



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, OCTOBER 7TH, 2014 10:00 A.M.

DISTRICT COURTROOM

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

BILL MADDOX
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

BILL SJOVANGEN
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Roll Call: Chairman Marshall McBride, Commissioner Bill Sjovangen, District Attorney Bill Maddox, Community Services Director Cherie Nevin, Special Counsel Bob Morris, Deputy District Attorney Anne Langer, Administrative Officer/Senior Planner Austin Osborne, Comptroller Hugh Gallagher, Deputy Clerk & Treasurer Dore Nevin, Patty Blakey Fire Prevention, Fritz Klingler Fire Prevention, Sheriff Gerald Antinoro, Shaun Griffin Director Community Chest

Absent: Vice-Chairman Lance Gilman, County Manager Pat Whitten, Clerk-Treasurer Vanessa Stephens

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

The meeting was called to order by the Chair at 10:00AM

2. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for October 7, 2014

Motion: Approve Agenda for October 7, 2014. **Action:** Approve **Moved by:** Commissioner Sjovangen **Seconded by:** Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

4. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for September 2, 2014.

Motion: Approve Minutes for September 2, 2014. **Action:** Approve **Moved by:** Commissioner Sjovangen **Seconded by:** Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

CONSENT AGENDA

District Attorney Bill Maddox noted there are no Bucket of Blood items on the Consent Agenda.

5. For possible action approval of Payroll Checks date 08/29/14 for \$149,450.58 and \$74,460.99. Accounts Payable date 9/19/14 for \$1,508,565.41 and \$9,765.33.

6. For possible action approval of Business License First Readings -
 - a. PEPS EQUIPMENT - Contractor / 1953 N Warren Road ~ San Jacinto, CA (equipment rental)
 - b. ZULILY, INC. - General / 3200 USA Parkway (ecommerce) TRI
 - c. T & T ELECTRIC, INC. - Contractor / PO Box 7377 ~ Reno (electrical contractor)
 - d. ARH ARCHAEOLOGY - Home Business / PO Box 784 ~ Virginia City (archaeological consultant)
 - e. HARRIS INDUSTRIAL GASES - General / 236 East Sydney (welding equip supply) TRI
 - f. LEE'S PEST CONTROL - Contractor / 21 Van Fleet Drive ~ Yerington (pest control)
 - g. AMERICAN EQUIPMENT, INC. - Contractor / 1315 Greg Street #114 ~ Sparks (crane manufacturer)
 - h. PROFICIENT HEATING & AIR - Contractor / 385 Freeport Blvd. #9 ~ Sparks (hvac contractor)
 - i. SUNTEC CONCRETE, INC. - Contractor / 2221 West Shangri La Road ~ Phoenix, AZ (concrete cont.)
 - j. WOODSTOVE DISTRIBUTORS - Contractor / 881 Tahoe Blvd ~ Incline Village (fireplace sales/install)
 - k. WWC LICENSE, LLC - General / One Verizon Way ~ Basking Ridge, NJ

END OF CONSENT AGENDA

Motion: Approve Consent Agenda. **Action:** Approve **Moved by:** Commissioner Sjovangen
Seconded by: Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

RECESS TO CONVENE AS THE STOREY COUNTY WATER AND SEWER SYSTEM BOARD

7. **DISCUSSION/POSSIBLE ACTION:** Amend the Agreement for the Sale of Untreated Water between Comstock Mining, Incorporated and Storey County Water and Sewer System.

Senior Planner/Administrative Officer Austin Osborne reviewed the proposed amendment to the Agreement for Sale of Untreated Water between Comstock Mining, Incorporated (CMI) and Storey County Water and Sewer System. It is recommended to amend the contract in connection with restoration of the Five Mile Reservoir.

Comstock Mining will advance \$277,255 to Storey County for needed improvements and rehabilitation. The amendment will allow Storey County to credit back Comstock Mining over approximately 10 years. The rate Comstock Mining receives will be discounted 65%. The County will receive a 35% net revenue from that water generated from the system that would not normally be received if either Comstock Mining did not exist or did not purchase that water.

The amended agreement guarantees that CMI will purchase over 26 million gallons of raw water each year, and Storey County Water and Sewer will receive approximately \$40,926 in net revenue annually.

The Five Mile Reservoir is an integral part of the system and will provide approximately 8 million gallons of emergency water for municipal purposes and urban/wildland fire protection.

District Attorney Bill Maddox stated there is a change in the Agreement from what was in the packet. The change reflects the agreement is between Comstock Mining, Inc. and Storey County Water and Sewer System - rather than Storey County. This has been changed throughout the Agreement. Two sections have been added to item 14. One states the Agreement is between CMI and Storey County Water and Sewer System only and cannot be passed to heirs or successors of CMI. In the event CMI ceases to exist, an attempt would be made to negotiate with any successor to provide water or the balance of funds will be forfeited.

Shaun Griffin, Storey County Resident: Mr. Griffin expressed concern about a fiscal relationship with the mine that could preclude judgment on future contracts.

Chair McBride said this is an amendment to a contract already in place with CMI.

Nicole Barde, Virginia City Highlands resident: The prior agreement was not provided as part of the packet and is needed for comparison.

Chair McBride explained that Mr. Osborne has discussed that water rates are staying the same.

District Attorney Maddox stated the \$277,255 will be paid in a couple of installments.

Ms. Barde is concerned about water rates increasing and about wording that the agreement remains in perpetuity, and suggests the agreement be reviewed in five years.

Mr. Osborne said the rate paid to the State will rise to \$1.02 in 2015. The payback will go up respectively. CMI is guaranteed to purchase approximately 26 million gallons per year -which would be 10.4 years and at that point everything is paid off.

Scott Jolcover, Comstock Mining: Respectfully disagrees with Ms. Barde. The County Manager, staff and District Attorney did an excellent job in review of the contract. Perpetuity gives the County the water before Carson City can take it away and gives the mining company confidence in knowing they can go forward. If there are any disruptions in the system, the mining would be cut off first.

Mr. Maddox said this is water that would otherwise not be used and is not treated. If CMI was not paying for the water - at a premium - the County would not be receiving any money at all and it would not be used in Storey County.

Mr. Osborne explained that with the funds, the County has the ability to restore the system and bring use back. This will improve and expand the reservoir.

Motion: Approve amended Agreement for the Sale of Untreated Water between Comstock Mining, Incorporated and Storey County Water and Sewer System to include the list of changes provided by District Attorney Maddox in the revised packet. **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS

8. **DISCUSSION/POSSIBLE ACTION:** Approve bid award in the amount of \$880,372 for Public Works Project No. ST-2014-323 – Five Mile and Divide Reservoir Rehabilitation

Chuck Reno, Design Engineer, representing Farr West Engineering, discussed the rehabilitation of Five Mile Reservoir. A geo-tech investigation was done and the report is submitted with the packet. When completed, Five Mile Reservoir will impound 20.35 acre feet of water, holding nearly 7 million gallons at the rim. This is raw water. Mr. Reno agrees if water rights are not used, the water rights are lost. The reservoir will be deeper and wide and will be lined with a high-density liner with a 40-year life.

After going to bid, A & K Earth Movers was the lowest bidder. After negotiation, the base bid award is \$880,372 for both reservoirs.

Kay Dean, Virginia City Highlands resident: Asked why an analysis of past failures of the reservoir was not provided.

Chair McBride explained that a breach occurred at Five Mile Reservoir when being cleared of weeds. The Divide Reservoir started leaking for no apparent reason. Both reservoirs have worn-out their life cycle. The new lining product to be installed will be impermeable. Bringing both reservoirs back on-line is imperative. Comstock Mining's contribution of \$277,000 plus another \$100,000 for the Divide Reservoir through a NDEP agreement would never have come to Storey County if CMI had not insisted the funds go to the County where they operate.

Commissioner Sjovangen said water is a major concern.

Motion: Approve the bid award for Public Works Project No. ST-2014-323 to A & K Earth Movers, Inc., in the amount \$880,372 for the Five Mile and Divide Reservoir Rehabilitation project. **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

9. **DISCUSSION/POSSIBLE ACTION:** Approval of resolution 14-410 Expressing interest by Storey County in obtaining the delivery of effluent generated by the Truckee Meadows Wastewater Treatment Facility for use at the Tahoe-Reno Industrial Center in Storey County and requesting the City of Reno and the City of Sparks to consider making available the effluent to be transported in a pipeline to Storey County

Administrative Officer/Senior Planner Austin Osborne stated this item is an expression of interest in potentially obtaining the delivery of effluent generated by the Truckee Meadows Wastewater

Treatment Facility for us at the Tahoe-Reno Industrial Center. Reno and Sparks will have to have resolutions expressing interest in sharing municipal wastewater.

A portion of wastewater comes from Reno and Sparks - the water is treated at the treatment center and then goes in to the Truckee River. The effluent water could be used for industrial purposes and for the benefit of the region.

Storey County, Reno and Sparks are working with Western Nevada Development District (WNDD). Reno and Sparks do not have use for the water at this time and Storey County has a need for it.

A full feasibility analysis will be conducted to determine if this is a viable idea.

Chair McBride reported that some industries looking at the Tahoe-Reno Industrial Center will require large usage of water. Most of these industries do not require fresh water and can use the effluent water.

Motion: Approve resolution 14-410 expressing interest by Storey County in obtaining the delivery of effluent generated by the Truckee Meadows Wastewater Treatment Facility for use at the Tahoe-Reno Industrial Center in Storey County and requesting the City of Reno and the City of Sparks to consider making available the effluent to be transported in a pipeline to Storey County. **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

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

Community Services Director, Cherie Nevin:

- The Storey County Health Fair will be held October 18th at Piper's Opera House. Various vaccines will be offered and United Blood Services will be doing mobile blood donations.
- Community Chest has entered into contract with Carson Health & Human Services for community health nursing. Hours for the health center will be announced soon.
- A flu immunization clinic will be held at Mark Twain Community Center on October 21st, 4 - 6 PM.
- A flu immunization clinic was held in Lockwood and was well received.
- Project ideas for the CDBG program are due from community members on October 8th. Recommendations will be presented to the Commission on October 21st.
- Progress continues on the new front stairs at St. Mary's Art Center. Funds were provided through a grant from the Historic Preservation Office.
- Nevada Day Celebration will be held October 31st in Virginia City. Parade starts at 5:30 PM. The County will have floats both the Virginia City and Carson City Parades.

Austin Osborne thanked Cherie Nevin and Dessie Redmond in the Planning Department for information regarding potential grant funds available to assist in the preparation of the Master Plan.

Ron Engelbrecht, Mark Twain Community Center:

- The Mark Twain Community Center has received 501(c) 3 recognition.
- With Cherie Nevin's help, there is a new Board. Mr. Engelbrecht is the Chair.
- A pancake breakfast is planned for Saturday, October 18th, 8AM to 11AM.

- The computer training center is operational. The Center will hold computer lab classes.

Comptroller, Hugh Gallagher:

- Internal financial statements for July and August are out for review by the Commissioners and department heads. The quarterly review for September 30th should be presented at the next meeting.
- The Lockwood Community Center has turned in the final 501(c) 3 to be sent the Internal Revenue Service.

Sheriff, Gerald Antinoro:

- Long-time resident, Noble Brookings, has passed away. A memorial service is being planned with a tentative date of October 23rd.
- Five days ago there was fatal motor-vehicle accident at the Industrial Park.
- Sheriff Antinoro has met with the Governor's office, several horse advocacy groups and the Department of Agriculture, trying to push the Department of Agriculture in turning over the management of the wild horses to the local advocacy groups. Another meeting is scheduled and hopefully a contract will be in place soon, which should lead to better management of the wild horses.
- Street Vibrations was cold and rainy. There were only two arrests over the weekend.
- Vacancies in the Sheriff's Office have been filled. Three deputies were hired from the reserve pool.
- Sheriff Antinoro has continued work with Austin Osborne to take care of the majority of the CERT team paperwork, background checks, and finger print checks are completed.

Administrative Officer/Senior Planner Austin Osborne:

- County Manager Pat Whitten, Fire Chief Gary Hames, Community Development Director Dean Haymore, and Vice Chairman Lance Gilman are in Clark County looking at a perspective company.
- Numbers in the Planning Department are the same as 2007, 2008 and 2009. New companies are coming in as well as numerous residential projects. The department is seeing an influx in work indicative of the fact that Storey County and the State are able to bring in companies and help them get up and running quickly.
- Merilee Miller from the Lockwood Community Center expressed thanks to Home Depot for the donation of a barbeque grill.
- The County has been short a Building Inspector. There is a potential candidate for the full-time inspector position. Background checks are being processed. It is believed this person will be an amazing fit for Virginia City and the rest of Storey County.
- Changes for up-coming Board meetings: October 9th, a special Commission meeting, October 21st will be the regular Commission meeting at 10AM, the meeting on November 11th is being moved to canvass the vote and for the Veteran's Day Holiday - that meeting will held Wednesday, November 12th at 12 noon. The November 18th meeting is cancelled due to Nevada NACO. At this time, the October 23rd Planning Commission meeting will not be held.

Community Chest, Shaun Griffin:

- Library services are expanding in Virginia City -Tuesday, Wednesday, 2PM to 7 PM; Friday and Saturday 10AM to 3PM. Services in Lockwood and Mark Twain are every other week, mornings and afternoons. 280 patrons have been seen to date.
- A benefit for the library is being held November 1st at 7PM at Piper's . Cost is \$20. McAvoy Layne and Shiloh will be playing.
- The Community Chest is working very hard with Carson City Health & Human Services to finalize the nursing agreement. The agreement is for a Community Health Outreach person every-other week and a Nurse Practitioner every-other week. A formal schedule will be given to the community as soon as available. Refrigerator and supplies are being installed. The outreach will commence this month to set up appointments beginning in November. This is a huge win for the community.
- An Open House will be held for the library and the nurse when schedules are determined. This will be in mid to late November. The Open House will be a chance to see the set-up of the library and also the community health nurse and team. There is a Healthy Families America and Early Childhood Outreach person at the Center and soon there will be a case manager/counselor.
- Community Chest has taken over the SBCG process from the County.

Chair McBride and Commissioner Sjovangen thanked Mr. Griffin for a wonderful job.

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

Commissioner Sjovangen said Storey County was applauded at the last NACO meeting regarding the Tesla project.

Commissioner Sjovangen reviewed the pending BDR's:

465 - Grants the Board of County Commissioners to adopt ordinances regulating specific health, safety and welfare issues;

466 - Provisions of prepayment of taxes - not likely to affect Storey County;

467 - Provisions for prepayment of legal costs for indigent defendants charged with capital crimes, taking some of the additional costs out of the County to be financed through the State or other fund.

469 - Concerns pre-sentence investigations.

468 - Authorizes the Board of County Commissioners to adjust longevity pay of elected County officers. NRS currently mandates pay-raises. This would grant the County authority to set the payroll and pay-raises for elected County employees.

Commissioner Sjovangen commented that salaries for County Managers throughout the State were discussed. It appears the Storey County Manager's salary is low compared to other Counties. This should be reviewed.

At Storey County's request, Senator Settemeyer is submitting a bill making it unlawful to provide false or misleading information to a meeting of any public body.

Commissioner Sjovangen suggested people should stop by and see the outstanding work being done at the Gold Hill depot.

Chair McBride asked for clarification that the Legislature sets the salaries for all elected officials. County resolution sets the salaries of department heads and staff.

Chair McBride commented regarding the horse situation. The Chair has been contacted by Dave Humphries, Washoe County Commissioner, to meet with Storey County to discuss the horse issues. There was a fatality last week on Highway 50 involving a horse.

Commissioner Sjovangen commented about water being supplied to horses by residents.

12. DISCUSSION/POSSIBLE ACTION: Authorize the County Manager, Sheriff and District Attorney to enter into a contract with the Bureau of Indian Affairs (BIA) for the housing of tribal inmates.

Sheriff Antinoro said the housing of tribal inmates would be a good endeavor. The jail averages 4 inmates a day, leaving 21 beds empty. He reviewed the proposed contract. The current "hard-cost" per day, per inmate, is \$7.36 for food. The \$55 per inmate, per day as set out in the proposed contract, more than covers the cost of food, providing an opportunity to off-set other costs incurred at the jail.

The contract has been reviewed by the County Manager, the District Attorney and POOL/ PACT.

Comptroller Hugh Gallagher asked about transportation and medical services. The BIA would provide transportation, and if not available, the County would provide services - if staff is available - and costs would be reimbursed to the County by BIA. This applies to medical services as well as transportation.

Motion: Approve to authorize the County Manager, Sheriff and District Attorney to enter into a contract with the Bureau of Indian Affairs (BIA) for the housing of tribal inmates. **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

13. DISCUSSION/POSSIBLE ACTION: Approve the first reading of ordinance 14-259 Amending Storey County Code section 3.12.012 updating the plan of projects for the proceeds of the infrastructure tax, and providing for other property related matters.

Robert Morris, outside counsel, explained that NRS requires that minor changes made to the plan of projects for the use of the infrastructure tax go into the infrastructure tax ordinance. This is a first reading. A second reading will be set for public hearing and any changes would be discussed at that time.

As required by NRS, Mr. Morris read the title into the record. "An ordinance amending Storey County Code section 3.12.012 updating the plan of projects for the proceeds of the infrastructure tax, and providing for other properly related matters."

Motion: Approve the first reading of ordinance 14-259 amending Storey County Code section 3.12.012 updating the plan of projects for the proceeds of the infrastructure tax, and providing for other property related matters. **Action:** Approve **Moved by** Commissioner Sjovangen

Seconded by Chair McBride **Vote:** Motion carried unanimously (**summary:** Yes=2)

14. DISCUSSION (No Action): Retired Senior Volunteer Program (RSVP) Update on activities in Storey County

Christine Hughes, Program Coordinator for the Nevada Rural Counties Senior Volunteer Program, reviewed a summary provided to the Board of what is being done in Storey County and thanked the Board for its continued support of the RSVP and RSVP programs.

Services being provided include rides for medical and shopping, home companionship services, pro bono legal assistance, and lifeline units. Kathy Bray, new Field Representative for Virginia City, reviewed the long-term goals for Virginia City seniors. This includes obtaining a vehicle to be used by volunteers and kept in Virginia City. Ms. Hughes said RSVP has recently teamed with Deputy Mendoza to collaborate on ideas to expand RSVP and identify clients. Specials events will be held in the near future involving RSVP outreach to the community. Deputy Mendoza will present a workshop on scams against elders.

15. DISCUSSION/POSSIBLE ACTION: Proclaim October 5-11, 2014 as Fire Prevention Week in Storey County.

Fritz Klingler, Storey County Fire Inspector and Patty Blakely, Storey County Fire Prevention District, presented a Proclamation proclaiming October 5th through 11th, as Fire Prevention Week.

Ms. Blakely said as part of this year's Fire Prevention Week, the Fire Department will take the Storey County Fire Safety House to the schools. This is a hands-on teaching tool for students. Fire Prevention Week was established to commemorate the Great Chicago Fire. This year's campaign is "Smoke Alarms Save Lives: Test Yours Every Month". Inspector Klingler read the Proclamation.

Motion: Approve the Proclamation in Support of October 5 - 11, 2014 as Fire Prevention Week in Storey County **Action:** Approve **Moved By:** Commissioner Sjovangen **Seconded by:** Chair McBride **Vote:** Motion carried unanimously (**summary:** Yes=2)

COMMUNITY DEVELOPMENT AND PLANNING

16. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- a. INTELLISOURCE, LLC - General / 3200 USA Parkway (HR for Zulily) TRI
- b. AMERICAN EAGLE ELECTRIC, INC. - Contractor / 1055 Industrial Way #6 ~ Sparks (Elect Cont)
- c. JOHNCO ENTERPRISES - Contractor / 2875 N Escondido Court ~ Reno (Contractor)
- d. FRAZIER MASONRY CORP - Contractor / 747 East Ave L8 ~ Lancaster, CA (Contractor)
- e. COMSTOCK PAINTING & HANDYMAN - Contractor / 4450 Lousetown ~ VCH (Contractor)
- f. TCR CONSTRUCTION, LLC - Contractor / 3976 Kentwood Court ~ Reno (Contractor)
- g. ARDAGH METAL PACKAGING USA, INC. - General / 900 Waltham Way (can mfg) TRI
- h. A-Z WELDING & FABRICATION, LLC - General / 1215 Alexandria (welding fab) TRI
- i. ROSSCO ENT., dba AP STAINLESS MFG - General / 1215 Alexandria (manufacturing) TRI

Senior Planner/ Administrative Officer Austin Osborne said Community Development recommend continuation of item g. ARDAGH METAL PACKAGING, INC., to the October 21st meeting and recommend approval of the remaining items.

Motion: Continue Item G to the October 21st meeting **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

Motion: Approve Items A, B, C, D, E, F, H, and I **Action:** Approve **Moved by** Commissioner Sjovangen **Seconded by** Chair McBride **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

17. PUBLIC COMMENT (No Action)

Kay Dean, Virginia City Highlands Resident: Objects to the Special Commission Meeting being held on Thursday. Those items should be on a regularly, scheduled commission meeting.

Chair McBride replied that time is of the essence as to what needs to take place at the meeting.

Dennis Bollen, Lockwood Resident: Expressed dissatisfaction regarding a complaint with the Sheriff's office.

Bunchie Tyler, Lockwood Resident: Expressed dissatisfaction regarding the same complaint as Mr. Bollen.

Sheriff Antinoro indicated the complaint is being investigated.

Janet Houts, Virginia City Resident: Questioned loss of revenue generated by bringing the Tesla project to Storey County.

Chair McBride suggested this is a question to be brought to the Governor's office. The conditions of the agreement with Tesla were set by the Governor's Office of Economic Development and approved by the Legislature.

18. ADJOURNMENT

The Chair adjourned the meeting at 12 PM

Respectfully submitted,

By 
Dore Nevin, Deputy Clerk & Treasurer