



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, JULY 21ST, 2015 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN
ATTORNEY

ANNE LANGER
DISTRICT

LANCE GILMAN
VICE-CHAIRMAN

JACK MCGUFFEY
COMMISSIONER
TREASURER

VANESSA STEPHENS
CLERK-

Roll Call: Chairman McBride, Vice-Chairman Gilman, Commissioner McGuffey, District Attorney Anne Langer, Clerk & Treasurer Vanessa Stephens, County Manager Pat Whitten, Administrative Officer/Senior Planner Austin Osborne, Planner Jason VanHavel, Community Services Director Cherie Nevin, Emergency Management Director Joe Curtis, Comptroller Hugh Gallagher, Recorder Jen Chapman, Deputy Tony Dosen and Deputy District Attorney Keith Loomis.

1. **CALL TO ORDER AT 10:00 A.M.**
2. **PLEDGE OF ALLEGIANCE**
3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for July 21, 2015

Motion: Approve Agenda for July 21, 2015, **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 July 7, 2015

Motion: Approve Minutes for July 7, 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 07/02/15 \$453,289.86. Accounts payable checks date 06/29/15 for \$109,687.21 and \$50,659.28, checks date 07/10/15 for \$100,000.00 and \$6708.91, and checks date 6/03/15 for \$50,541.64.
6. For possible action approval of the Justice Court Quarterly report.

7. For possible action approval of the June 2015 Treasurer Report.
8. For possible action approval of Business Licenses First Readings:
 - A. PURE VIDA SIERRAS ART, LLC -- Home Business / 980 Cartwright Road (artist)
 - B. RICHARD THOMAS ROOFING - Contractor / 1915 McCloud ~ Reno (roofing contractor)
 - C. A-1 CLEAN CARE - General / 59 Damonte Ranch ~ Reno (janitorial service)
 - D. AMUNDSON ROOFING, INC. - Contractor / 18124 Wedge Parkway ~ Reno (roofing contractor)
 - E. 3D DATACOM, INC. - Contractor / 11365 Sunrise Gold Circle ~ Rancho Cordova, CA (elect cont.)
 - F. TELEDATA CONTRACTORS, INC. - Contractor / 5160 South Valley View ~ Las Vegas (lv contractor)
 - G. TIMOTHY FACKLER - General / 48 South A Street (rides for tips) VC

END OF CONSENT AGENDA

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

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

Joe Curtis, Emergency Management Director:

- Update of flood damage in Mark Twain. There have been two significant events -the first on June 10th and the second July 6th through 9th. A lot of soil came off the hills and washed down into the Estates area, and in to the Lyon County area. The loss of soil left hard ground creating subsequent rain to sheet down the hills rather than soak into the ground.
- It has been determined that approximately 39 residences had landscaping damage, 165 residences with driveway or drainage damage, and at least 11 residences with structural damage or impact. There were 4 or 5 roads damaged.
- A survey was done with the State of Nevada, including other areas in the State affected by the storms, in an attempt to put together sufficient damage cost factors to meet FEMA's loss damage threshold. FEMA only looks at structural issues.
- A second survey was completed with the Small Business Administration (SBA), who has a flood damage program for low interest loans to residents. The SBA is working to see if the threshold can be met for these loans to residents.
- Subsequent reviews of the area reveal a number of residences built on slabs causing water to go into structures. Many residents in the area are doing mitigation work. A number of residents had water 10 to 14 inches deep under their homes. Landscaping has disappeared.
- Drainage factors have been documented and ways to improve drainage in this area are being looked at. There may be some grant opportunities to assist in some of these areas.
- The damage impact in the Mark Twain community is significant.

Commissioner McGuffey thanked Mr. Curtis for sending out emergency weather forecasts.

Mr. Curtis explained the distribution system and who is receiving the weather forecasts.

County Manager Whitten: Suggested the Commissioners could forward the weather forecasts to whomever they see fit.

Vice Chairman Gilman: Impressed with the community's response. Staff is focused on what can be done in the future. Mr. Gilman understands there is a new flood study under consideration where issues can be addressed.

Chairman McBride: Are the FEMA and SBA loans all low interest loans. Is there grant money available?

Mr. Curtis: It is generally low interest loans for private property. Infrastructure loans through FEMA are usually a grant with match funds. For the near future, a Hazard Mitigation grant for the Six Mile Canyon drainage is being explored. This is a FEMA project with a match factor.

Chair McBride: Even if loans are low interest, some residents still would not be able to afford them.

Mr. Curtis: An income study for the Mark Twain area is being pursued to develop an "income-based" factor.

Vice Chair Gilman: Residents need to sign the surveys in order for the County to obtain financial assistance.

Chair McBride: Public Works has done a tremendous job in the area in cleaning up the neighborhoods. The service of Joe Curtis is very much appreciated.

Cherie Nevin , Community Services Director:

- The income survey will be launched sometime in the fall. We will be working with Rural Community Assistance Corporation for the survey.
- A town hall meeting will be held at the Mark Twain Community Center at the end of August. The meeting will enable residents to discuss the flood, income survey, and other issues of the area. More information will be forthcoming.
- Virginia City Highlands is hosting its Community Awareness Day, Saturday, July 25th - 10AM to 2PM at the Fire Station. A great opportunity to meet neighbors and learn about services in the community.
- Approximately 75 Fullbright Scholars will be coming to the Comstock on August 19th. UNR pays all the expenses of this visit, including lunch at the park, a train ride, and a panel discussion held at the Fourth Ward School.
- USDA has developed a program to assist homeowner's with wells. Income guidelines do apply and must be met. Information can be obtained from Cherie Nevin or Austin Osborne.
- National Night Out will be held August 4th from 4PM to 7PM in Virginia City and at the Lockwood Park.
- Health Fair will be held November 7th at Piper's Opera House.
- Flu shot clinic are scheduled throughout the month of October at the Senior Centers and Community Centers in the County.

Austin Osborne , Senior Planner:

- The Master Plan process is on-going. A meeting was recently held in the Highlands in response to an invitation from the HOA Boards.
- Proposed text for discussion regarding commercial use in the Highlands was distributed. Over the years, a number of people - although not necessarily interested in this use - have asked if this idea could be discussed in a public forum. This would allow residents to express whether or not they would want a small store or some type of shop in the Highlands.
- A number of residents attended this meeting to discuss this item.

- A lot of correspondence has since been received most expressing opposition to the idea of commercial use.
- Accordingly, language has been re-drafted regarding this issue and request has been made to present both drafts to the Boards for discussion by residents. Other types of uses will also be discussed, including housing, north-east connectors, east-west connectors, north-south connectors, roads, and whatever else.
- It is important and welcome for the community to provide comments, whether an idea is liked or not, regardless of any controversy. These comments become part of the official record which backs-up the Master Plan in the event of a challenge.
- Mr. Osborne will be attending the Highlands barbeque on July 25th and will be available to anyone to discuss the commercial use issue or anything else related to planning and the Master Plan. Mr. Osborne is also scheduled to attend the VCHPOA on August 11 to discuss this item.
- A meeting has been held with the Comstock Historic District regarding up-date of the sign ordinance and what would be appropriate to encourage economic development and also to allow businesses “off the beaten path” to be able to attract business to their locations.
- Progress is moving forward on the Courthouse parking lot project.
- The Flood Plain Ordinance is being reviewed. This will include planning for Mark Twain.
- Van Pools are running at TRI. VPI Van Pools and the local restaurants have teamed up.
- Nationwide Insurance through Veterinary Pet Insurance provides pet insurance for anyone. This insurance is provided to employees at no cost to the County. The County endorses the company and by being in a group, employees or any members in the group, can get a discount. We are also working with VPI for Storey County residents to have access to these discounts.

Hugh Gallagher , Comptroller:

- A meeting was recently held with the Department of Taxation regarding several items. The first concerning SB170, which includes abatements going to SWITCH. It was determined that option taxes are not going to be collected on behalf of the Department of Taxation and will go to the State.
- Interim financing for the “quint” fire truck was also discussed. This is a special use truck for TRI needed for the length of the ladder.
- Discussion was also held regarding sales tax collection and distribution to discover if there is a measuring point.
- The V & T Rail Commission was discussed. A meeting was also held with the Rail Commission regarding payments Storey County makes through a voter-approved Resolution. The County wants to know if the V & T Rail Commission has abided by the Interlocal Agreement. This has not been done and the County has withheld funds until such time as comment from the Rail Commission is received. Audit procedures are in place and will be sent to an independent accounting firm. This should not take very long.

Commissioner McGuffey commented that a proposal has been received from the V & T Rail Commission. The Department of Taxation needs money to accept the annual audit. The Rail Commission is looking to Storey County to help out and support this.

Mr. Gallagher does not anticipate the audit taking very long. After receipt of the audit, it is recommended that the parties enter into a new Interlocal Agreement specifying more detail so the situation can be followed more closely.

Pat Whitten, County Manager:

On behalf of Chief Gary Hames:

- The County has taken delivery of 3 new structure engines. Two of the three are in service - one in Virginia City and one in the Highlands. The third will be ready and sent to Lockwood in the next few days.
- New chassis and refurbished cabs on 3 ambulances have been completed and are in service in Virginia City, the Highlands, and Lockwood.
- A 110 foot, aerial ladder truck (“quint”), has been purchased for TRI. Tesla is making the payments on this purchase as previously approved under the General Services Agreement. Delivery is expected within 60 days.
- Re-staffing and re-opening of Fire Station 75 in TRI is scheduled for August 10th. Crews will have orientation and training two weeks prior.

County Manager Report:

- Thanks to Mike Nevin and Joe Curtis for the work in Mark Twain. A team is being formed to address the issues in Mark Twain pro-actively, being conscious of all the comments made at this meeting. There are steps and mitigation that need to be done.
- The Flood Plan needs to be up-dated and focused on the Mark Twain area.
- With the help of Cherie Nevin, it is hoped that some grant sources will be determined to help in the Mark Twain area. This may include a community grant. The County is committed to do whatever is possible.
- The District Attorney’s office has committed to turn up the pressure on nuisance properties.

10. **BOARD COMMENT (No Action - No Public Comment)**

Commissioner Jack McGuffey :

- The Fourth Ward School thanks the County for the small increase in the County’s contribution.
- Heard the NACO conference was a great experience.
- The 3rd Annual Comstock Classics Car Show was held this last weekend. It was a big success. Everyone loves the park. Due to the number of attendees, there was a small issue with parking. Use of the baseball field may be requested in the future.
- Attended the Jeep Posse dinner. There was a good crowd and the dinner was great.

Vice-Chairman Gilman :

- The Master Plan process is a critical opportunity for the communities to communicate for far-reaching land planning and uses, and to debate the things not wanted in the communities. There is disappointment in some of the misunderstandings and mis-interpretations that are out there. People want to find fault with the fact that items were merely being discussed and analyzed. Everyone is encouraged to attend Master Plan meetings to discuss what people want and don’t want. Comments on the record are a defensive position if something comes up that we do not want in the community. The meetings are an open forum to discuss, review and consider.
- Mr. Gilman is looking for property tax and rollback relief. Staff is encouraged to look at that for this coming year.

Chairman McBride :

- The NACO conference was attended by Chair McBride and County Manager Whitten. It was a great event and well run. This was an opportunity to attend workshops and obtain continuing education. Chair McBride learned how fortunate Storey County and the State of Nevada are. There are extremely poor Counties in other parts of the country.
- On July 31st and August 1st, Virginia City will host the first weekend of Hot August Nights. In addition to the cars, there will be booths, music, food, and beverages.

- Last week the Blue Knights Motorcycle Club was in town. The group is comprised of retired police officers.

11. **DISCUSSION/POSSIBLE ACTION:** Consideration of letters on interest and appointment of planning commissioner to fill the vacancy and represent precinct 4 (Mark Twain) on the Storey County Planning Commission. The vacancy was posted and letters of interest were received by June 26, 2015.

Austin Osborne presented this item. Ron Engelbrecht has submitted a letter of interest requesting appointment to the vacant seat on the Storey County Planning Commission. A planning commissioner is someone who is impartial, who cares about and is from the community, and is someone who can make decisions for and represent the people of the area regarding various land uses in the area.

Chair McBride said there could not be better a candidate to apply for this position.

Mr. Osborne indicated that Mr. Engelbrecht has been strongly involved in his community and the County as a whole. Mr. Osborne recommends approval of this appointment.

County Manager Whitten thanked Mr. Engelbrecht and his wife for always stepping up to the plate.

Motion: I, Lance Gilman, motion to appoint Mark Twain resident Ron Engelbrecht to fill the current Precinct 4 Mark Twain District vacancy on the Storey County Planning Commission, **Action:** Approve **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

12. **DISCUSSION/POSSIBLE ACTION:** Approval and acceptance of a Community Development Block Grant (CDBG) award in the amount of \$114,206.00 for Cab and Chassis Upgrades to the Storey County Fire Protection District Lockwood Ambulance and authorization for Cherie Nevin to sign all associated grant documentation.

Cherie Nevin said this grant was selected as the County's number one project, submitted and presented to the CDBG Advisory Committee in March and recommended for approval. This item is for the grant award, grant agreement and certification letter. This grant does not require a match.

County Manager Whitten said Ms. Nevin did a great job in securing this grant. The CDBG grants are getting harder to come by.

Motion: Approve the Community Development Block Grant (CDBG) award in the amount of \$114,206.00 for Cab and Chassis Upgrades to the Storey County Fire Protection District Lockwood Ambulance and authorization for Cherie Nevin to sign all associated grant documentation, **Action:** Approve **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

13. **DISCUSSION/POSSIBLE ACTION:** Contract with State of Nevada, Department of Health and Human Services for provision of Medicaid match services and providing terms on which Storey County will be billed by the State for its share of Medicaid expenditures.

Deputy District Attorney Keith Loomis presented this item. This is the Medicaid match contract. Medicaid is the State administered program providing medical services for largely low income persons. If the program meets Federal requirements, the federal government will put money in towards paying the costs of providing the benefits. The federal government requires the provision of benefits and determination of eligibility be uniform across the State. In order to accomplish this, the State mandates every County to enter into an interlocal agreement with the State to provide the services the State is going to provide.

Mr. Loomis reviewed the process and what is provided by the State. The agreement provides the County will make payments based on a mandatory tax of .08 cents per \$100 in value under the ad valorem tax as mandated by statute. Mr. Loomis is of the understanding the County has never reached this amount, however this is the cap in which the County has liability.

County Manager Whitten stated he believes it is inferred in the agreement that the County can tax up to .08 cents per \$100 in ad valorem - that is the cap. The County is currently taxing at .01 cent, which is generating sufficient funds for this account to fund both Medicaid and anything else that is eligible under the administration of this agreement.

Mr. Whitten asked Mr. Loomis if this is stating that the tax rate will have to be raised .07 cents - that the County is compelled to pay .08 cents.

Mr. Loomis said this is what is required by statute.

Mr. Whitten recommends this agreement not be approved at this time. There would need to be a fiscal impact analysis if there is going to be an increase.

Motion: Continue Item 13 to August 4, 2015, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

14. **DISCUSSION/POSSIBLE ACTION:** Approval of accounts payable checks date 07/10/15 for \$771,734.52.

Chairman Marshall McBride abstains from voting on the check payable to the Bucket of Blood, Inc. County Manger Whitten indicated the Bucket of Blood item was approved by a previous Board.

Motion: Approval of accounts payable checks date 07/10/15 for \$771,734.53, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

COMMUNITY DEVELOPMENT AND PLANNING

15. **DISCUSSION/POSSIBLE ACTION:** Special Use Permit 2015-021 by Kathryn Ann Muhs, the applicant is requesting a Special Use Permit to construct a mother-in-law quarters attached to an existing garage and single-family residence at 2065 Applegate Road, Virginia City Highlands, Storey County, Nevada, (APN: 003-092-95).

Jason VanHavel, Planner, presented this item. This is an application for a Special Use Permit for construction of a mother-in-law quarters on property located in the Virginia City Highlands. The Recommended Conditions of Approval have been updated based on the Planning Commission's

recommendation to strengthen the language regarding the potential Nevada Department of Resources well metering requirements. The revisions apply to Provision No. 7.

The Planning Commission and Planning Department recommend approval with the amended requirements.

Mr. Van Havel read the Findings:

The following findings of fact are evident with regard to the requested Special Use Permit when the recommended conditions of approval in Section 6 - as amended - Recommended Conditions of Approval are applied:

The Special Use Permit complies with all federal, state, and county regulations.

The Special Use Permit will not impose substantial adverse impacts or safety hazards on the adjacent properties or the surrounding area.

The conditions of the Special Use Permit adequately address potential fire hazards and require compliance with the applicable fire codes, including setback and fire protection ratings.

The conditions under this Special Use Permit do not conflict with the minimum requirements in SCC Chapter 17.40 Estate Zone and Chapter 17.03.150 Special Use Permits, or any other federal, state, or county regulations, including building and fire codes.

Motion: In accordance with the recommendation by Staff, the Planning Commission, the Findings under 5.1 of the Staff Report and other Findings deemed appropriate by the County Commission, and in compliance with the conditions of approval in Section 6 of this report, I hereby recommend conditional approve of Special Use Permit Application Number 2015-021 for the construction of the mother-in-law quarters located at 2065 Applegate Road, Virginia City Highlands, Storey County, Nevada (APN: 003-092-95) as amended, **Action:** Approve, **Moved by:** Commissioner McGuffey **Seconded by:** Vice Chair McBride, **Vote:** Motion carried by unanimous vote (**Summary:** Yes=3)

16. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- A. ROSENDIN ELECTRIC - Contractor / 880 Maybury Road ~ San Jose, CA (elect. contractor)
- B. RENOWN HEALTH URGENT CARE -- General / 420 USA Parkway (Urgent Care) TRI
- C. APPLIED SOIL WATER TECHNOLOGIES - Contractor / 56 Coney Island ~ Sparks (engineering)
- D. HERTZ EQUIPMENT RENTAL - Contractor / 1610 Kleppe Lane ~ Sparks (equipment rental)
- E. LOBO CONSTRUCTION - Contractor / 3700 N Virginia ~ Reno (contractor)
- F. SIERRA ROOFING SUPPLY - Contractor / 5900 S Lake Forest Dr ~ McKinney, TX (contractor)
- G. LRG CONSTRUCTION, LLC - Contractor / 2215 Driscoll Drive ~ Reno (contractor)
- H. QUALITY PLUS SVCS - Contractor / 2215 Renaissance Drive ~ Las Vegas (contractor)
- I. A-Z TRUCK MARINE AND RV - General / 3033 Waltham Way (repair, parts, access.) TRI
- J. IONIX, LLC - General / 3033 Waltham Way, Unit 5 (metal fabrication) location change TRI
- K. RICH DOSS, INC. - General / 201 Wild Horse Canyon Drive (transportation) MCC

County Manager Whitten on behalf of the Community Development Department recommends approval of items a. through h. and j., and continuance of items i. and k.

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

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

17. PUBLIC COMMENT (No Action)

Storey County resident, Nicole Barde : What is the status of the freight depot purchase? What is the intended use of this property?

Chair McBride said the purchase is in negotiation. The property could be used as train depot, a convention center, or for special events.

County Manager Whitten indicated we're getting a little ahead regarding intended use of the property. The existing owner has cared for and loves this property greatly. The County has made it a practice over the last 50 years plus to acquire historic treasures and utilize special award grant funds to preserve and protect these properties. After that is done, the County can look at uses.

Ms. Barde : What are the Switch abatements?

Mr. Whitten answered that real property taxes are not abated - Switch will pay 100% of property taxes. There's a massive amount of equipment going through this company. This would fall under personal property and those taxes are abated to a level of 75% for 15 years. There are certain hurdles and thresholds to be met. All but 2% of sales and use taxes are abated, with the 2% going to the State not the County, for 15 years.

The standard for other companies at this time is 50% abatement of sales and use taxes for 10 years, and personal property is 50% and 10 years.

Mr. Whitten clarified, keeping in mind that Switch is a privately owned corporation and Mr. Whitten cannot speak for them, ultimately the amount of their investments over time is staggering. . Fees charged by the County's Community Development Department and the Fire District, were discussed with Switch and OK'd up front. Switch will be paying 100% of all those fees. Since they're paying 100% of their real property tax and what should be staggering amounts on personal property tax, there is no need to request assistance from them in staffing a fire station or adding more police.

Mr. Whitten discussed additional impacts and highlights of Switch being in Storey County.

Ms. Barde : Will they also be doing, like in the Highlands, if I put in a pole I pay so everyone else has to pay for that pole, you had mentioned as part of the Tesla agreement relative to the utilities and some of the infrastructure, they're willing to front us that money but that as more people come in - is that more people in the Tesla eco-system, or is it more people anywhere in TRI?

Mr. Whitten responded that this methodology, the NV Energy line extension, was a factor in the County's agreement with Tesla but strictly as far as who pays a percentage of that quint fire truck previously mentioned. The County obtained that particular piece of equipment only because of Tesla. We had equipment that would service up to 55 feet, but Tesla needed equipment that would go higher. The County and the Commission agreed that should another building go in at TRI that

exceeds 55 feet in height where the company would also require use of that quint fire truck, then those payments will be shared between Tesla and that company under the structure mentioned.

Ms. Barde: So you're not doing any bill backs on the Tesla specific?

Mr. Whitten answered not for this project because it does not exceed 55 feet. That only applied to the quint truck, it did not apply to anything else.

18. ADJOURNMENT 11:40

Respectfully Submitted,

By _____
Vanessa Stephens Clerk-Treasurer