



STOREY COUNTY COMMISSION MEETING

TUESDAY, OCTOBER 1ST 2013 10:00 A.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

BILL SJOVANGEN
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

MARSHALL MCBRIDE
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

VANESSA DU FRESNE
CLERK-TREASURER

Roll Call: Chairman Sjovangen, Vice-Chairman McBride, Commissioner Gilman, District Attorney Maddox, Clerk-Treasurer Vanessa DuFresne, Deputy District Attorney Bob Morris, Planner Dessie Redmond, County Manager Pat Whitten, IT Director James Deane, Public Works Director Mike Nevin, Comptroller Hugh Gallagher, Senior Planner/Administrative Officer Austin Osborne and Sheriff Gerald Antinoro.

1. **CALL TO ORDER AT 10:00 A.M.**

The Chair called the meeting to order at 10:02am

2. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for October 1, 2013

Mark Joseph Phillips, Storey County resident, stated he has a few concerns with the agenda. Item 13, as of yesterday there was no evidence that the exempt status has been filed. He referred to item 12 stating it was unclear as the development agreement was not available in the packet. He addressed item 10 and 11 stating that the required action report was not provided.

Motion: Approve the agenda for October 1, 2013 **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 July 2, 2013

Mr. Phillips referred to page 15 of the minutes he stated that it is essential the minutes include Doug McQuide's full name. It was an important question and the record should reflect his name.

Motion: Approve the minutes for July 2, 2013 **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

CONSENT AGENDA

5. Claims - For possible action approval of Payroll Check date 9/13/13 for \$493,959.07 and Accounts Payable date 09/20/13 for \$956,361.94
6. For possible action approval of Licensing Board First Reading:
 - a. CINTAS CORPORATION #3 - General/250 Vista Blvd., Sparks (Uniform Services)
 - b. B&G BEAUTY SUPPLY - Home Business/2440 Enterprise Rd. (Consultant) VCH
 - c. THOMPSON GARAGE DOORS - Contractor/171 S 18th, Sparks (Overhead Door Install)
 - d. TANN CORPORATION - Contractor/2300 Northridge, Kaukauna, WI (Pollution Equipment)
 - e. LES SCHWAB TIRE CENTER OF NV - Contractor/4175 South Virginia, Reno (Tire Dist.)

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)

7. **DISCUSSION (No Action - No Public Comment):** Committee/Staff Reports

Community Chest Director Shaun Griffin:

Provided an update on the fundraiser for the library and will be getting temporary service set up for Mark Twain and Lockwood. Vice-Chairman McBride suggested placing cans at local businesses similar to the 4th of July fundraiser. Mr. Griffin thanked him for the suggestion and said he will get the donation cans distributed.

Vice-Chairman McBride stated that on Sunday morning he had the unfortunate privilege of witnessing a heart attack in front of his business. He described the event and the ease in which the Fire Department and Sheriff's Office worked together.

Mark Twain Community Center Denise Victorine:

She addressed four areas of concern that she has:

- She asked that the Board consider funding a onetime mailer to the residents of the Mark Twain area. Ms. Victorine covered the categories that the mailer would cover. She has been working to collect contact information from the residents that attended various meetings. In order to make the Community Center successful we need to be able to reach

the residents. Ms. Victorine stated that she has generated interest and ideas for community activities. The roadblock she is running into is communicating with the residents finding a way to contact them.

- Ms. Victorine noticed that the other community centers have minutes and agendas of the Commissioners posted, she would like to have the same in Mark Twain.
- During the National Night out event Ferrell Gas donated 100 gallons of propane as a raffle price. She discussed a promotional flyer that Jay Reed provided to generate more business. Ms. Victorine has been notified that the employee who offered the promotional deal is no longer with the company and the deal will not be offered. She will work with Ferrell Gas and the Commissioners to correct the problem.
- Regarding a lady in the Mark Twain area that would like to offer tutoring services and the special use permit. She asked if a more comprehensive assessment should be completed. In the interest of protecting children, as well as keeping within State and Federal regulations, and protecting the County's interests against potential liability would it be appropriate to require anyone working with children to fingerprint for the purpose of a background investigation, complete a drug screening, and be certified in CPR and basic lifesaving?

Mr. Whitten referred Ms. Victorine to Dessie Redmond, Storey County Planner, to assist with the list and mailings. Mr. Griffin stood up to offer the umbrella of Community Chest to assist with the tutoring. He also suggested a small billboard on the community center to post information for everyone to see. Vice-Chairman McBride suggested that when you send out mailers, request that people respond by email so that you have their email address without handwriting being an issue. Cell phones are also another alternative to computers now.

Comptroller Hugh Gallagher:

He reported that effective today Sierra Pacific Energy is increasing their rates. There will be another rate increase on January 1, 2014. He thanked the Commissioners for taking time out on Friday to approve the lender for the interim debenture for construction of the wastewater treatment plant; the lender will be Wells Fargo.

Public Works Director Mike Nevin:

He informed the Board the crack-sealing project on Cartwright and Lousetown and Six Mile Canyon Roads has been completed. This week they will be doing some shoulder work and preparing for the oil-flush seal which will be happening on Tuesday and Wednesday of next week. He added leak issues on the Silver City water line continue with another problem last Monday. We reduced pressure in the line by about 20psi in hopes of extending the life of a very old and deteriorating line which is scheduled for replacement as soon as funding becomes available. Last week Mr. Nevin received an email confirmation from NV Energy that our application for street lights in the vicinity of the Louise Peri Park area has been received and assigned to a project coordinator. Last Monday staff held a meeting with the State Historic Preservation office to discuss applying for additional grant funds from cultural affairs and historic preservation grant programs for work on this historic structure, the County Courthouse to address roof and water leakage issues, as well as studies on seismic retrofits.

Chairman Sjovangen asked if they could pull the congested area sign on Lousetown and 341, it is a confusing sign. Mr. Nevin agreed that they could do that. He also asked if they will be using

the grader to pull out the willows. Mr. Nevin responded that the overgrowth will be addressed. Vice-Chairman McBride asked if he received the NDOT report regarding some of the roads that are being undermined. Mr. Nevin explained that most of the areas are on Highlands POA roads.

Sheriff Gerald Antinoro:

Street Vibrations update. We responded to 200 incidents, made 3 misdemeanor arrests, and only one traffic accident.

Planner Dessie Redmond:

Mrs. Redmond reported that they have made some good headway on the nuisance on Howard Street. She stated that the next master plan workshop will be held at the Mark Twain Community Center on October 17 at 6pm. She informed the Board that C Street has been named one of the ten great streets as designated by the American Planning Association (APA). This is a very exciting award as these locations are selected annually and represent the gold standard of having a true sense of place, culture, and historical interest, community involvement, and a vision for tomorrow. The official announcement will be made on Friday, and an official from APA will be here to present the award to the community. She continues to work on the lot consolidation and tattoo ordinances.

County Manager Pat Whitten:

Regarding the cardiac arrest Mr. McBride witnessed; it was a bad event with a great outcome. Mr. Whitten and Stacey Bucchaneri participated, as a result of the NACO conference, in a session that addressed a program put out by Secretary of State Miller called The Silver Flume, or the Business License Portal. They corrected every bad PR message out there. There is a great advantage to getting in on phase one. It makes it simpler for our business customers to apply for a business license. If they apply for a State license first, it enables us to use that information and save them some steps. Expect an interlocal agreement in the next 60 days or so, as Stacy and I came out with an overall positive feeling about the whole thing. He stated that due to the upcoming holiday season, unless he hears differently from the commission, he would like to waive off the November 5th meeting in deference to the second meeting of that month. Please let him know if there are any concerns with that. He and Marshall McBride have been asked to Washington DC to testify before a house sub-committee on HR-1167, Congressman Amodie's public lands bill, the "Restoring Storey County" act that if it passes would clarify 150 years of problems with titles in Virginia City and Gold Hill.

8. **DISCUSSION (No Action):** Presentation from Debra Erdody of Connect Nevada regarding the completed Storey County Technology Action Plan.

Ms. Erdody and Jessie Erdosky from Connect Nevada provided a power point presentation covering the Storey County Technology Action Plan. (A copy of the presentation and action plan is available in the Clerk's Office.) Mr. Whitten stated that if you look at what we are and how diverse we are it was an uphill battle to get where we are. He complimented the internal team and Connect Nevada for their work. The partnerships that come out of these projects are extremely valuable. The next wave is getting high speed internet out to our residents.

No action taken.

The Chair called for a recess at 11:05am; the meeting was called to order at 11:20am

9. **DISCUSSION/POSSIBLE ACTION:** Approve the second reading of Ordinance 13-249, an ordinance amending Storey County Code Chapter 1.08 General Provisions providing for general penalties for violation of the code and amending other sections to be consistent and providing for other properly related matters.

Bob Morris described the events that led up to the creation of the ordinance. He has provided a copy of the current draft of the ordinance. In the amended section he took out the catch all paragraph, he believes this puts the preferred version forward. The Board has two versions to review and adopt the ordinance they prefer. Commissioner Gilman and Mr. Whitten thanked Bob and Bill for their work; it certainly has been an interesting one. We will probably be back again with this chapter, looking at civil sanctions and a multitude of other options that may be utilized. Commissioner Gilman feels it is now a very proper ordinance for Storey County.

Mr. Beach stated that it is a step in the right direction; he doesn't like ordinances because they say that people can throw him in jail if they don't like what he is doing. He believes that we should do away with all of the ordinances and just use NRS. District Attorney Maddox explained that under the state constitution all of the fines and fees would go the school distribution fund, adopting the ordinances provides for the fines and fees going to the county.

Motion: Approve the second reading of Ordinance 13-249, draft date September 30, 2013 **Action:** Approve **Moved** by Commissioner Gilman **Seconded** by Vice-Chairman McBride

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

10. **DISCUSSION/POSSIBLE ACTION:** Request from Tom Quigley to be reimbursed for expenses for work on water meter leak in the amount of \$596.60

Mr. Quigley, owner of a commercial building on C Street - 6th attempt to resolve this. Mr. Quigley read correspondence pertaining to issue. Mr. Nevin did receive a letter and issued a credit of \$209.43 that would have been applied at the end of August, but as a court action was made before that could take place, he chose to wait on the credit until after the court action was taken care of. It was dismissed without prejudice because there were some procedures that were not followed. Now it's on the agenda. District Attorney Maddox had spent time on this case and it was dismissed because Mr. Quigley did not do what he was supposed to do. Now it seems he's charging even more than the court action. Vice-Chairman McBride asked Mr. Nevin if there was any indication that the leak was on the County side of the line. Commissioner Gilman clarified that was not any damage done to the building.

Russell Baron, employee of Tom Quigley, stated that he saw that the meter box was full of water and made a call to Public Works. Mr. Nevin came out and looked at the meter box; he told Mr. Baron that he would have to prove that the water leak was on the County side of the line. That is when they began the process of digging up the line.

Mr. Beach stated that he has a copy of the collective bargaining agreement and the lowest rate is \$18.00 per hour plus benefits. If there is someone making \$20.00 per hour they must be part time and outside of the union.

Motion: Approve settlement with Tom Quigley amount of \$409.00, **Action:** Approve **Moved by** Commissioner Gilman **Seconded by** Vice-Chairman McBride

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

11. **DISCUSSION/POSSIBLE ACTION:** Request from Tom Quigley for clarification of county policy regarding county employee use of county owned property for personal use. In specific, the parking lot and electrical hookup of personal RV and vehicles alongside the main fire station on C St.

Mr. Quigley presented photos. Mr. Whitten accepts responsibility. He permitted the use of the area for Mike Nevin because there was no higher purpose for the area and considers Mr. Nevin an "unsung hero" of the community. The minute it became a concern, he moved it. Mr. Quigley requested, as there is no policy at this time that it be put on the agenda for discussion and action to create a policy regarding the parking of private vehicles by county employees at taxpayers' expense on county property and the board agreed to take it under consideration.

Mark Phillips stated that over a year ago people brought up the same topic. He considers Mr. Nevin and his family good county employees. The principal does burn people up.

Mr. Beach stated that he has never met Mike Nevin, but knows who he is. He has issues as well about parking and using electricity from the county.

Nicole Barde, Highlands resident, stated that a couple of meetings ago the Sheriff was accused of several of things including personal use county vehicles. She asked for clarification as to whether there is a policy regarding vehicles. Pat Whitten answered by responding that there is a vehicle use and vehicle take-home policy, but it that was more of a liability issue. Ms. Barde suggested that the thread of liability that is the basis of employee policies may pertain to this discussion as well.

COMMUNITY DEVELOPMENT AND PLANNING

12. **DISCUSSION (No Action):** (Per TRI/Storey Development Agreement): Tahoe-Reno Industrial Center Boundary Line Adjustment for Tahoe-Reno Industrial Center, LLC., an adjustment of parcels 2011-07 and 2011-08 of Record of Survey File No. 115859 being a portion of the East ½ of Section 10 and the West ½ of Section 11, T.19N, R.22E, M.D.M.

Commissioner Gilman stated that due to having punitive interests in this agenda item he will recues himself from the item and join the audience.

Mr. Osborne defined the TRI maps and explained the reason for request.

No Action taken.

13. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- a. ALIO MEDICAL - Home Business/21850 Adobe Rd, Reno (independent contractor, books only) VCH
- b. SPRIMOG, INC. - Contractor/9965 Cincinnati Dayton Rd, West Chester, OH (install equip.)
- c. SIERRA HEARTH & HOME - Contractor/2350 South Carson St, Carson City (install fireplaces)
- d. PAINTING RENO.COM - Contractor/204 Ave de la D'Emerald (handyman) RB
- e. HIGHLAND PHOTOGRAPHY - Home Business/400 Panamint (photography - books only) VCH
- f. CHEP USA - General/8517 South Park circle, Orlando, FL (pallet rental)
- g. VISION DESIGN PAINTING - Contractor/11 Glen Carran Circle, Reno
- h. COMSTOCK CIVIL WAR RE-ENACTING - Nonprofit/1575 Plumas, Reno
- i. SCHWABE NORTH AMERICA, INC. - General/2777 USA Pkwy #106 TRI (distribution center for dietary supplements)
- j. AMPLUS, LLC - General/3033 Waltham Way (precious metals recovery) TRI
- k. A B CUSTOM WOODWORKING - General/625 Waltham Way #103/104 TRI
- l. NEVADA DISTRIBUTION SERVICES, LLC - General/625 Waltham Way #103/104 TRI
- m. WIDE OPEN - General/1777 Peru Drive (off-road tours and racing) TRI

Mr. Osborne asked that A-L be approved and item M continued.

Mr. Phillips assured Chairman Sjovangen that this is not personal; it is the public being interested in the process. He has found out that when applying for a business license it asks if you are non-profit entity, county code does not require that the Commissioners verify the non-profit status.

Motion: Approve items A-L **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

Motion: Approve the continuance of item M, **Action:** Approve **Moved by** Vice-Chairman McBride **Seconded by** Commissioner Gilman

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

Mr. Whitten stated that we didn't force any company to differentiate bids when they submitted their bids for propane. We asked the price for the County inclusive of the school district, would you consider discounts for county employees, and this year we added Storey County residents. When Ferrell Gas was recommended as the winning bidder, it was because they gave the best price to the county. At that point, they offered a discount to employees and citizens of Storey County. According to Mr. Reed and Ferrell Gas, the rates of those discounts are based on their risk of collection.

14. PUBLIC COMMENT (No Action)

Ms. Barde stated that she is following up on a conversation with Chairman Sjovangen and Cynthia Kennedy at the Spaghetti Feed regarding the park fund and the current balance. She asked if he had followed up on that conversation and is a balance available and an accounting of the revenue and expenses. Chairman Sjovangen responded with the balance of \$250.00. Ms. Barde asked if there would be a possible to have and account of their own. Chairman Sjovangen said they are considering a general grant fund. He and Hugh Gallagher discussed fees and ordinances and offered to get Ms. Barde more information if she needs it.

Gunther Prosser, River District resident, stated that he has been asking the same question about the park fund account for the last three years. He stated that there was a resolution passed September 13, 2010 (10-312) that the park fund 190 would sub-total each park and the building permits from each area would go to each separate account. Pat Whitten assured him that that is practice. Mr. Prosser

Mr. Phillips read a letter into the record he provided to the Secretary of State, the letter reads as follows:

Mark Joseph Phillips
P.O. Box 1092
Virginia City, Nevada 89440

03 September 2013

Office of the Secretary of State
Elections Division
ATTN: Andrea Allen
101 North Carson Street, Suite 3
Carson City, NV 89701-3714
CC: Ross Miller
Subject: NEVADA FINANCIAL DISCLOSURE STATEMENT(S)

Dear Ms. Allen,

On Friday 30 August 2013, Storey County Jury awarded a \$1.3million claim against Cash Asset Management LLC, owned in whole or in part by Mr. Leonard Lance Gilman.

L. Lance Gilman filed the Nevada Financial Disclosure Statement (FDS) as a candidate for Storey County Commissioner, District 3 on 25 March 2012. Then Mr. Gilman filed a FDS again as an elected officer on 14 January 2013.

In his 2012 candidate FDS, Mr. Gilman disclosed real estate in which he has a legal or beneficial interest [Page 2 of 3, SECTION C (Real Property)]. Noticeably the Mustang Ranch and Wild Horse Brothel properties, located at 1000, 1007, 1009, and 1011 Wild Horse Canyon Drive, Sparks Nevada, 89434.

In the same FDS, SECTION D (Creditors), Mr. Gilman failed to disclose debts secured by mortgage or deed of trust on the brothel(s) real property(s) that I have listed above! As a

candidate for county commissioner in Nevada, and to be honest to the voting public, Mr. Gilman should have disclosed Mr. Don Roger Norman, and TG INVESTMENTS LLC as creditors, who's debts are secured by the deed to the brothel properties.

With Respect,
Mark Phillips

Dale Beach, Storey County Resident, received a letter from Senior Planner/Administrative Officer Austin Osborne in answer to his question of how much the county had paid Attorney Mark Gunderson. Up through January 25, 2013 the county paid him \$357,116.08. Also had a letter from Jana Seddon, Storey County Assessor, September 5, 2013 your letters were forwarded to District Attorney, Bill Maddox. So he will be getting all my requests for public documents. Would like to wipe out the brothels.

15. BOARD COMMENT (No Action - No Public Comment)

16. ADJOURNMENT

The meeting was adjourned by the call of the Chair at 12:51pm

Respectfully submitted,

By _____
Vanessa Stephens, Clerk-Treasurer