amounts are estimates for what we think the ending fund balance will be for the town of Virginia City and Gold Hill. We are not handing the VCTC \$100,000, those monies are going into the general fund to do exactly what she suggested, to help the general communities of Storey County generically. What will go to the VCTC this year are any funds raised from business licenses. The water and sewer funds are enterprise funds that are separate and we do not want to start comingling funds. He explained there are some locations that do not have receive both water and sewer service. Ms. Houts asked why it can't be used for the benefits of the people in Virginia City and Gold Hill. Mr. Whitten explained that utilities as they have been used before to pay for street lights, those are the only utilities being paid, not water or sewer. In essence the \$111,000 that is going from this fund to the general will help us fund programs for everyone. It is not government's job to make money; as long as the cash registers ring in town then he thinks the VCTC is doing their job.

Mr. Beach said he heard that some of this money was being used for street lights; he asked if anybody had been down to see the streetlights the county provides in Mark Twain. There are only two lousy lights. We have residents down there with business licenses, who is going to take care of us. Mr. Beach stated he is here to tell you that Mark Twain doesn't want to be left alone. Mark Twain wants not only their fair share of the pie; they want somebody else's share too. In two weeks' time he will be back here and he would like somebody to tell him what they are going to do about his street lights and the water in the park. He also expects in two weeks' time someone to contact him about all of the eyesores and ride around with him. Mr. Osborne added that he had a resident today tell him they don't want street lights down there. He covered the dark skies ordinance that is in effect county wide.

Mr. Phillips asked if we could get the motion clear and reference the two separate special revenue funds.

Motion: Approve Resolution 13-381 eliminating the Special Revenue Fund of the town of Virginia City and town of Gold Hill, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

12. **DISCUSSION/POSSIBLE ACTION:** Approval of Storey County Public Records Policy

District Attorney Maddox stated that everyone has received a copy for review. There is a section that addresses the time frame to respond to a records request. He is recommending that the 2 days be changed to 5 days, which is what NRS requires. He believes this is a good policy and is a start. He will be developing a form for the requests. District Attorney Maddox addressed the cost for documents and the need for each department or office to have the fees posted. If the request requires more than 30 minutes of an employee's time that time becomes billable.

Chairman Sjovangen asked if the fees had been put into writing yet. District Attorney Maddox explained that they had not, however he would like to approve the policy first and come back at a later date with the fee schedule. Commissioner Gilman asked staff to look at this document and through the Manager's office create a log for all departments to sign into so at the end of the year we can quantify the amounts and time. Mr. Whitten stated the log will be developed in collaboration with the District Attorney. District Attorney Maddox provided a background on the policy which was furnished by Washoe County. The document has been reviewed by the Attorney General. Further discussion was held on the development and testing of the document and the variety of requests received.

Mr. Beach said that his problem is this smells like they are trying to restrict what he gets and they have shown him they do. He wrote a letter to Mr. Osborne with 7 requests, he stemmed them all together and advised Mr. Beach the request would take more than 30 minutes. Mr. Beach requested 30 minutes worth and he has not received anything. He further addressed his feelings on the county and School District trying to count him out of access to public records. Mr. Beach asked if anyone was going to do anything about Mr. Osborne not responding to his requests. He asked if he should just go get an attorney and sue the county. Vice-Chairman McBride said he has two different issues going here, which one we are going to talk about. Mr. Beach listed the requests he has submitted and the lack of response he has received. Vice-Chairman McBride stated he is off track.

Recorder Jen Chapman addressed the Board regarding her support for the policy. She explained that her office charges \$1 per a copy as laid out in NRS and will not be cut down to \$.50 as the Clerk's Office was. District Attorney Maddox said that will be removed from the policy. Mr. Whitten added she has done a tremendous job getting documents on the web for the public. Chairman Sjovangen said he attended a seminar and \$1 a page is standard around the country and the requests for documents are on the rise as well. Ms. Chapman stated she has developed a form for requests of personal and non-personal use and are keeping a log.

Mr. Phillips informed the Board that he objects to this whole concept, chapter 239 of NRS is specific and very clear regarding all these issues. He addressed the history of the State Records Committee; this committee publishes a complete list of the public records programs. He believes this is totally uncalled for. If he is denied a records request statute allows for him to fast-track to District Court for an order for the document and payment of attorney fees. He will take the policy and mail it to the State Record Committee for review. District Attorney Maddox explained that chapter 239 is the bones and we are adding a little meat. The policy has been reviewed by the Attorney General.

Ms. Houts questioned if it would be best to add the language concerning electronic documents prior to adoption of the policy. District Attorney Maddox stated that he wants this passed as a start. This is just a start and not a finish.

Motion: Approve Storey County Public Records Policy, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

13. **DISCUSSION/POSSIBLE ACTION:** Second reading for Jeep Posse's liquor licenses (This item was heard following item 11.)

Sheriff Antinoro stated he has had several conversations with people regarding this issue. He addressed Mr. Phillips concern regarding the administrator for business licenses, the ordinance is very clear, the Sheriff or the administrator appointed by resolution. Any license falling under his office is free and clear of that. Sheriff Antinoro explained the purpose of the background investigation. The Jeep Posse is non-profit so there really isn't a fiscal note. They are currently listed as active with Secretary of State, for purposes of licensing they have met all the requirements, he recommended approval.

Ms. Houts said she checked with IRS and they are not listed as non-profit. Today she looked through Storey County business licenses and she does not see the company at all. She asked if they do not have a business licenses for Storey County how can they apply for a liquor license. Sheriff Antinoro explained that anybody that has a cabaret, liquor, brothel licenses or any other licenses that falls under the purview of the Sheriff's Office we handle the business licenses as well. With the liquor licenses a business licenses will be issued for a non-profit organization.

Chairman Sjovangen stated that when he was Chamber president he applied for a liquor license and that was all they had because they weren't a business. Ms. Houts stated that she understands from Storey County ordinance all businesses have to be registered under Storey County. Sheriff Antinoro clarified that because there is a liquor license all of their licensing falls under his office.

Mr. Phillips stated this is legally this is the Storey County Jeep Posse; he asked if there was a physical address for the license. Sheriff Antinoro replied the application reads, Ice House on Toll Road, the actual numeric is 180 Toll Road. Mr. Phillips asked what type of application was filed for the license. Sheriff Antinoro said it is an on-site liquor license. Mr. Phillips asked who made the application. Sheriff Antinoro responded the current president Steve Schieberl. Mr. Phillips asked if we could agree that Hugh Gallagher is the Director for the non-profit corporation. Sheriff Antinoro said if that is what is listed on the Secretary of States paperwork. It was clarified that Vice-Chairman McBride is not a member of the Jeep Posse.

Motion: Approve second reading for Jeep Posse's liquor licenses, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

COMMUNITY DEVELOPMENT AND PLANNING

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

- 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.)
- e. A B CUSTOM WOODWORKING – General/625 Waltham Way #103/104 TRI
- f. NEVADA DISTRIBUTION SERVICES, LLC – General/625 Waltham Way #103/104 TRI
- g. SCHWABE NORTH AMERICA, INC. – General/2777 USA Pkwy #106 TRI (distribution center for dietary supplements)
- h. BATTLE CORN MUNITIONS, INC. – General/625 Waltham Way TRI (import and distribute firearms and ammunition)

Mr. Osborne stated item H should read as Battle Born Munitions. Commissioner Gilman said it is his understanding that the company has decided to locate in Sparks, not Storey County. Mr. Osborne asked that the following items be continued; B, E, F, G, and H.

Motion: Approve continuance of second readings for B, E, F, G and H, **Action:** Approve **Moved** by Vice-Chairman McBride **Seconded** by Commissioner Gilman

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

Mr. Osborne asked that items A, C and D be approved.

Motion: Approve second readings for A, C and D, **Action:** Approve **Moved** by Vice-Chairman McBride **Seconded** by Commissioner Gilman

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

15. PUBLIC COMMENT (No Action)

Mr. Beach stated in the past we had a clear operation for providing public records to people. He got everything he ever asked for from Holli but has not received one thing from Austin. He doesn't like it at all and will be bringing his requests before the Board. He discussed the land next door and the need for an appraisal. Mr. Beach discussed the propane contract the county has. He feels the public isn't being treated fairly and it isn't right. He requested that public comment be moved to the start of the meeting. Chairman Sjovangen told Mr. Beach to sit down. Mr. Beach stated he gets his 3 minutes to discuss whatever he chooses. He continued his discussion regarding incompetency and inefficiency within the county.

Mr. Phillips said he kind of likes sitting through a whole meeting quietly and getting up at the end to have the last word. He asked at the last meeting that he be allowed to give his public comment without any response from the County Manager. Mr. Phillips stated in a timely fashion he made 2 requests to get on the agenda and both requests were denied. In the future he would hope that his request would be included as correspondence. Mr. Phillips reviewed his requests that were denied. (Copies of the requests are available in the Clerk's Office.)

16. BOARD COMMENT

Commissioner Gilman stated this Board does a lot of research before we come to this table. There is a lot of effort and time that goes into these decisions. He appreciates the public

comment, due to public comment taking up an inordinate amount of time he would like to suggest we start the meetings at 10:00am. Chairman Sjovangen added he is looking at using a sign in form for public comment. Vice-Chairman McBride stated he agrees with Commissioner Gilman, he too would prefer to get an earlier start. District Attorney Maddox recommends placing it on a later agenda for further discussion and possible action. He addressed the rules of decorum.

17. ADJOURNMENT

The meeting was adjourned by the call of the Chair at 5:36 p.m.

Respectfully submitted,

By _____
Vanessa DuFresne, Clerk-Treasurer