



STOREY COUNTY COMMISSION MEETING

TUESDAY, DECEMBER 3RD, 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 STEPHENS
CLERK-TREASURER

Roll Call: Chairman Bill Sjovangen, Vice-Chairman Marshall McBride, County Manager Pat Whitten, District Attorney Bill Maddox, Clerk and Treasurer Vanessa Stephens, Community Services Director Deny Dotson, Fire Chief Gary Hames, Sheriff Gerald Antinoro, Comptroller Hugh Gallagher and Deputy District Attorney Robert Morris.

Absent: Commissioner Lance Gilman

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

The meeting was called to order at 10:02 A.M. by the Chairman

2. **PLEDGE OF ALLEGIANCE**

The Chairman led those present in the Pledge of Allegiance

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for December 3, 2013
Chairman Sjovangen asked that item #12 be continued and item #15 follow item #7.

Mark Joseph Phillips, Storey County Resident, stated that the Board previously continued the Jail Fund ordinance to this meeting, the item is noticeably missing from the agenda.

Motion: Approve Agenda for December 3, 2013, **Action:** Approve **Moved by** Vice-Chairman McBride **by** Chairman Sjovangen

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

CONSENT AGENDA

(All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of

the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting. The Commission Chair reserves the right to limit the time allotted for each individual to speak.)

4. For possible approval the Treasurer Report for November 2013
5. Claims - For possible action approval of Payroll Check date 11/13/13 for \$5,231.46 and 11/17/13 for \$381,408.71 and Accounts Payable date 11/15/13 for \$381,408.71 and \$2,528.71
6. For possible action cancelation of the December 17, 2013 County Commission Meeting

END OF CONSENT AGENDA

Motion: Approve Consent Agenda, **Action:** Approve **Moved by** Vice-Chairman McBride **by** Chairman Sjovangen

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

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

Pam Abercrombie, Project Management Development Director for Community Chest:

Reported on success they have had with the \$15k Community Foundation for Western Nevada matching grant for the library. As of today we have raised \$24k, so our ambition now is to double the amount of the match. The support from donors and the community has been phenomenal. Our goal is now to raise \$30k, which would give us a budget of \$45k plus \$6k in other monies. We then have another grant that goes before the Leonette Foundation Friday for another \$20k. In all total that will give us \$71k, which will enable us to get a full time librarian and a part time assistant which will enable us to stabilize the library. If we can get state recognition as a "special library", then we can get LSDA monies and won't have to come back to the county for funding in the future. The commissioners are all in full support of the raising of the additional funds needed. County Manager Pat Whitten reminded them that the county Christmas party on Friday will be donating all the tip jars to the effort.

Marilee and John Miller:

John extended thanks to everyone for the lights that have been installed in Lockwood, in the Senior Center Parking Lot, and Peri Ranch Road. They were needed.

Marilee said that the work that has been done and the concern from the commission on the park and the lights has brought the River District community together and focused it on fun things more than ever before. There is a group of people, *We Care*, under the auspice of the Sherriff's department that take care of all the fun stuff in this County. On December 7th, we will be taking pictures with Santa at the senior center, and on the 21st at the community building in the River District. On the 23rd, the Parade of Lights will be held all through the streets of the community. She continued to thank all the departments that have helped, including the Fire Department for coming and helping clean up.

Sheriff Gerald Antinoro:

- Addressed Mr. Phillips and assured him that they have been discussing the Jail fund and will hopefully have some resolution on it sometime in January.
- Notice that the corner fund will be blown due to unfortunate circumstances. We have had a great number of deaths in the county including three over the holiday weekend, two of which required post-mortem examinations. A standard topical exam may run from \$500-\$600. A standard autopsy may run about \$1800. A full blown homicide autopsy, such as had to be done on the remains found this summer, will exceed \$5500, which on its own is $\frac{3}{4}$ of the budget on that account.

Comptroller Hugh Gallagher:

- Yesterday he met with the Fiscal Analyst for Storey County, Susan Lewis, at the Department of Taxation to review a meeting they had in September in which several issues were brought up. They are pleased with the resolution of the VCTC ordinance as well as the resolutions eliminating the town of Gold Hill and town of Virginia City. They are also satisfied with the infrastructure tax issue which we will discuss today. They are fine with the financing application for the Sheriff/D.A. billing which we had thought we would pay all in one lump sum, but decided not to as we got a fairly good rate. There is discussion regarding the jail fund currently on the table which Ms. Lewis understands. He clarified with her that it is mostly for license fees, not assessments for construction. They were to set up a meeting with their Executive Director, Chris Neilson, to discuss sales taxes with regard to the Tahoe Regional Industrial Park and she apologized that it had not been done yet. They were going to see if there is anything they can do from their end as far as distributions of funds for the Virginia Truckee Railroad, but Mr. Gallagher doesn't think there is anything they can do. They have applied for an extension.
- Mr. Gallagher encouraged the public to email him with any questions or comments regarding the financial statements for 2013 and he will be happy to get them any information they are requesting.

Fire Chief, Gary Hames:

- We've lost three more people to the Truckee Meadows Fire Protection District effective the 10th. We are fortunate that we have a current consortium testing list that we will be interviewing from starting on Monday. There are six fully qualified applicants on that list. After this go-around that list will probably be fully expired and there will be no one left on it that meets our qualifications, which are a little more stringent. We will be advertising for reserve firefighters and establishing another hiring list. This will be number five since July 1st with four to Truckee Meadows and one to the Airport Authority. We do conduct exit interviews, but there is not really any one thing that we can point to as far as a reason for losing people. Some of it is equipment. We've had a lot of ambulance breakdowns. All three of these people experienced ambulance breakdowns with patients in the back and that was the number one thing he heard from them, and they don't do transports at the agencies they are going to and they find that attractive. The other thing is upward mobility. We are a small department and these other agencies offer positions which we expect our firefighters to fill. These losses are expensive. We lost 14 people last fiscal year and ran in a deficit. Two repairs alone last year, one of which was \$20k and another at \$12k, which took up our entire line-item for maintenance.

BOARD COMMENT (No Action – No Public Comment)

District Attorney, Bill Maddox has been very busy with criminal issues and also with public administrator duties of dealing with deaths in the last few months. Hopefully, the deputy D.A. which has been authorized will help alleviate some of the criminal side and he will be able to get to more of the civil things that are backed up right now.

County Manager Pat Whitten reminded everyone that there will not be a second meeting in December so the next meeting will be at 10am on January 7th. For good news, Google “Zulily” which is a TRI based company. They had their IPO at \$22 and they closed at \$36 or more per share which is phenomenal. County Christmas party is this Friday at Piper’s Opera House with cocktails at 5pm and dinner at 6pm and everyone is welcome.

Pat Whitten read a statement from **Lance Gilman**:

County Commission Meeting

December 3, 2013

Statement re Phillips FDS allegation against Gilman

In September of this year, Mark Joseph Phillips filed a formal written complaint with the Secretary of State claiming Storey County Commissioner Lance Gilman failed to disclose two creditors on his FDS filings during his campaign and on a filing after his election as a Storey County Commissioner. Mr. Phillips published this allegation in a local paper, and made public statements about it as well.

Scott Giles, Deputy Secretary of State for Elections for the State of Nevada, fully investigated the complaint and has totally exonerated Commissioner Gilman. In a letter to Commissioner Gilman, dated November 25, 2013, Mr. Giles stated as follows:

“Upon review of your written response, this office is convinced that your financial disclosures are accurate and met the requirements of NRS 281.571. As such, the Secretary of State’s office finds that the allegations in the above-referenced Election Integrity Violation report do not amount to a violation of NRS Chapter 281 or any other statute or administrative code within Title 24.” (Underlined in original.)

Mr. Giles has closed the investigation on Mr. Phillips’ complaint.

- 8. DISCUSSION/POSSIBLE ACTION:** Approval of resolution 13-387, 2013 Community Service Award for Business of the Year

Community Services Director, Deny Dotson (Christmas on the Comstock is this weekend.)

This award will be selected by the Storey County Director of Community Services, Community Development, and the Virginia City Tourism Commission. It will be awarded to a business or organization that has shown significant achievements or have made significant contributions to the residents of Storey County.

Standard criteria for the Awards:

The selection committee will consider performance and achievement in any of, but not limited to, the following areas:

- Leadership and Entrepreneurship
- Product or Marketing Innovations
- Significant Business Achievement
- Sales and/or Employment Growth and Technological Advancement
- Excellent in Community Relations/Contribution
- Environmental Consciousness
- Customer Service and Reliability
- High Standard of Employee Relations
- Contributes to the Economic Health of Storey County
- Success in filling a marketplace need

Carl Kuttel, Virginia City Tours, has been a face of Virginia City and a teller of its history for over 27 years. Mr. Dotson presented the 2013 Business of the Year award to Mr. Kuttel. Pat Whitten commended his staff as well.

Mr. Dotson read resolution No: 13-387 into record.

Motion: Approve resolution 13-387, 2013 Community Service Award for Business of the Year,
Action: Approve **Moved by** Vice-Chairman McBride **by** Chairman Sjovangen

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

9. **DISCUSSION ONLY (NO ACTION):** Paul Kvam provided an update on efforts to bring natural gas service to Virginia City and Gold Hill. Southwest gas is interested in coming up if it is economically viable. If Comstock Mining can be brought in, they will definitely be swayed. The school district also uses a lot of propane. They still need some numbers on residential use. They will need a trench from highway 50 and could share with a water line. The routing is tough, but they can put numbers together once they have the residential numbers. They need to come up with the most direct route with the easiest digging, avoiding blasting. There will be competition with the propane providers as well as NV Energy.

Chairman Sjovangen asked what Mr. Kvam thinks may happen with the Propane pushback. Mr. Kvam feels it may work toward lowering prices in the area. Mr. Sjovangen also asked how much of the Moundhouse area is on Natural Gas. He didn't know, but he had asked Southwest Gas if they could connect to the end of their system, but they said no as there is not enough pressure. We would have to connect to the Piute line.

Mr. Kvam explained that there will be a surcharge, but there will still be a significant savings even with it. Pat Whitten asked what the rates are now. Mr. Kvam said it was at \$.80 and has gone up to about \$1.00. Mr. Whitten said he just argued with Amerigas over \$3.56 per gallon for propane.

Marshall McBride asked about acquiring utility right of way or could we use existing right of way under NV Energy or NDOT. NV Energy and Southwest Gas both have departments that handle right of ways. Pat Whitten mentioned that the county owes Mr. Kvam a big debt of gratitude for his volunteerism on this project.

10. **DISCUSSION/POSSIBLE ACTION:** Public Hearing to extend the Storey County Infrastructure Tax and approve the plan of projects to be funded by the tax.

County Manager Pat Whitten said that as Lance Gilman was suddenly called back to Washington DC, he has asked that we continue with the hearing and public comment and defer any decisions until he is back in January.

Nicole Barde, Virginia City Highlands Resident would appreciate more information. She wants to know how much was in the last fund, what was it spent on, and was there any overlap with it and the capital projects fund. Is part of this infrastructure fund going to be to construct and physically deal with the tunnel, the depot, and other things, or is part of it going to be going toward interest and principle on the bond we just floated?

Pat Whitten said that they were just hearing public comment right now, but that there is no intent to pay bond principle and interest from this account where you see V&T Depot Purchase, V&T restoration, and Gold Hill restoration. He also clarified that this is not a new tax, but a refreshment of a tax that has been on the books for quite some time. Getting you the list should be quite easy and Comptroller Hugh Gallagher can take care of that. We had a list that has been expired and now it is time to build a new list for use of that same tax. He also answered Ms. Bard that there is no carry over in terms of projects, but in terms of money absolutely.

Ms. Barde also questioned the title of the fund as "Infrastructure Capitol Projects" which seems to be a blended title that creates a grey area. Pat Whitten clarified that the board has adopted a plan for expenditures out of the "Infrastructure Special Revenue" fund, so there is no reference to Capitol fund and that they intend to rely on the V& T Rail commission for payment on any bond indebtedness.

Dale Beach, Storey County Resident is upset that this was put on the agenda and the general public has no idea what it is. He would like to have copies of materials given to Ms. Bard. Upset that they got two street lights and no erosion control in the last ten years. He feels Mark Twain is not getting its share and they need more details.

Comptroller Hugh Gallagher said he would get Nicole and Dale exact details, and explained that this plan began in 2002 for a new roof on one of the schools of about \$300k, another for about a \$20k repair on one of the schools, and the repair of some water lines. That plan has been completed, so consequently we now are trying to put another plan in place. In conjunction with that, Bob Morris is making an attempt to clean up some of the language so that we may move forward with less ambiguity. He went on to explain the some of the funds and their different functions and how they may be used for interim financing.

Pat Whitten explained that the activity in TRI causes spikes in the income for this account. He also explained that this is a list of dream projects and they each need to be discussed. He went through the list and briefly explained each one. He said that they are willing to listen to proposals concerning erosion control and they just need to be presented.

Bob Morris asked that if the motion is continued to a date certain of January 7th. Pat Whitten asked it to go out to January 21st to give them more time to gather information.

Motion: Continue the public hearing to extend the Storey County Infrastructure Tax and approval of the plan of projects to be funded by the tax to January 21, 2014, **Action:** Approve **Moved by** Vice-Chairman McBride **by** Chairman Sjovangen

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

11. **DISCUSSION/POSSIBLE ACTION:** First reading of Ordinance 13-251, an ordinance amending Storey County Code Chapter 3.12 to identify sales tax components, moving the Tourism Promotion tax from chapter 3.56 to chapter 3.12, to add a provision to update the purpose for the proceeds of the infrastructure tax, and providing for other properly related matters.

Deputy District Attorney, Robert Morris said that one of the things this ordinance does is to bring the code in 3.12 up to what is current in the NRS. Pat Whitten wants it to be clear that since the infrastructure plan is embedded in this ordinance that there will be changes between the first and second readings in that area specifically. He also would like to be sure that the work is done on the list updates. He wants to schedule a workshop as part of the meeting on January 7th to do so.

Motion: Approve First reading of Ordinance 13-251, an ordinance amending Storey County Code Chapter 3.12 to identify sales tax components, moving the Tourism Promotion tax from chapter 3.56 to chapter 3.12, to add a provision to update the purpose for the proceeds of the infrastructure, and providing for other properly related matters. **Action:** Approve **Moved by** Vice-Chairman McBride **by** Chairman Sjovangen

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

12. **DISCUSSION/POSSIBLE ACTION:** Interlocal agreement between Storey County and the VCTC for County Services, resolution 13-384 – **Continued at the request of the Chairman during the approval of the Agenda.**

13. **DISCUSSION/POSSIBLE ACTION:** Requested by Mark Joseph Phillips: Shall the Board of County Commissioners be increased to five members, pursuant to NRS 244.011 (1)

Mark Joseph Phillips, Storey County Resident would like the item continued.

County Manager Pat Whitten – Going to five commissioners does not automatically give Gold Hill or Mark Twain their own commissioners. It is dependent on redistricting. The cost involves salary and benefits and can be anywhere from \$88k to \$110k not including additional staff that may become

necessary, conference expenses, travel, etc. He continued to present numbers on representation based on census and voter registration. He has further research information comparing other districts as well.

Dale Beach, Storey County Resident feels he will have more representation by having his own commissioner from his own neighborhood. He wants to see voting separated into districts instead of county-wide.

Kris Thompson asks the commission to decline this proposal due to the added expense as well as the scope of representation. One for every 1500 residence seems very good. What makes this county strong is the responsiveness of the small government.

John Miller does not believe we need the extra commissioners. He feels all the commissioners have helped the River District. If the people want representation, they need to come to the meetings and voice their opinions as a group.

Scott Jolcover, Storey County Business Owner and Landowner, read a letter from Corrado DeGasperis:

Dear Sirs,

I would first like to commend you all on serving the County in the engaged, effective manner that you always have. I have publically stated, on many occasions, that Storey County seems to have the people, the care and the capability to effectively govern an incredibly diverse, dynamic economy and community. It has effectively reinvented itself and is responsibly developing itself toward a sustainable future while always attending and protecting the unique qualities of life in the County amidst such great diversity.

Sadly, many governmental entities have not had similar effectiveness. I believe one of the reasons is that the County is small in population but large in opportunity and the people repeatedly elect competent, vested leaders who care about its future.

Considering this success, I believe changing the number of commissioner seats to five, from the current three, especially when the Planning Commission has been so effective and engaged, with a larger makeup of 7, would not only add complexity and cost, but it could meaningfully retard the progress so nimbly being made. We have strong representative and engaged government. Why change something so effective?

By comparison, Lyon County currently has 1 commissioner for every 10,000+ citizens and Storey County has 1 commissioner for every 1,500+ citizens and 1 commissioner for every 950+ voting citizens!! I would not be supportive of such a change.

*Kindest Regards,
Corrado DeGasperis*

Mr. Jolcover feels it is disingenuous of Mark to refer to "the people" of any one area when he speaks. Those people need to come speak if they have something to say. The people need to elect the person

they want sitting in your seat to represent them. If it isn't broke, don't fix it.

Clay Mitchell, Gold Hill Resident, would encourage the community to continue to look at the subject and responsiveness of government. He does not support the proposal, but would like to continue the conversation for the future.

County Manager Pat Whitten has submitted an attached letter expressing his position against the proposal and pointed out the potential for divisiveness and acrimony in the public governance process. He also read Lance Gilman's letter expressing his position against the proposal into the record.

Vice-Chairman McBride expressed his position against the proposal.

Chairman Sjovangen expressed his position against the proposal based on population and land mass area to manage. He prefers to put money to better use in specialized positions such as Senior Planner/Administrative Officer Austin Osborne, and Fire Chief, Gary Hames. The three current commissioners all represent the entire county at large. We attend every meeting of importance, which wasn't always true in the past. We sit on more boards and committees across the state and the nation than many other county commissioners. We take our jobs seriously. There were two seats available in Mark Twain and one in Gold Hill that no one ran for. The same goes for women on the commission. A name has to be put on the ballot. My opinion is that there is no appetite for five commissioners because no one is here to argue intelligently for it. As far as getting things done in your community, it really helps us if you make us a clear concise list of what needs to be done in writing.

Dale Beach thinks people don't come to the meetings because they have to work. He accused Lance Gilman of hand-picking five people for the neighborhood committee that was supposed to be for the county, and is now a community center committee. Pat Whitten explained that Commissioner Gilman did not appoint the Mark Twain community center group. It was properly agenda'd and brought up in a public meeting and voted on by the board. Mr. Sjovangen explained that it is a private group like any other community center group.

Mark Joseph Phillips, Storey County Resident accepts the challenge to form a political action committee and get 600 signatures to address the proposal within six months.

No motion made.

14. PUBLIC COMMENT (No Action)

Dale Beach, Storey County Resident - would like Richard Bacus to help with determining the drainage problems. Chairman Sjovangen asked again for him identify the problem and put it in writing and turn it over to public works. District Attorney, Bill Maddox suggested that he ask Richard Bacus to help him.

Kris Thompson wanted to note that Lance Gilman was the driving force in turning that facility over for public use. The complaint to the Secretary of State by Mr. Phillips has been dismissed. He re-read a letter previously read into record.

Marilee Miller, River District Resident defended and commended the board of the community center.

Mark Joseph Phillips, Storey County Resident - on the subject of financial disclosure statements, the County Clerk's office has just published their list of appointed officers who need to file. He congratulated three new appointed officers, Senior Planner/Administrative Officer Austin Osborne, Community Services Director, Deny Dotson, and Jeff Nevin, with an appointment at the school board. I did waive my right to confidentiality in regard to my complaint to the Election Integrity board concerning Lance Gilman when I put my complaint on record here and with the newspaper. He asked who owns Piper's Opera House. Bill Maddox said the school board has taken it over for their liberal arts functions.

15. BOARD COMMENT (No Action - No Public Comment) Heard following item 7 at the request of the Chairman

16. ADJOURNMENT

The meeting was adjourned at the call of the Chairman at 12:59pm

Respectfully submitted,

By _____
Vanessa Stephens, Clerk-Treasurer