



# STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, DECEMBER 1, 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-

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**Roll Call:** Chairman McBride, Vice-Chairman Gilman, Commissioner McGuffey, County Manager Pat Whitten, District Attorney Anne Langer, Clerk & Treasurer Vanessa Stephens, Tourism Director Deny Dotson, Community Services Director Cherie Nevin, Public Works Director Mike Nevin, Comptroller Hugh Gallagher, Sheriff Gerald Antinoro, Community Development Director Dean Haymore, Planning Director/Administrative Officer Austin Osborne

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 December 1, 2015

Mr. Osborne asked that item 18 be continued to January 5, 2016 and item 23 continued to December 15, 2015, subject to approval of item 9 on the Consent Agenda.

Virginia City Resident, Mark Joseph Phillips, requested item 11A be amended to read 54 South C Street.

**Motion:** Approve Agenda with continuation of item 18 to January 5, 2016, and item 23 continued to December 15, 2015, and amendment to item 11A, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

4. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for October 20, 2015

Mark Joseph Phillips read a letter to the Board regarding the Comstock Historic Preservation Area Map attached to and part of Storey County Code 17.92, Mineral Exploration, Mining and Extraction. A format large enough to read all detail, has not been filed in the office of the County Clerk after approval of Ordinance 15-268 on October 20<sup>th</sup>, a clear violation of Nevada's Open Meeting Laws, both civil and criminal. Refer to NRS 239 and 241. Mr. Phillips requested the letter be included as part of the record.

Austin Osborne, Planning Director: We are in the process of getting the final, clean document ready for the Clerk's Office. A few changes from that meeting are being made. Within the next 5 days or so the final document will be delivered to the Clerk and fully recorded. Any member of the public is welcome to come to the Planning office and look at the actual zoning ordinance - including that map - that was approved.

**Motion:** Approve the Minutes for October 20, 2015, **Action:** Approve, **Moved by:** Vice Chairman 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 10/29/15 for \$71,550.49, date 10/29/15 for 119,042.35, date 11/06/15 for \$452,929.82 and 11/20/15 for \$346,412.83. Accounts Payable Checks date 10/30/15 for \$466,172.20 and \$4,752.24, date 11/02/15 for \$99,000.00, date 11/13/15 for 856,613.24, \$6,272.87 and \$4,903.78.
6. For possible action approval of United States Department of Agriculture (USDA) Rural Development Grant Agreement and Loan Resolution for the Financing for the Storey County Wastewater Collection System Improvements with a Loan in the amount of \$4,058,000.00 and in Grant in the amount of \$8,987,000.00.
7. For possible approval reappoint Mike Nevin to serve as the Storey County Representative on the Carson Truckee Water Conservancy District.
8. For possible action approval of Treasurer Report for October 2015.
9. For possible approval convene December 15, 2015 regular Board Meeting.
10. For possible action approval of Business Licenses First Readings:
  - A. **VFI KR SPE I, LLC** - General / 7303 SE Lake Road ~ Portland, OR (leasing company)
  - B. **CODFATHER, LLC** - General / 16180 Tanea Drive ~ Reno (food truck) **TRI**
  - C. **NEVADA HEALTH CENTERS** - Nonprofit / 175 East Carson **VC**
  - D. **FIGHTING IRISH SERVICES, LLC dba Clearpay Processing NV** - 839 Lafond Avenue ~ Dayton (home-based credit card processing services)
  - E. **AROK, INC** - Contractor / 2819 West Grovers ~ Phoenix, AZ (Contractor)
  - F. **OPTIV SECURITY, INC.** - Contractor / 6130 Sprint Parkway ~ Overland Park, KS (Internet Security Svcs)
  - G. **ALLIED CRANE, INC.** - Contractor / 855 North Parkside Drive ~ Pittsburg, CA (Crane services)
  - H. **DAS GROUP PROFESSIONAL, INC.** - Contractor / 1330 N Broadway ~ Walnut Creek, CA (wifi provider)

- I. **HELIX ELECTRIC, INC.** - Contractor / 6795 Flanders Drive ~ San Diego, CA (electrical contractor)
- J. **CLARKSON INDUST CONTRACTORS** - Contractor / 256 Broadcast Dr ~ Spartanburg, SC (industrial containers)
- K. **KATOAKA-SS AMERICA CORP** - Contractor / 21255 Hawthorne Blvd ~ Terrance, CA 90503 (equipment installation and maintenance—using “other” contractor’s license tbd)
- L. **H&T NEVADA, LLC** - General / **Electric Avenue (manufacturing battery components)** **TES**
- M. **MACKAY MANSION MUSEUM** - General / **291 South D Street (new owner)** **VC**
- N. **RICK’S AEC REPROGRAPHICS, INC.** - General / 488 Kietzke Lane ~ Reno (copy/scanning)
- O. **TITAN CONSTRUCTION SUPPLY, INC.** - General / 250 Edison Way ~ Reno (construction supply)
- P. **AMERICAN FIREPROOFING, INC.** - Contractor / 9900 Georgia St ~ Crown Pt, IN (fireproofing cont.)
- Q. **ON ELECTRIC GROUP dba Integrated Systems Group** - Contractor / 1709 SE 3<sup>rd</sup> Ave ~ Portland, OR (electrical contractor)
- R. **LLOYD W AUBRY CO., INC.** - Contractor / 2148 Dunn Road ~ Hayward, CA (electrical contractor)
- S. **WILSON TREE WORKS** - Contractor / 425 Channel Drive ~ Dayton (arborist)
- T. **FASTENAL COMPANY** - Contractor / 1117 Gator Way ~ Sparks (industrial fasteners/supplies)
- U. **HILTI, INC.** - Contractor / 5400 S 122<sup>nd</sup> East Ave ~ Tulsa, OK (construction tools)
- V. **DURA-STONE, INC.** - Contractor / 750 Freeport Blvd ~ Sparks (coatings and sealants)
- W. **ADVANCED TECHNOLOGY GROUP, INC.** - 455 SE 2<sup>nd</sup> Avenue ~ Hillsboro, OR (drywall cont)
- X. **XL CONCRETE MASONRY, LLC** - Contractor / 4460 Riviera Ridge ~ Las Vegas (masonry contractor)
- Y. **MCDONALD CARANO WILSON, LLP** - Professional / 100 West Liberty ~ Reno (law firm)
- Z. **SAI ELECTRICAL CONTRACTORS** - Contractor / 580 Murray Road ~ Dothan, AL (elect cont)
- AA. **FAST WRAP RENO ONE** - Contractor / 1000 Cottonwood Road ~ Reno (shrink wrap protection)
- BB. **ROSEN MATERIALS, LLC** - Contractor / 1371 Sawgrass Corporate Pkwy ~ Reno (materials)
- CC. **TEMP-AIR, INC.** - Contractor / 3700 West Preserve ~ Burnsville, MN (hvac contractor)
- DD. **BOSSARD NORTH AMERICA** - Contractor / 6521 Production Dr ~ Cedar Falls, IA (installer)
- EE. **LR SELL SERVICES** - Contractor / 9845 Palmetto Dr ~ Stagecoach (manufactured home setters)
- FF. **JR AUTOMATION TECHNOLOGIES, LLC** - Contractor / 13365 Tyler St ~ Holland, MI (mfg)
- GG. **MURATA MACHINERY USA, INC.** - Contractor / 2120 Queen City ~ Charlotte, NC (handling sys)
- HH. **BEU-MATH ENGINEERING, INC.** - Contractor / 3201 W Harrison ~ Phoenix (pollution control)

11. For possible action approval of Liquor License First Reading:

- A. Palace Restaurant & Saloon, 54 C St, Virginia City, NV - Robert and Nicole Wilkinson (requesting to add off-sale to the existing liquor license)
- B. Gold Hill Hotel, 1540 S Main St., Gold Hill, NV - Robert and Nicole Wilkinson (requesting to add off-sale to the existing liquor license)

**END OF CONSENT AGENDA**

Vice Chair Gilman commented that the number of business licenses being processed is incredible.

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

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

**Thor Dysen, District Engineer - Nevada Department of Transportation :**

- In regards to SR 342, the guard rail sub-contractor has been working yesterday and today, and should be done tomorrow. Additional signs need to be installed and barrier needs to be placed around a pole. The road could open tomorrow afternoon, if not, sometime Thursday morning - weather permitting.
- This is 2 to 3 weeks earlier than originally predicted.
- Additional work will need to be done in the spring, including the final wearing course and the final striping, along with minor concrete work.
- Very appreciative for the NDOT and CMI staff.

Chair McBride said this is great news, especially for residents in Gold Hill and Silver City. The road is much nicer and is a great improvement. Mr. Dysen has worked tirelessly on this project. Comstock Mining has been a great partner to step up. Everyone involved should be commended.

Vice Chairman Gilman expressed appreciation to Mr. Dysen and the NDOT staff. The extension of USA Parkway through TRI is being done today. The NDOT staff has been gracious and forthright in solving issues that have arisen.

Mr. Dysen stated due to being short-staffed, NDOT personnel from Reno have been re-assigned to Virginia City on a temporary basis for snow removal. NDOT is also short-staffed in the area of USA Parkway. NDOT is sensitive to the needs and everything is being done to fill temporary snow plow positions.

Commissioner McGuffey commended NDOT and Comstock Mining for the diligent work on SR 342. There have been a couple of complaints about the Lockwood interchange which has been re-paved. One concern is the westbound on-ramp is too short. Residents expected that the ramp would be lengthened as it is a hazard merging into traffic.

Mr. Dysen said NDOT is aware of this situation. A redesign needs to be done. What has been done is a temporary solution to the asphalt insuring that it is a better quality. Due the growth and truck traffic in the area, the ramps at Lockwood and the USA interchange need to be widened at some point. There has been discussion to make this happen. The work will be very involved requiring removal of a hillside and working with landowners.

Mr. Dysen does not know if this improvement is on the NDOT list, but it has been discussed. Mr. Dysen will check on this.

County Manager Whitten indicated an annual meeting is set with NDOT staff on December 16<sup>th</sup>. At this meeting, Mr. Whitten will make sure that if the Lockwood exit 22 is not on the NDOT plan, NDOT will be encouraged to do so.

**Shaun Griffin, Community Chest :**

- The Health Center is doing great with appointments scheduled on the half hour and walk-in visits every 15 minutes. Response has been great from the residents. Mr. Griffin is thrilled with the Nevada Health Centers staff. Medical reception staff has been brought in to the clinic in Virginia City. Numbers are increasing fast. This should lead to increasing the clinic schedule to 2 or 3 days.
- A very good library fundraiser was held Saturday. Author Heidi Durrrough gave a presentation that was well attended. The presentation was sponsored by Barrick.
- Regarding the phase 2 building, final foundation request information should be in this week to get six foundations support to go back to the lead foundation for gift request. It is anticipated that all six will step up, which gives the library a strong foundation to request a lead gift.
- Sandy Delusky has been hired for the librarian position. Ms. Delusky has many years of librarian experience.

Vice Chair Gilman: At a recent meeting in Lockwood, residents commented how delighted they are with the nurse and the services provided.

**Cherie Nevin, Community Services Director :**

- 18 responses are still needed for the Mark Twain resident survey. Ms. Nevin is working with UNR on the survey. UNR will assist Community Services in encouraging residents to complete the information. Ms. Nevin will discuss this at the up-coming Christmas party in Mark Twain. Residents need to be aware of how important the survey is.
- Free radon test kits for residents are available at the library through February 29<sup>th</sup>. The UNR Cooperative Extension will be at the January 19<sup>th</sup> Commission meeting to give a presentation regarding radon.

**Austin Osborne, Senior Planner :**

- Great working with Thor Dysen and the team on the reconstruction SR 342.
- So far van pools have been successful for transportation at TRI. Two additional van pools are starting - V-Ride and the Washoe RTC. Washoe RTC is collaborating with the County and providing subsidies for people who wish to van pool. They have set up in front of restaurants, providing \$5 tickets for those who wish to eat in the restaurants and in turn listen to a presentation regarding van services. Mr. Osborne and the team have met with company directors to promote the van pools. Mr. Osborne met with the Washoe RTC representatives regarding the next step for the middle to long term plan. The Washoe RTC team is taking a realistic approach to transportation issues at TRI and working with the County in coming up with realistic numbers of employees, for traffic, and assessing the EDAWN Epic Report. Someday the County may network with Washoe RTC in some type of transportation for TRI.
- A mandatory contractor's meeting will be held on December 3<sup>rd</sup> at the location of the proposed "pocket plaza" to be built on the old Black & Howell building site. This project is not a permanent park - it is phase 1 to a permanent building. In an effort to save costs, the structural engineering, foundations, and first floor will be put in place to accommodate a building in the future. Contact the Planning Office to see renderings of the park.
- The Planning Commission has been holding Master Plan workshops, meeting in all of the County communities. The housing, transportation and land use elements, and major parts of the Master Plan are in draft form and on the website. Individuals can comment directly to Mr. Osborne or at Planning Commission workshops. It is anticipated the plan will be

complete in March or April when the final work will be prepared for the Board to consider for adoption.

**Mike Nevin, Public Works Director:**

- Approximately 700 feet of main water line has been replaced on SR 341, from the Fourth Ward School to F Street. There have been issues over the last few years.
- The Courthouse roof project is 99% complete. The final walk through will be scheduled with the contractor to address any additional issues.
- Work continues with the BLM on the water/sewer potential projects. With the approval today of the loan and grant agreement with USDA sewer project, there are concerns to be addressed as to BLM right of ways in order to include water projects needed along some west areas in Virginia City and on the main line between Virginia City and the Five Mile Reservoir.
- Work on the Marlette System syphon under I 580 is scheduled to be completed no later than April 2016. Marlette has taken the lead working with NDOT and the contractor. Storey County may have to enter into a Memorandum of Understanding with the Marlette System. This portion of the syphon is where the water pressure is highest.
- Last week, Mr. Nevin, the contractor, and the engineer, reviewed the Milan Drive extension at TRI and developed a short punch list. Once the items are addressed and there's a request to accept the dedication back to Storey County, it should go smoothly.

**Deny Dotson, Tourism Director :**

- Christmas on the Comstock, the last major event of the year, will be held this Saturday. Working on line-ups for the parade.
- VCTC is looking to possibly enhance the 4<sup>th</sup> of July fireworks show. There are a couple of proposals and one company will be doing a "test" shot that will allow a bigger, better show. The test shot will be fired on Saturday immediately following the parade.

**Pat Whitten, County Manager :**

- With approval of the Consent Agenda, the Commission meeting for December 15<sup>th</sup> has been re-scheduled for that date.
- During the summer, the Commissioners were in Lockwood where a safety issue involving a trench was brought to their attention. A community member had trenched into the community garden to hopefully connect water. A public works crew will be out there to cover the trench as soon as possible.
- Recently a Polish Trade Delegation was brought to the area by EDawn and GOED. Mr. Whitten and Mr. Osborne accompanied the delegation on a tour of TRI. Many key business people were in this delegation. They were treated to brunch at Piper's Opera House the following morning. Brunch was provided by The Roasting House.

Commissioner McGuffey asked who put a padlock on the gate of the Lockwood community garden. Is this a County garden?

Mr. Whitten replied that a "self-appointed individual" put the lock on the gate. The garden is on County property. There is no reason to lock it other than the safety issue with the trench.

**Dean Haymore, Community Development Director :**

- A lot of business licenses are coming in, close to 200 just on the Tesla project.
- This week a temporary C of O will likely be issued to Bi-Neutraceuticals, a company that takes material from 400 countries the grinds, sterilizes and prepares the materials to go to natural food companies.
- Receiving a lot of calls regarding the Fulcrum facility going up in TRI wondering what the big metal building is. Full operation to begin in the middle of next year.
- Tesla project is going very well and fast. Tesla is in the first part of the 280,000 square foot building. Building and fire inspectors are in the rest of the giga-factory building all day long.
- The Agua-Metals metal building comes in next week.
- The first slab has been poured for the Switch facility. Concrete pours continue for Tesla.
- Storey County is lucky with all the new industrial projects. Other counties are still in a recession.
- Meetings are going on consistently with new clients.
- Zulilly will soon be given a C of O for its pit modular. Zulilly is now completely automated.
- A C of O has been given to jet.com.
- In addition, houses are going up in the Highlands and Virginia City, along with a new business on the divide.
- Concrete for the building sites is coming from various and many areas in Nevada and California.
- More construction is going on at TRI right now than in all of Clark County.

Vice Chair Gilman commented that people are coming from all over the world.

**April Enloe, Virginia City Senior Center :**

- Christmas baskets are being prepared for homebound residents. This year there will be 45 baskets.
- During the Christmas parade the Senior Center will be roasting chestnuts in front of the Mark Twain Saloon.

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

Commissioner McGuffey thanked The Roasting House for providing coffee at today's meeting.

Chairman McBride acknowledged the passing of Ira Claussen - the grammar school basketball referee for almost 30 years. Also Terry Tankersley recently passed away. Our hearts and prayers go out to the people in France.

**14. DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval or denial of a resolution authorizing the reimbursement of expenses incurred by Fulcrum BioEnergy, Inc. et al. from the proceeds of economic development revenue bonds for an expanded project which recycles solid waste into renewable fuels.

County Manager Pat Whitten presented this item. This project has been in the works for approximately 10 years. This resolution will allow Fulcrum BioEnergy to bond and obtain attractive financing and rates to assist with the project. Technology and research and development have changed since the inception of this project. This resolution takes the 2008 resolution passed, and changes the end product from ethanol fuel to primarily a jet fuel process.

In order to make the resolution more applicable, it has been recommended to change the end fuel product to “renewable fuels”. Legal research has been completed and no reason was found to not make this change. There is no liability to the County - it is strictly liability on Fulcrum.

Jeannie Benadetti on behalf of Fulcrum BioEnergy, added that for eight years Fulcrum has worked with County staff. Recently Fulcrum brought in a technology partner who was so impressed that the decision makers (from the County) were available to address comments and questions needed to proceed with development of technology. Storey County has always been proactive in support of businesses.

Vice Chair Gilman said Fulcrum’s work of taking trash and turning it into fuels is spectacular. This is leading edge, green technology.

**Motion:** Approve a resolution authorizing the reimbursement of expenses incurred by Fulcrum BioEnergy, Inc. et al., from the proceeds of economic development revenue bonds for an expanded project involving the recycling of solid waste into renewable fuels, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

15. **DISCUSSION ONLY/POSSIBLE ACTION:** Approval of resolution 15-432, 2015 Storey County Business of the Year.

Deny Dotson, Virginia City Tourism Commission, presented this item. Each year the County Department heads discuss, nominate and thank a business recognized as giving back to the community. Criteria for the award includes: leadership, entrepreneurship, product or market innovations, significant business achievement, sales or employment growth, possible technological advancement, excellence in community relations, environmental conscience, customer service and reliability, high standard of employee relations, contributions to the economic health of Storey County and Virginia City, and success in filling a marketplace need.

Staff recommends that the Storey County Business of the Year be awarded to Eric and Melanie Troska and The Roasting House.

Chairman McBride read resolution 15-432 into the record.

**Motion:** Approve resolution 15-432, 2015 Storey County Business of the Year -The Roasting House, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

16. **DICSUSSION ONLY/ POSSIBLE ACTION:** Approval of resolution 15-433 honoring Barbara Ohlin Mackey.

Ed Gladding introduced Barbara Ohlin Mackey prior to the approval of the resolution, commending and honoring Ms. Mackey for exemplary service to the community as the Executive Director of the Fourth Ward School Foundation for 15 years.



Mr. Gladding said Ms. Mackey transformed the Fourth Ward School into a nationally recognized museum, learning center, archive for genealogy research, and a distinct destination of the National Trust for Historic Preservation. Ms. Mackey's performance is nothing short of miraculous and will remain as part of history in Virginia City.

County Manager Pat Whitten read resolution 15-433 into the record.

Ms. Mackey thanked the Board for entrusting her with this national treasure. Ms. Mackey quoted an article from the Territorial Enterprise in 1876 that stated "the Fourth Ward School is our pride today but sometime will become our glory in the future". Ms. Mackey feels that it has become "our glory", with the help of an "army" that it has taken to get there.

Chairman McBride presented Ms. Mackey with a plaque.

Ms. Mackey introduced Laura Mather who will be the new director at the Fourth Ward School.

**Motion:** Approve Resolution 15-433 honoring Barbara Ohlin Mackey, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

17. **DISCUSSION/POSSIBLE ACTION:** Approve and rank applications for the Community Development Block Grant Funding for 2016 cycle for submittal to the State of Nevada Governor's Office of Economic Development.

Cherie Nevin, Community Services Director, said this item is to discuss potential applications for CDBG funding prior to submittal to the State Community Development Block Grant program. Some of the proposed projects were discussed at a recent Planning Commission meeting. Two projects can be submitted.

Staff recommendation for projects are:

- #1 - Tahoe Reno Industrial Center General Improvement District Utility Geographical Information System. Estimated cost is \$150,000 to \$175,000. This project would be a great benefit to the economic development activities in Northern Nevada.
- #2 - Storey County Senior Center Sustaining Senior Access to Safe and Healthy Homes (Homemaker Program). Estimated Project cost is \$68,600. This project would be a direct benefit to seniors in Virginia City, Lockwood, and Mark Twain, providing needed services to help seniors remain in their homes and have suitable living environments.

Staff has reviewed these projects and feels that they fit well within the scope of the grant program for funding. Upon approval, grant applications will be submitted to the State CDBG program by January 7<sup>th</sup>.

Vice-Chairman Gilman recused himself from this item.

Mr. Whitten said the County is very supportive and appreciative of Ms. Nevin's efforts.

**Motion:** Approve the Tahoe Reno Industrial Center General Improvement District Utility Geographical Information System as the number one project, estimated cost is \$150,000 to \$175,000; and Storey County Senior Center Sustaining Senior Access to Safe and Healthy Homes (Homemaker Program) as a number two project, estimated project cost is \$68,000; for grant application submittal to the State of Nevada Governor's Office of Economic Development for the 2016 Community Block Grant Program, **Action:** Approve, **Moved by:** Commissioner

McGuffey , **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2).

18. **DISCUSSION/POSSIBLE ACTION:** Approval of award to Aspen Developers a total amount of \$238,200.00 for the completion of the Storey County Courthouse Parking Lot Project in Virginia City, Nevada, and \$11,799.00 as contingency monies toward the project.

Continued to January 5, 2016.

Chairman McBride called for recess at 11:15 AM

Meeting reconvened at 11:29 AM

19. **DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval of a proposed contract to purchase partially improved land at 168 South D Street from Tri-Ventures, Inc. for \$84,000.00 for possible use as a parking lot.

Mr. Whitten presented this item. This purchase has been discussed for some time since the Sheriff and District Attorney began occupying their current offices and would provide off-street parking at least for employees. The County and the seller are now in position to move forward. The parcel has been appraised and offers 13 additional parking spaces.

Staff recommends approval.

Commissioner McGuffey said there used to be a lot of parking citations issued for the area on D Street by the school. Having a parking area at that location will definitely help.

**Motion:** Approve the proposed contract to purchase partially improved land at 168 South D Street from Tri-Ventures, Inc. for \$84,000.00 for possible use as a parking lot, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

20. **DISCUSSION ONLY/POSSIBLE ACTION:** Consideration and Possible Action to enter into contract with Tax Management Associates, Inc. (TMA) Pursuant to the contract TMA will provide audit services on behalf of the Storey County Assessor's Office to verify the accuracy of business taxpayer's listing of personal property for ad valorem taxation.

County Pat Whitten presented this item. The agreement has been reviewed and revised by District Attorney Loomis to make it acceptable to the County. Tax Management Associates is a national firm.

Mr. Whitten explained that all businesses are required to declare their personal property, including valuations. The County is not equipped or prepared, particularly at TRI, due to limited staffing levels and specifically in this case in the Assessor's Office, to audit the statements of the businesses. This will be a one year contract, not all businesses will be audited. There is a potential list. This will be a trial for the County.

Mr. Whitten continued that statistically Tax Management Associates (TMA) has demonstrated that their collections, the under-reporting, generally runs in the 20 to 30% range. In Washoe County the percentage is much higher. Washoe County also utilizes TMA's services.

Commissioner McGuffey: Are the fees on page 3 of the contract, per business.

Mr. Whitten: Yes. This is a pretty extensive audit - a labor intensive project. This company is not heavy handed. By statute, the audit can also go back three years. There will always be some level of trust but verify. Some of the companies will probably be right on the mark or very close. There are some that will be difficult. Where negotiations might come in, penalties could be negotiated. If it's an honest mistake and easy fix, it may be satisfactory to just collect what is due in taxes and not ding them hard with penalties. If it's egregious, that may be different.

Chairman McBride: I think a net gain might be expected above and beyond the fee charged.

Commissioner McGuffey: Depreciation falls in there too.

Mr. Whitten: There should be a net gain or it will be a one-year contract. There are two automatic renewals if the County is satisfied.

Vice Chairman Gilman: How widely is this program and process used in other States? How widely is it applied, especially to industrial users and centers? Are we part of a leading edge trial group or has this been vetted nationally?

Mr. Whitten: The County was not given a list of who TMA audits but did receive a list of who TMA is auditing for. The list is robust. There are a handful of Nevada counties looking at TMA. TMA was present at the recent Assessor's Conference. Mr. Whitten said he could not answer the specifics of whether audits were done in industrial centers versus shopping centers, or whatever. An answer can be requested from the CEO. Looking at some of the jurisdictions on the list, Mr. Whitten is under the impression there are some areas that would hit the industrial mix. The assessor will go through and present a list of five or ten - maximum - companies, that the County would like to audit this year. The reason for the safeguard, sometimes there are delicate negotiations with companies. Timing will be a little bit of an issue.

Vice Chairman Gilman: If we are pioneering an effort that a company is doing, particularly in a very successful industrial park such as the one here in Storey County, Mr. Gilman would not want it to be perceived that the County is being punitive to the taxpayer. If this is a pioneering effort, this will have to be disclosed to all companies coming in that the County operates in the industrial center under these processes. This will be a disclosure issue as companies are looking at re-locating and what the impacts may be. Not that it's good or bad - but there are implications on both sides. The County competes against every market in the west.

District Attorney Anne Langer: Ms. Langer said she was in agreement that the County should look at this contract which was initially for a three year period. Basically, this will be a "test period" every year, and two years to follow if we agree with it. It can be cancelled after a year. In negotiating with TMA on the terms of the contract, TMA seems to be very flexible. The description of the company presented by Mr. Whitten, is the same since Ms. Langer received in dealing with Mr. Cook, the CEO. The agreement went from a three year contract to one year in order to determine what the County thinks of TMA.

Mr. Whitten: Regarding the level of disclosure addressed by Mr. Gilman, all businesses are required by State law to declare personal property and provide valuations. All the County is saying is we are going to verify to see it is being done accurately. In many cases, it would be welcomed as most of the businesses operate under the premise that they declare all property and would like to make sure that their neighbors are declaring all too.

Chair McBride: Audits are customary and routine everywhere. Tourism has talked about also auditing lodging facilities.

Ms. Langer: This is not to search out the “cheaters” - it is just to keep everyone honest. People in business know there will be an audit of some sort.

Vice Chair Gilman: For sake of conversation, Mr. Gilman stated he has had the experience of going through some of the Governmental issues. For example, one from the last session - the “value added tax”, which was viewed as imposing a special Nevada extra tax on business. When there are major competitors - other areas or States - looking for a Tesla or Switch, as example, Storey County can take the position that it is just trusting and verifying. Our competitors, if they are aware the County has an “Achilles heel” or is doing something out of the ordinary than in other communities, this will be used against the County as a reason for not locating in the County environment. The fact that we may become less than competitive with our neighbors should be considered. Mr. Gilman is not taking a position one way or the other, however this is his concern.

Mr. Whitten: The County will be sensitive to these concerns. Once results are back from a company, there is nothing to keep the County from reaching out to that company to see what the thoughts are about the process. Mr. Whitten recommends the audit be done. In essence, the County would like to collect what is due.

Vice Chair Gilman: Agrees with Mr. Whitten however would request a continuance of this matter in order to have an opportunity to vet it through the marketing process to see how it stands. Mr. Gilman will report back to the Commission.

Mr. Whitten: That’s fair and reasonable.

Public Comment:

**Virginia City Resident, Mark Joseph Phillips:** Mr. Phillips is concerned with the sovereignty of the Storey County Assessor’s Office and believes that this contract requires the personal approval of the Assessor. Mr. Phillips would like to make sure the County Assessor has the authority in any audit that happens and that the Assessor gave permission for each audit. The statutes of Nevada give the Assessor authority to go on to people’s property without permission or warrant. Mr. Phillips would like to make sure the Assessor’s Office is not being undermined, and would like to hear from the County Assessor before any action is taken.

**Motion:** Continue Item 20 to December 15, 2015, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

21. **DISCUSSION/ POSSIBLE ACTION:** Board’s order for the Treasurer to hold a sale of real property held in trust because of tax delinquency and to direct that notice be done by publishing in the paper.

Clerk-Treasurer Vanessa Stephens presented this item. There are sixteen parcels throughout the County. Three of the parcels were on the last auction and did not sell.

Ms. Stephens explained the process. Once a list is put together and approved, title searches are done, followed by a 90-day notification process to anyone who has any right to the property. Any person with a right to the property has up until a week before the sale to redeem the property. All

properties not redeemed will go to auction. Once auction is held, the minimum bid accepted will be the amount of the outstanding taxes. Any amount above becomes an excess proceed and has to be held by the County for one year. After that year, there is a list of people who can claim the excess proceeds. If the funds are not claimed, it becomes part of the County's general fund.

Chair McBride: Has been of the understanding that even after a property has sold, a landowner can come back and remedy it after the fact. Is there a statute that the property cannot be sold for less than the amount of taxes owed?

Ms. Stephens: Not on a tax sale. Ms. Stephens believes a Sheriff's sale has a provision where people can come in a certain period. Yes, there is a specific statute that the minimum paid for a property is the amount of outstanding taxes.

Commissioner McGuffey: Are there any hidden fees on these properties?

Ms. Stephens: A full title search is done prior to the time of auction. A potential buyer can review all documents, we try to catch everything. Auctions are "buy at your own risk".

Vice Chair McBride: What type of properties are these? Raw land, structures, or mixed?

Ms. Stephens: Most of these are raw land. One has a structure that is dilapidated.

**Motion:** Approve the order for the Treasurer to hold a sale of real property held in trust because of tax delinquency and to direct that notice be done by publishing in the paper, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

## COMMUNITY DEVELOPMENT AND PLANNING

22. **DISCUSSION/POSSIBLE ACTION:** Approval of variance 2015-031, by Nick and Jessie Fain. The applicant requests a variance to the provisions of Storey County Code 17.84 (ordinance regulating sign and billboards) changing the allowed width (height), and length, of signs which will be attached to a new building facing C Street (east) of the subject property located at 800 South C Street, Virginia City, Nevada (APN: 001-042-09 &10).

Planning Director Austin Osborne said this is a request for a variance for a sign. The current ordinance does not accommodate the type of signs on this unique structure. It is not the typical building on C Street - it is a "stand alone" structure. Mr. Osborne described the building. The variance is requested as the sign does not meet the shape and dimensions required in the sign ordinance.

The conditions of this variance are that the applicant goes through the Historic District to obtain a Certificate of Historic Appropriateness before obtaining the sign. The sign will have to be maintained and the Building Department will have to confirm that it is installed in a safe manner. The Planning Commission heard and passed this request unanimously.

Mr. Whitten is excited that this building is in the area of the Bullion Stamp Mill. The Mill was in operation in the late 1800's until it was dismantled. The applicants are attempting, and very well, to recreate signage close to what was on the Bullion Stamp Mill.

Mr. Osborne read Findings for approval:

6.1 The Findings listed in this subsection are the minimum to be cited in an approval

or approval with conditions. The following Findings are evident with regard to the requested Variance when the recommended conditions in Section 7 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

6.1.1 - There are special circumstances applicable to the subject property, including the configuration of the building and the businesses therein. Therefore, the strict application of the zoning ordinance deprives the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.

6.1.2 - That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant/property owner.

6.1.3 - That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the neighborhood of the subject property.

6.1.4 - The proposed Variance is in compliance with the purpose and intent of Federal, Nevada, State, and Storey County regulations including, but not limited to, SCC 17.84 Signs and Billboards, and NRS 384 as determined by the Comstock Historic District Commission.

6.1.5 - The proposed Variance is in compliance with and supports the goals, objectives, and recommendations of the Storey County Master Plan.

**Motion:** Approve variance 2015-031, by Nick and Jessie Fain. The applicant requests a variance to the provisions of Storey County Code 17.84 (ordinance regulating sign and billboards) changing the allowed width (height), and length, of signs which will be attached to a new building facing C Street (east) of the subject property located at 800 South C Street, Virginia City, Nevada (APN: 001-042-09 &10), **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

23. **DISCUSSION/POSSIBLE ACTION:** Approve second reading of Ordinance 15-270, an ordinance extending interim development regulations affecting Title 16 and 17 of the Storey County Code by extending through June 30, 2016 Title 16A establishing minimum interim requirements for subdivision map approvals and Title 17A by limiting master plan amendments for approvals of planned unit developments during the master plan approval process, and providing for other properly related matters. The moratorium on subdivisions and planned unit developments will be in effect until the comprehensive update to the Storey County Master Plan is adopted, or July 1, 2016, whichever comes first.

Continued to December 15, 2015.

24. **FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:**

- A. **RENO PROVISIONS** - General / 100 North Sierra ~ Reno (food truck)
- B. **FLEXIBLE ASSEMBLY SYSTEMS** - Contractor / 9240 Mira Esbe Ct. ~ San Diego (tools distributor)
- C. **US TEST & BALANCE CORP** - Contractor / 10 Corporate Park Dr ~ Hopewell Junction, NY (hvac)
- D. **SUNRUN INSTALLATION SVC** - Contractor / 595 Market ~ San Francisco, CA (pv installer)

- E. **LABEEG BUILDING SVCS** - General / 225 Keystone Avenue ~ Reno (janitorial service)
- F. **XL LANDSCAPE DEVELOPMENT, LLC** - Contractor / 4460 Riviera Ridge ~ Las Vegas (landscaper)
- G. **MODERN MINING SOLUTIONS, LLC** - General / 1280 Alexandria Court **TRI**
- H. **SIMPSON GUMPERTZ & HEGER, INC.** - Professional / 41 Sevon St ~ Waltham, MA (eng svcs.)
- I. **JAMES MAGGARD DESIGN CONS** - Professional / 14665 Ambric Knolls ~ Saratoga, CA (eng)
- J. **GRAYBAR ELECTRIC CO** - Contractor / 150 East Greg Street ~ Sparks (electrical distributor)
- K. **SHRED-IT RENO** - Contractor / 8670 Technology Way ~ Reno (document destruction contractor)
- L. **JUGGERNAUT SERVICES, LLC dba Square 1 Solutions** - Professional / 780 Smithridge Drive ~ Reno (staffing solutions)
- M. **DUSOUTH INDUSTRIES dba DST Controls** - Contractor / 651 Stone Road ~ Benicia, CA (IT svcs.)
- N. **BI NUTRACEUTICALS, INC.** - General / 625 Waltham Way #101 (milling botanicals) **TRI**
- O. **RICH DOSS, INC.** - General / 201 Wild Horse Canyon Drive (transportation) **MCC**

County Manager Pat Whitten reported that Item A, Reno Provisions has attracted attention recently with the announcement that they contributed to an E-coli event in Washoe County. Prior to today's recommendation, the Community Development staff reached out to the State Health and Washoe County Health Departments. Notification has been received that Reno Provisions is fully open at the Reno location with no restrictions from the State of Nevada Health District. The State has jurisdiction over the trucks.

County Manager Pat Whitten, on behalf of the Community Development Department, requested approval of items A. through F., and H. through M., and continuance of items G., N., and O.

**Motion:** Approve items A., B, C., D., E., F., H., I., J., K., L., and M., **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

**Motion:** Continue items G., N., and O., **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3).

25. **PUBLIC COMMENT (No Action)**

**Virginia City Highlands resident, Valerie Lebel-Flattley :** Ms. Lebel-Flattley discussed on-going issues with the wild horses in Lockwood. One complainant, who is not happy with horses being in his yard and street, has threatened to shoot the horses. There are issues with cattle guards needing to be cleaned out and fencing that needs repair. If the Department of Agriculture is notified, and the situation not handled, they will pick up the horses for auction and slaughter. Mike Nevin has indicated Public Works cannot do anything until spring due to being short-staffed. Volunteers are being sought to do the work, which will require expertise and heavy equipment. Is Storey County willing to help in any way possible?

Chair McBride: Who owns the property where the fencing is located?

Ms. Lebel-Flattley: Unsure. The Peri brothers had previously taken responsibility for some of it. Some may be with homeowners, the GID, or some partly Storey County. It has been a problem

determining who is responsible. It is unknown who the complaining resident is. He has been contacted by the Sheriff who will be contacting him again.

Assistance is needed. The Virginia Range Wildlife Protection Association would foot the bill if there are not enough volunteers, and workers with expertise need to be hired. Would the County be willing to reimburse VRWPA for expenses incurred if this (the work) is on Storey County property? Does this need to be put on an agenda?

Sheriff Antinoro: Nothing has been worked out, this is an on-going issue. It is unclear as to who owns what. After talking with many sources, it appears the Peri brothers took responsibility for fixing part of the fencing on Peri Ranch Road. Not sure who owns that property now. Part of the fencing needed to be replaced is on the hill above the water tanks. Some may be GID property, some may have been fence installed by GID but is actually County property, and some is a combination along with VRWPA acquired fencing. In checking with the Clerk's Office, there is no clear record of who owns what along that fence line. It will have to be a cooperative effort between everyone. In the past, the cooperative agreement seems to have been between the GID, the County, and VRWPA.

Vice Chair Gilman: How many horses are there?

Ms. Lebel-Flattley: Right now, five.

Vice Chair Gilman: Subject to what VRWPA and the resident would like to do, if the horses were to be moved to the ranch, TRI is willing to accept them. Horses have been accepted from various areas. The horses would be turned loose and would not be auctioned or purchased. The Department of Agriculture is very familiar with this location.

Chair McBride: How is the program of watering, feeding, and birth control doing in that area? And the agreement with the Department of Agriculture, VRWPA, and the County?

Sheriff Antinoro: Some birth control has been done. There was a meeting regarding diversionary feeding in the Virginia City and Highlands areas. There were some sticking points in the cooperative agreement, which may now have been overcome. Until the fencing in the Lockwood area is fixed, even if these horses are relocated, others will come in.

Vice Chair Gilman: TRI has approximately 70,000 acres of unusable area. There is a significant amount of fencing between Lockwood and TRI. It would be difficult for the horses to migrate from the ranch back to Lockwood.

Commissioner McGuffey: What type of fencing is damaged?

Sheriff Antinoro: Some chain link and some barbed wire fencing.

Vice Chair Gilman: In TRI, Walmart has adopted wild horses and Switch is talking about building a passage for the horses to cross USA Parkway safely. There are businesses in TRI that are certainly compatible with the wild horses.

Commissioner McGuffey: A lot of the companies in TRI love the wild horses and feel it is the best part of being out there.



Vice Chair Gilman: The horses are seen as an asset in TRI. The horses are doing well in that area.

Mr. Gilman would like to see consensus amongst the involved groups before moving the horses.

Mr. Whitten: Understands what Ms. Lebel-Flattley is saying. Better fencing needs to be done regardless of whether or not the horses are re-located - which may or may not solve the issue. The question is finding monies to repair fencing. The most effective way to accomplish this, would be to get some type of ballpark estimate - whether or not it easy to repair and type of fencing. Then it would be appropriate to bring the issue to the Board.

District Attorney Langer: First ownership of the property needs to be determined and whether or not they want the fence fixed. The County cannot go on to someone's property and fix the fence.

Chair McBride: This summer there were a lot of complaints in Virginia City. A lot of the horses have moved down for the winter. Maybe the horses up here could be pushed down to the ranch as long as there is enough food and water to keep them there. They will go wherever the food and water is.

Ms. Lebel-Flattley: There is a problem with people feeding horses, making them friendly, and wanting to be where the food is. The cattle guards are Storey County's property - so if clean up could be started there that would help. It's legal to put water out for the horses in the Highlands, but not in Virginia City.

Austin Osborne: If maps are needed showing reliable property ownership and where things are and are not, Mr. Osborne would be happy to work with Ms. Lebel-Flattley to obtain reasonable maps.

**Virginia City Resident, Mark Joseph Phillips :** Mr. Phillips presented four items to the Board:

- Watched a show on TV recently regarding machine guns which had been filmed at the Mustang Firing Range. It was quite a show and a good introduction of what's going on down there.
- Talked to Gary Greenlund, Comstock Community Television, about televising Commission meetings on local television. Gary said Commission meetings could be put on a loop after the fact, so someone missing the meeting could see it. This could be a future agenda item.
- After years 270 E. Washington is finally cleaned up. Ten years ago there was a court order declaring the property a public nuisance. As a future agenda item, it would be great to have the Commission request the Court rule the property not a nuisance any more. This would be a reward for all who worked hard.
- Disappointed that at the last meeting, Commissioners engaged in conversation about China Town regarding mis-conduct without someone being at the meeting to defend themselves. Red tags went up in China Town before the October meeting. It was stated that galvanized metal flew out of China Town into the power sub-station. North of China Town is a stone structure with a galvanized roof with a 2 by 3 foot piece of roofing missing from that building. The owners of China Town may have been wrongly accused in this situation.

## 26. **ADJOURNMENT**

The meeting was adjourned by the call of the Chair at 12:45 pm

Respectfully submitted,

By \_\_\_\_\_  
Vanessa Stephens Clerk-Treasurer