



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, MARCH 17TH, 2015 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

LANCE GILMAN
VICE-CHAIRMAN

JACK MCGUFFEY
COMMISSIONER

VANESSA STEPHENS
CLERK-TREASURER

Roll call: Chairman McBride, Vice-Chairman Gilman, Commissioner McGuffey, District Attorney Anne Langer, Clerk/Treasurer Vanessa Stephens, Comptroller Hugh Gallagher, Administrative Officer/Senior Planner Austin Osborne, Sheriff Gerald Antinoro, Tourism Director Deny Dotson, Deputy District Attorney Keith Loomis, Community Services Director Cherie Nevin, Special Counsel Robert Morris

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

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

2. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for March 17, 2015

Virginia City Resident, Mark Joseph Phillips: Requested Consent Agenda Item 7 be pulled for discussion.

Motion: Approve Agenda for March 17, 2015 with Item 7 pulled for discussion, **Action:** Approve **Moved by:** Vice Chair Gilman **Seconded by:** Commissioner McGuffey **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

7. For possible action approval of February 2015 Treasurer Report.

Mark Joseph Phillips: Asked that the record reflect the Park Fund balance is negative \$2,103.96.

Motion: Approve Item 7, **Action:** Approve **Moved by:** Vice Chair Gilman **Seconded by:** Commissioner McGuffey **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

4. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for February 17, 2015

Motion: Approve Minutes for February 17, 2015 **Action:** Approve **Moved by:** Vice Chair Gilman **Seconded by:** Commissioner McGuffey **Vote:** Motion carried by unanimous vote
(Summary: Yes=3)

CONSENT AGENDA

5. For possible action approval of Payroll Checks date 02/11/15 \$76,236.69 and \$162,495.04 and date 02/27/15 for \$311,686.28. Accounts payable checks date 02/24/15 for \$722.84 and 03/06/15 for \$865,085.25 and \$12,101.89.
6. For possible action approval of Reno RE Ventures refund for correction of building size. APN 005-041-24 in the amount of \$13,823.45
7. For possible action approval of February 2015 Treasurer Report.
8. For possible action approval of Business License First Readings -
 - a. CCATT, LLC - Contractor / 2000 Corporate Drive ~ Canonsburg, PA (telecommunications)
 - b. BLUESCOPE CONSTRUCTION, INC. - Contractor / 1540 Genessee Street ~ Kansas City, MO (contractor)
 - c. SMC CONSTRUCTION CO - Contractor / 290 Gentry Way #1 ~ Reno (contractor)
 - d. JAMES S. BRYANT, INC. - Contractor / 12360 Westridge Drive ~ Reno (contractor)
 - e. SKY SCENES MULTIMEDIA - HB / 1771 Harte Road ~ VCH (consultant)
 - f. JJK ENTERPRISES - HB / 222 Musket Road ~ VCH (consultant)
 - g. TMW TECHNOLOGIES, LLC - 200 South Virginia Street ~ Reno (operations management)

END OF CONSENT AGENDA

9. **DISCUSSION (No Action):** Presentation and discussion by Nevada Department of Transportation Officials and Comstock Mining, LLC regarding physical conditions, structural integrity, and other conditions of State Route 342 adjacent to the Lucerne Pit in southern Gold Hill, Storey County, Nevada.

Administrative Officer/Senior Planner Austin Osborne said results of a meeting with the Attorney General's office, NDOT and Comstock Mining representatives will be discussed.

Ken Joy, Comstock Mining, Inc. gave a progress report on work to date:

- Site topographic survey has been completed;
- Land status has been confirmed;
- Plans provided to NDOT;
- Geotechnical investigation is nearly complete;
- AT&T plan has been established and poles have been moved;
- Roadway design is 80% complete;
- Engineering of Gold Canyon creek near completion;
- Temporary NDOT permit has been submitted and received allowing all Phase 1 work to be performed;
- Ramp out of the Lucerne pit should be complete by end of the day;

- Waste rock management plan has been started. This is an NDEP requirement;
- A nation-wide 27 permit has been submitted;
- The north quarter of Phase 1 realignment has been condemned, asphalt has been removed and dozing has begun;
- \$3 million dollar bond has been posted with the County.

Austin Osborne said pursuant to the meeting with all parties, it was determined that the surety bond posted with Storey County will suffice for NDOT's requirements.

Mr. Joy continued:

- The historic dump removal has started and when complete the capping of the Silver Hills shaft will begin and backfill of the road with compacted material;
- June 8th is the anticipated completion date of Phase 1 by-pass construction, with opening to the public thereafter.

Mr. Joy said the following should occur within the next two weeks:

- Roadway design to be submitted to NDOT on March 18th, allowing NDOT 30 days for the review process;
- Submit to Storey County Building Department on March 18;
- Phase 1 dump starts today.

Mr. Joy stated potential delays could be increased by regulatory agency visits, which take away resources dedicated to the project. Also, the construct-ability of the roadway and any shaft stability issues that cannot be anticipated could cause delay.

Virginia City Resident, Mark Joseph Phillips: Asked about delay in filing of the bond and questioned what he feels are potential issues with the bond, including the name on the bond. He said apparently Lexon Insurance, the issuer of bond, is in litigation and suggested that the District Attorney's Office review the bond.

Mr. Osborne responded that the County is working with the District Attorney's Office to make sure the bond is what it needs to be. CMI is aware of the review and has been completely forthcoming and will do whatever it takes if adjustments are needed. Everything mining related is Comstock Mining, LLC, not Comstock Mining, Inc. The District Attorney's Office will be asked to address all matters, including the name on the bond.

Silver City Resident, Larry Warrenbock: Questioned CMI's previous approvals of mining on the east-side, the haul truck crossing and whether those design parameters intersect with this project. Will mining occur to the east of the new road alignment and how will it affect mining to the west of the highway. Designs should be available to the public for review.

Scott Jolcover, CMI Director of Business Development: In regards to the bond, the State of Nevada has approved Lexon as a bonding company. It is anticipated that at the next Commission meeting the design plan will be presented showing crossings, the creek and everything Mr. Warrenbock is asking about.

Commissioner McGuffey asked about photos of the ramp and the shaft coverage.

Mr. Joy replied that the by-pass cannot be worked on until work on until the shaft is completed. There is not room to expose the shaft and make repairs.

Austin Osborne stated that the ramp being built by CMI will allow CMI to excavate the shaft to bring the ground to bed-rock. Ultimately, CMI will use the crossing and the ramp to complete to Phase 2.

Vice-Chair Gilman thanked CMI for the fast response in the completion of so many items. It appears every effort is being made to expedite the work. NDOT deserves a thank you as well.

Mr. Osborne commented that the meeting March 16th, was attended by the Attorney General's Office, and NDOT's upper management team. Discussed at that meeting:

- NDOT and the Attorney General's Office would like to start phasing out the prescriptive right-of-way that exists on 342 in that section not owned by NDOT;
- Once completed, the Attorney General's Office would like to create an actual right-of-way beneath this portion of road. This will create right-of-way for the existing pavement, as well as shoulders, all land needed for signs, drainage and other elements that currently do not exist;
- CMI will dedicate that land to NDOT, making the road a permanent right-of-way. This will set precedence in the future for NDOT in similar situations between Virginia City and Gold Hill. This will not cause any delay in the project;
- NDOT will approve all plans for the road realignment project;
- The road will be designed to NDOT's specifications, and NDOT will work with CMI and the County through the entire process.

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

Ron Engelbrecht, Mark Twain Community Center:

- The new computer center is open. Training classes will be available and residents will be able to use the computers for personal use.
- A brief update of the by-laws is being prepared. Every third monthly meeting will now be a social event as well as a business meeting.
- Plans are underway to build a Veteran's Memorial at the Center. Thank you to Cherie Nevin for help and support.

Vice Chair Gilman thanked Mr. Engelbrecht and the Board for the time and energy invested in the Community Center.

Deny Dotson, Virginia City Tourism Commission:

- Thanks to the residents, merchants, and department heads for the successful Mountain Oyster Festival/St. Patrick's Day event. The event was well attended and a great way to start the year. The Senior Center won first place in the Oyster Festival.
- VCTC met last week and approved its tentative budget for 2015-16.

Cherie Nevin, Community Services Director:

- A workshop "Protecting Yourself Against Fraudulent Activity" will be held at the Lockwood Community Center on April 1st, 12:30PM to 2PM. District Attorney Anne Langer will present the workshop.

- Residential clean-up days will be held in Virginia City at the Transfer Station on May 1st and 2nd, 8AM to 4PM and at the Lockwood Landfill on April 9th through 11th, 16th through 18th, and 23rd through 25th.
- Courthouse roof project is estimated to be completed in the next few weeks. Chris Hood will be doing inspections and Jeff Holman from Public Works has taken over the project lead.

Austin Osborne, Administrative Officer/Senior Planner:

- The next Planning Commission meeting will be held April 16th. Minor updates to Title 17 zoning ordinance will most likely be on the agenda as an action item.
- The Planner position has been re-structured and re-posted.
- A Benefits Fair will be held March 31st and April 2nd for all employees and retirees who receive health benefits. A mandatory question and answer session for employees will be held at a later date. There will be no insurance benefit increase.
- The Planning Department and the District Attorney's Office are taking a proactive approach in addressing property nuisances. They have made it very easy to file a nuisance and follow through with the County. These issues are being taken seriously.

Gerald Antinoro, Sheriff:

- There are two new employees in the Sheriff's Office.
- The new cars will be on the road this week.
- The potential contract with the Bureau of Indian Affairs for housing tribal inmates has been received. After a few items are worked out, there may finally be a contract.

Anne Langer, District Attorney:

- The fraud seminar in Lockwood on April 1st will address a lot of issues regarding phone calls going out to seniors requesting money for various reasons. Recorder Jen Chapman will speak about homesteading properties.

Hugh Gallagher, Comptroller:

- The State Treasurer's office is sending interest calculations back to 1992. With this information, the calculations of interest for the Park Fund can now be completed.
- First round of budget meetings have been completed.
- Mr. Gallagher presented a history of St. Patrick's Day.

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

Commissioner McGuffey:

- Thanked everyone involved in the road project for the progress to date.

Chairman McBride:

- Acknowledged the passing of Dee Schafer, longtime Virginia City and Lake Tahoe businesswoman. Matriarch of the Virginia City Enterprise and the Mark Twain Saloon.

12. DISCUSSION ONLY (No Action - No Public Comment): Discussion and direction to staff regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chairman or the Board to be of critical significance to Storey County.

Chairman McBride commented that lobbyists Mary and Steve Walker, Bum Hess, and Maggie Lowther are at the Legislature every day attending hearings and meetings for the protection of the County. Staff continues to meet weekly with the lobbyists and other Counties.

Commissioner McGuffey said Highlands residents are concerned about the Sunny Hills project.

13. **DISCUSSION/POSSIBLE ACTION:** Recommendation to award contract to successful bidder for the construction of the Gold Hill Train Depot.

Deny Dotson said the VCTC had taken the lead on managing special events at the Gold Hill Depot. There were occupancy and ADA compliance issues along with a few safety issues to be addressed. Restrooms needed to be added. A design was provided and the project went to bid last month. The bids received were two to three times higher than the projected budget. The recommendation is to not award any bid at this time.

Austin Osborne said County Manager Pat Whitten concurs with the recommendation.

Chair McBride said it was understood that funds were going to be returned to the County from the Northern Nevada Railway Commission for the V & T reconstruction, to be utilized for the project at Gold Hill Depot. The bids are twice the amount that was anticipated to be received.

Motion: Recommendation to award contract to successful bidder for the construction of the Gold Hill Train Depot **Action:** Deny **Moved by:** Chair McBride **Seconded by:** Vice Chair Gilman **Vote:** Motion carried by unanimous vote **(Summary:** Yes=3)

14. **DISCUSSION/POSSIBLE ACTION:** Approve the second reading of Ordinance 14-261, an ordinance amending Storey County Code chapter 5.16 Prostitution to change the name to Brothels, amending the procedure for revoking a license, and changing requirements on work cards, and providing for other properly related matters.

Vice Chair Gilman recuses himself from discussion and vote on this item.

Special Counsel Robert Morris presented this item. This is the second reading of Ordinance 14-261. Mr. Morris reviewed the most recent changes to the text which are underlined in the Ordinance.

Changes include:

- The procedure for approving the General Manager for a brothel license;
- Language dealing with the death, disability or insolvency of a licensee;
- The number needed to suspend or limit without hearing changed from one member and Sheriff to two members of the Board;
- Language is included regarding work card issuance while waiting for medical clearance.

District Attorney Langer is pleased with the Ordinance and the progress that has been made

Virginia City Resident, Mark Joseph Phillips: Asked about the restrictions on signs. Would this include the signs that are on C Street advertising a brothel.

Austin Osborne said he is not aware of any signs on C Street that advertise a brothel.

Motion: Approve the second reading of Ordinance 14-261, an ordinance amending Storey County Code chapter 5.16 Prostitution to change the name to Brothels, amending the procedure for revoking a license, and changing requirements on work cards, to change the verbage from one member and Sheriff to two Board members, and providing for other properly related matters, **Action:** Approve **Moved by:** Commissioner McGuffey **Seconded by:** Chair McBride **Vote:** Motion carried by unanimous vote **(Summary:** Yes=2).

15. **DISCUSSION/POSSIBLE ACTION:** Approve the Resolution 15-418 setting the fees for brothel licensing, license applications, and penalties.

Vice Chair Gilman recuses himself and abstains from discussion and vote in this matter.

Special Counsel Robert Morris presented this item. Included is language suggested by the Sheriff to include a \$7,500 annual licensing fee for ancillary structures. This is on contiguous property owned by the licensee. The other change is the addition of a penalty if licensing fees are not paid timely.

Mr. Morris indicated a definition of premises is included in the Ordinance.

Motion: Approve the Resolution 15-418 setting the fees for brothel licensing, license applications, and penalties, **Action:** Approve **Moved by:** Commissioner McGuffey **Seconded by:** Chair McBride **Vote:** Motion carried by unanimous vote **(Summary:** Yes=2).

16. **DISCUSSION/POSSIBLE ACTION:** Approve agreement to purchase lot at 320 North G Street APN #001-162-08.

Chair McBride presented this item.

- This purchase has been negotiated for two years and has been on the infrastructure list of that time;
- The property is in the area of the Community Chest, swimming pool, park, baseball field and Senior Center. Parking in the area is not adequate;
- Current parking at Community Chest will be gone with the construction of a new building.
- The amount set on the infrastructure list was \$100,000 for the purchase, with \$100,000 for construction of adequate parking.

Chair McBride said the purchase price is higher than originally anticipated and hopes the amount set for construction of the parking lot comes in lower.

Deputy District Attorney Keith Loomis reviewed the Agreement for Purchase of Real Property. An appraisal has been completed with an evaluation of the property in the amount of \$125,000.

The Purchase Agreement provides that the County will purchase the property for \$122,500. Escrow will be set to close by June 15, 2015.

Shaun Griffin, Community Chest:

- Grateful that the County is moving forward with this purchase.
- Fundraising is on-going for Phase 2 of the Community Center.
- This will substantially cut costs for parking construction.
- Parking is greatly needed.

Virginia City Resident, Clay Mitchell: The square footage number on the first page of the appraisal is different than indicated in other documents. The date of the appraisal is October 2013, is that recent enough?

Chair McBride clarified the actual square footage is 21,764. Regarding the appraisal, values have risen. The County cannot pay more for property than what is indicated in an appraisal.

Mr. Loomis does not see the appraisal as being a significant issue. There is an offer by the owner, Mr. Eaton, to sell the property to the County and today is set for a decision whether or not to proceed.

Motion: Approve agreement to purchase lot at 320 North G Street APN #001-162-08, **Action:** Approve **Moved by:** Vice Chair Gilman **Seconded by:** Commissioner McGuffey **Vote:** Motion carried by unanimous vote **Summary:** (Yes=3).

COMMUNITY DEVELOPMENT AND PLANNING

17. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- PELETT CONSTRUCTION - Contractor / 616 East Glendale ~ Sparks (contractor)
- S.W.O.R.D. DESIGN - General / 420 USA Parkway (manufacturing molded products) TRI
- ELECTRIC TECH CONSTRUCTION, INC. - Contractor / 1910 Mark Court ~ Concord, CA (contractor)
- MDB TRUCKING, LLC.. - Transportation / 905 East Mustang (trucking co.) MCC
- IONIX, LLC - General / 222 East Sydney (metal fabrication) TRI
- RICH DOSS, INC. - General / 201 Wild Horse Canyon Drive (transportation) MCC

Austin Osborne, Administrative Officer/Senior Planner, said it is recommended that items a. and c. be approved, and items b., d., e., and f.

Motion: Approve items a. and c., **Action:** Approve **Motion by:** Vice Chair Gilman **Seconded by:** Commissioner McGuffey **Vote:** Motion carried by unanimous vote **(Summary:** Yes=3).

Motion: Continue items b., d., e., and f., **Action:** Approve **Motion by:** Vice Chair Gilman **Seconded by:** Commissioner McGuffey **Vote:** Motion carried by unanimous vote **(Summary:** Yes=3).

18. PUBLIC COMMENT (No Action)

Shaun Griffin, Community Chest: A fundraiser for Community Chest is being held Friday, April 10th at Pipers Opera House. Country music artist Suzy Boggus will be performing.

Community Chest has been having meetings in order to get the library back to status with the State Librarians Office to enable Community Chest to apply for grants in the coming year.

Virginia City Resident, Mark Joseph Phillips: In Storey County, having a Planning Commission is optional . If the County ever sells property owned, statute requires the County to have a list of qualified appraisers.

Mr. Phillips is still working with “Fair and Rec Board” to retain an attorney and does not see where the County District Attorney is allowed to be the attorney for the “Fair and Rec Board”.

19. ADJOURNMENT at 11:45am

Respectfully submitted,

By _____
Vanessa Stephens, Clerk-Treasurer