



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, JANUARY 5, 2016 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, County Manager Pat Whitten, Deputy Clerk Wendy Bacus, Planning Director/Administrative Officer Austin Osborne, Special Counsel Bob Morris, Sheriff Gerald Antinoro, Comptroller Hugh Gallagher, Community Development Director Dean Haymore, Fire Chief Gary Hames, Community Services Director Cherie Nevin

1. **CALL TO ORDER AT 10:05 A.M.**

The meeting was called to order by the Chair at 10:05 AM

2. **PLEDGE OF ALLEGIANCE**

The Chair led those present in the Pledge of Allegiance

3. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for January 5, 2016

County Manager Pat Whitten, on behalf of the Sheriff, asked to continue item 20 to the January 19, 2016 Commission meeting.

Planning Director Austin Osborne requested items 19 and 23 be continued to the January 19, 2016 Commission meeting.

Motion: Approve the Agenda for January 5, 2016, with continuance of items 19, 20, and 23 to January 19, 2016, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

4. **ELECTION OF CHAIRMAN TO THE STOREY COUNTY BOARD OF COMMISSIONERS FOR THE TERM OF ONE YEAR** Pursuant to Storey County Code 2.04.008

Motion: Elect Commissioner Marshall McBride as the Chairman, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

5. **ELECTION OF VICE CHAIRMAN TO THE STOREY COUNTY BOARD OF COMMISSIONERS FOR THE TERM OF ONE YEAR** Pursuant to Storey County Code 2.04.008

Motion: Elect Commissioner Lance Gilman as the Vice Chairman, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Commissioner McBride, **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

6. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for December 1, 2015

Motion: Approve Minutes for December 1, 2015, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

CONSENT AGENDA

7. For possible action approval of Payroll Checks date 12/18/15 for \$432,477.83. Accounts Payable Checks date 12/18/15 for \$69,500 and date 12/24/15 233,367.81 and \$14,958.36.
8. For possible action approval of Assessor's Recommended Corrections to Unsecured Tax Roll for Overassessment.
9. For possible action of approval of Sheriff's General Business Licenses First Readings:
A. Paul Rusch; PBR Concealed Carry Weapons Instruction, 443 Trellis Dr., Fernley, NV 89408
10. For possible action approval of Business Licenses First Readings:
A. **SBA NETWORK SVCS, LLC** - Contractor / 8051 Congress Ave ~ Boca Raton, FL (Contractor)
B. **MINATO SANGYO CORP** - Contractor / Tokushima Japan (Panasonic contractor)
C. **AZZ, INCORPORATED - General / 1500 Milan (galvanizing facility) TRI**
D. **OASIS ONLINE, INC** - General / 375 West Williams, Fallon (IT Consulting)
E. **HU-BRAIN, INC.** -- Contractor / Osaka, Japan (Panasonic Contractor)
F. **HASSHIN CO., LTD.** -- Contractor / Osaka, Japan (Panasonic Contractor)
G. **ESPEC TEST SYSTEM CORP.** -- Contractor / Hyogo, Japan (Panasonic Contractor)
H. **NIPPON REFINE CO., LTD** - Contractor / Tokyo, Japan (Panasonic Contractor)
I. **THE CURTIS CO., INC.** - Contractor / 7200 N Hwy 29 ~ Pelzer, SC (contractor)
J. **CERCONE HEATING & AIR** - Contractor / 949 #3 Crestwood Drive ~ Sparks (hvac contractor)
K. **BOOTLEG DAVE'S BBQ CATERING CO.** - General / 1555 Big Smokey Drive ~ Reno (catering)
L. **CURRIE & BROWN, INC.** - Contractor / 821 Alexander Rd ~ Princeton, NJ (construction consulting)
M. **VANDER-BEND MFG, LLC** - Contractor / 2701 Orchard Pkwy ~ San Jose, CA (contract mfg)
N. **MITUTOYO AMERICA CORP.** - Contractor / 965 Corporate Blvd ~ Aurora, IL (Panasonic contractor)
O. **TORAY ENGINEERING CO., LTD.** -- Contractor / Shigov, Japan (Panasonic Contractor)
P. **SPARKS TRAILER REPAIR, LLC** - Contractor / 2095 Kleppe Lane ~ Sparks (repair semi-trailers)
Q. **ASADA IRON WORKS CO., LTD.** -- Contractor / Takatsuki, Japan (Panasonic Contractor)
R. **AKATSUKI MACHINERY CO., LTD** -- Contractor / Wakayama City, Japan (Panasonic Contractor)
S. **TOR ENGINEERING CORP** - Professional / 3731 East Grove ~ Phoenix, AZ (engineering)

END OF CONSENT AGENDA

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

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

Community Development Director Dean Haymore:

- There will be a signed contract next week through the Department of Transportation for the USA Parkway project. Drones will be used over the undeveloped areas of USA Parkway to do estimates and watch over the work. NDOT is aware to stay away from the Tesla and Switch sites. The bid was awarded to Ames Construction out of Utah.
- Maverick is going to purchase additional land to install truck fueling islands. Encroachment permits need to be obtained from NDOT and improvements will be done across from Waltham Way.
- Constant projects with Tesla are going forward.
- An application has been received from Panasonic for additional equipment. Equipment is starting to go into the building.
- The Agua building is going up and the Switch building will be standing walls next week.
- Meetings were held last week with engineers from Ebay and Switch regarding utility yards.
- Equipment is going in to Fulcrum and installation is starting.
- The County is working with Golden Gate Petroleum to do a sulphur reduction project.
- 2017 is the target date for the completion of USA Parkway. There are additional properties off of Highway 50 that need to be obtained. All other properties and right-of-ways have been acquired.

Comptroller Hugh Gallagher:

- There will be significant agenda items on the next Commission meeting, including approval of the 2015 outside audit, and second quarter budget review.

Senior Services April Enloe:

- Thank you to the Commission for attending the Christmas luncheon. The seniors had a great Christmas. The Catholic Charities brought 50 hams and dinner baskets for the seniors. Along with Christmas caroling, the baskets were dropped off to the homebound seniors. All of the seniors received a Christmas present. For a lot of the seniors, these are the only gifts they receive and the only people they see over the holidays.
- The Storey County community really pulls together for the seniors at this time of the year.

Chairman McBride thanked Ms. Enloe, and the staff, for a fine job.

Community Chest/Library Shaun Griffin:

- Today is the beginning of Community Chest's 25th year in operation. Several celebrations will be held over the course of the year and the community will be invited. We are thrilled to have made it to this milestone. It took thousands of hands and donors to get to this day.
- The lead gift proposal for phase 2 of the Community Center has been mailed. Fingers are crossed for good news.

- Thanks to the Commissioners, the Sheriff, the Planning staff, and everyone who attended the Christmas luncheon. It was one of the best.

Chairman McBride thanked Shaun, his wife, and the staff for the hard work in getting the Community Chest to this milestone.

Sheriff Gerald Antinoro:

- A deputy was shot this last weekend. Fortunately, the vest did its job and the deputy will recover and be just fine. Thank you for all of the calls of concern and well wishes received from both locally and across the State.

County Manager Pat Whitten:

- Wished everyone a Happy New Year. The County had a great 2015 which included the successful acquirement of Switch, the continued construction of Tesla, and many other projects. 2016 is looking even better.

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

Chairman McBride:

- Long-time Virginia City resident, Bill Fain, passed away over the weekend. Bill, along with his wife Carol, resurrected and restored the Gold Hill Hotel in the 1980's. Bill loved theatre and started the Gold Hill Theatre Troop, winning an award from the State of Nevada and the Governor for his contribution to the arts. Bill was very active in various clubs and also founded the Comstock Chronicle. He was an icon in Gold Hill and the Comstock and left his mark for a lifetime for all he accomplished and contributed to this community. Condolences to his family - Carol, Nick and Stephanie. A Celebration of Life will be held at the Gold Hill Hotel on January 17th from 2 to 4 PM. All who knew and loved Bill are invited to attend.

Vice Chairman Gilman :

- Under the Consent Agenda, the Commission approved 19 business license readings. Thirteen of these business licenses are specifically Panasonic contractors, coming in to support Storey County, TRI and the Panasonic development. The projections that came to all of us were for Tesla commitments. It is astounding how many businesses are locating in Storey County. At this point, it hasn't been noted in the press or public, Panasonic is going to make a major difference in 2016.

Commissioner McGuffey:

- It's been a great year for Storey County with Tesla, Switch, Ebay, and all the activity at TRI.
- Locally, more parking has been addressed. Parking has been a nightmare with the growing events.
- Up-grades have been done to the Senior Centers and a Community Center was created in Mark Twain.
- Everyone gets a "pat on the back". This is one of the most generous Counties when it comes to donating to our neighbors. As reflected in the newspapers, there was always someone receiving a donation from somewhere - from car clubs and other associations.
- Happy New Year and let's make this year as good if not better.

13. DISCUSSION/POSSIBLE ACTION: Possible action on Order of Remand from District Court requiring Storey County Board of County Commissioners to state on the record the basis for their decision on October 6, 2015 to deny the applications for a business license for the Bonanza.

District Attorney Anne Langer presented this item. Judge Wilson issued an Order for the sole purpose of requesting the Board of Commissioners to state on the record the basis for the decision in denying specifically the business license for the Bonanza.

Chairman McBride: The reason for my denial of the business license for the Bonanza was information brought forth by the Storey County Fire Protection District informing us that they have been working with the applicant from the time of the purchase of the property. I believe this was in September 2014. They hadn't been able to get the applicant to comply with their request of having a sprinkler system installed at the property to make it safe for patrons and employees. So, at that point, this had been going on and it seemed like there were some verbal extensions on to this, the last one was tied to the applicant receiving a gaming license - which was denied by the State. At that point, nothing had been completed upon request of the Fire Protection District. So, at that point, they deemed that the agreement was null and void, there was no reason to let the applicant occupy the premises being an unsafe building. That was my reason for denial.

Commissioner Gilman: Those were my specific reasons as shared by Commissioner McBride.

Commissioner McGuffey: I would just be repeating everything that's already said. My reasons are the same as my fellow Commissioners. I think the nail in the coffin was when I requested, or asked, if it was possible for them to work towards getting their sprinkler system in while they're open and Chief Hames came forward and said, no the building is not safe. I am not going to over-ride the Fire Chief.

District Attorney Anne Langer said this was the sole purpose for this item and asked Outside Counsel Morris if public comment should be taken on this item.

Mr. Morris replied that he believes this is up to the discretion of the Board.

Chairman McBride said this item will be open for Public Comment.

Public Comment:

Nick Guerra, Virginia City Property Owner: Stated he is the new owner of the Mark Twain bookstore.

Mr. Guerra's concern is to see this town prosper and he is concerned seeing the Bonanza and Delta vacant. Mr. Guerra would like to see something worked out where this is a viable business. Many people have commented what a shame. Many people lost their jobs. We need to work together to make a living town. The Commissioners could talk to the owner of the property and see if there is a solution.

Chair McBride: Mr. Guerra has a very good point and the comments are appreciated, however the comments should be specific to the agenda item. Mr. Guerra's testimony would be better under Public Comment at the end of the meeting. If there is a comment specific to this item regarding the Bonanza and the decision of the Commission to deny the business license, this would be the time to do so.

Mr. Guerra: Would just like to see something worked out with the gentlemen and to see a viable business.

Scott Scherer, representing Dr. Malfitano, Virginia City Gaming, and Delta Saloon, Inc.: The District Attorney's point is understood that the Judge's Order states for the sole purpose of explaining

reasons. However, based on the reasons stated, note - for the record - there was an agreement in place with Dr. Malfitano. The Chief's position is understood, but Mr. Scherer does not agree that the agreement was null and void.

Ms. Langer: Asked if Mr. Scherer is making a legal argument on the record on something that should be briefed.

Mr. Scherer: I'm simply noting a couple of points in response to comments that were made. There has been substantial progress made, there are approved plans and they are moving forward.

RECESS AS BOARD OF COUNTY COMMISSIONERS TO CONVENE STOREY COUNTY LIQUOR BOARD

14. DISCUSSION/POSSIBLE ACTION: Possible action on Order of Remand from District Court requiring Storey County Liquor Board to state on the record the basis for their decision to deny the application for liquor licenses for the Delta Saloon and the Bonanza.

District Attorney Anne Langer presented this item. Judge Wilson is asking that this item be remanded regarding the applications for liquor licenses for the Delta Saloon and the Bonanza, with the sole purpose of having the Board state on the record the basis for their decisions to deny the applications.

Chairman McBride: The reason for my decision to vote to deny the liquor licenses to the Delta and the Bonanza comes after the Storey County Chapter that states a business applying for a liquor license has to show financial structure and stability. Upon attending the State Gaming Commission meeting, after reading about the denial at the State Gaming Control meeting of denial of Dr. Malfitano for a State Gaming License, I attended said meeting in Carson City. I sat through a three hour meeting listening to the Gaming Commission hash over the reasons for their denial of applicant Malfitano for gaming. The reasons were based on business probity showing that he did not have the financial structure to go ahead and operate a business that could be successful. This included various lawsuits, liens, and foreclosures - numerous actions against the applicant, which showed that he did not have the proper cash flow or business probity to operate a business. Using the judgment of the investigators from the Nevada Gaming Commission and Control Board - all the information was public record - I came back with the view that under Storey County Code, this business did not qualify for receipt of a liquor license.

Commissioner Gilman: I understand that we have been asked by the Court to provide our basis for denial of the applications for liquor licenses for the Delta and the Bonanza. When I voted for denial of the licenses, I did so because I felt the requirements in our County Code were not met. The requirement is that the applicant must provide proof of financial standing to warrant an expected, satisfactory, and profitable business operation. Storey County Code Section 5-12-10a. We were presented with a number of separate items of information which I felt weighed heavily on the findings. The information I relied on included information contained in the Order by the Nevada Gaming Control Board that there was a failure on the part of Mr. Malfitano, Virginia City Gaming, and the Delta Saloon to disclose numerous and recent and significant items including, but not limited to, lawsuits, foreclosures, business interests, delinquent tax payments, tax liens and default notices. They also failed to disclose numerous items involving employment and various litigation issues. I considered Commissioner McBride's comments about the information he learned at the Gaming Commission meeting and comments made by Commissioner Townsend of the Gaming Commission. Sheriff Antinoro indicated that without a gaming license, the business - as a bar - would probably fail. I considered those comments. All in all, any one of the items alone would have caused me great concern and, in my view, been sufficient to warrant a vote of denial. But taken together, it created no

doubt in my mind that the requirement in the County was not met. This is my reasoning and thought process for voting to deny the license.

Commissioner McGuffey: I would have to concur with all the statements made by my fellow Commissioners. I can only add, without repeating everything, that it was brought up from Chair McBride attending the October 6th hearing, that there was... from the financial probity issue, Mr. Malfitano had claimed \$5 million in assets, he paid \$4 million for the two establishments, supposedly had a \$2.5 million in attachments to that, and again it was noted that the loss of the gaming equates to about 60 or 70% of the cash flow lost at those establishments. So, therefore, I couldn't see that moving forward. That's my reason.

District Attorney Langer: Sheriff Antinoro, as you know, the Order is for the sole purpose of the Board members who denied the application. You approved it, therefore this Order is not directed at you to lay out any specifics for your reasoning for approval.

Commissioner McGuffey: One last thing, it was also brought out that Mr. Malfitano was in debt of 12 million dollars.

Public Comment:

None.

ADJOURN STOREY COUNTY LIQUOR BOARD TO RECONVENE BOARD OF COUNTY COMMISSIONERS

15. DISCUSSION/POSSIBLE ACTION: 2016 Appointments to Serve on State, County and Regional Boards

County Manager Pat Whitten presented this item and reviewed the changes. There are very few changes.

1. Safety Committee - Chris Hood - Chair; Vanessa Stephens - Vice Chair
2. Legislative Representative - Marshall McBride with all others, including staff as needed (No Change)
3. Historic Fourth Ward School and Museum Board - Jack McGuffey (No Change)
4. NACO - Jack McGuffey with Austin Osborne as alternate (No Change)
5. Nevada Works - Lance Gilman with Austin Osborne as alternate (No Change)
6. Virginia City Senior Center - Cherie Nevin (No Change)
7. Lockwood Senior Center - Lance Gilman, Cherie Nevin and Maggie Lowther (No Change)
8. St. Mary's Art Center - Jack McGuffey with Cherie Nevin as alternate (Adding Cherie as alternate)
9. Western Nevada Development District - Dean Haymore (No Change)
10. Carson Water Subconservancy District - Austin Osborne (No Change)
11. State Land Use Planning Advisory Council - Austin Osborne with Jason Van Havel as alternate (substitutes Jason for Dessie Redmond)
12. Natural Resources Conservation District (USDA) - Dean Haymore (No Change)
13. Truckee River Flood Management Authority (Technical Advisory Committee) - Lance Gilman with Austin Osborne and Jason VanHavel as alternates (Substitutes Jason for Dessie)
14. Comstock Historic District - Marshall McBride (No Change)
15. Nevada Commission for the Reconstruction of the V & T Railway - Jack McGuffey (No Change)

16. Virginia City Tourism Commission - Lance Gilman as Commissioner designate and confirming continued appointments of Scott Jolcover, Angelo Petrini and Ron Gallagher (Remains the same). NOTE: Appointment of an alternate (Marshall McBride), for Commissioner Gilman is pending legal review.
17. Oversight of Fire and Public Works - Marshall McBride (No Change)
18. Economic Development
 - a. EDAWN - Pat Whitten (Changed from Lance Gilman)
 - b. NNDA - Lance Gilman (Remains the same)
19. Storey County Wildlife Advisory Board - Rob DuFresne (Replacing Deny Dotson) and confirming continued appointments of Greg "Bum" Hess, Jim Clark and Rich Bacus (Remains the same)
20. Washoe-Storey Conservation District - Austin Osborne with Jason VanHavel as alternate (Reestablishing Board Appointment)

Public Comment:

Nicole Barde, Storey County Resident: Regarding the Virginia City Tourism Commission - is representation on that Board supposed to be representative of the different types of businesses in Virginia City.

Pat Whitten replied: This is a five member Board, with representatives required by County Ordinance. A County Commissioner, a representative of the hotel lodgers, a representative of the motel lodgers, a member of the gaming business at large, and the business community in general.

Ms. Barde: Retail is not specifically represented on the Board.

Mr. Whitten: It is the business community, not specifically retail.

Spencer Scott, Washoe-Storey Conservation District, Supervisor: In regards to item 20 - the suggested appointment of Austin Osborne as well as the other appointee to the Washoe-Storey Conservation District - the Conservation District would like to have an active appointee on the Board. The person being suggested for this appointment has been on the Board before. The Conservation Board is asking that the person appointed be someone that will be involved and active in that position. The suggestion would be to appoint Bret Tyler, who has been on the Board as a member.

Pat Whitten responded: Be assured that I am comfortable with the recommendation of Mr. Osborne and that his participation will be commensurate and tied directly to the benefits and values the County receives from participating. It's an active, productive Board, one of the two representatives will be there. If not, there are higher priorities.

Motion: Approve Appointments to Serve on State, County, and Regional Boards, with notation that there will not be an alternate to the VCTC unless so deemed by legal counsel,

Action: Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey,

Vote: Motion carried by unanimous vote (**summary:** Yes=3)

Chair McBride noted that he was recently re-appointed by Governor Sandoval to serve on the Comstock Historic District.

16. **DISCUSSION/POSSIBLE ACTION:** Appointment and/or reappointment of planning commissioners to fill planning commission vacancies in three jurisdictions including: (a) Precincts 3 and 6 (Lockwood/River District); (b) Precinct 4 (Mark Twain District); and (c) Storey County At-Large.

County Manager Whitten stated these appointments have been published in the newspaper of record. The only application received for Precinct 4 was from Ron Englebrecht, the current commissioner for that district. Staff recommends approval of this application.

Mr. Whitten said current planning commissioner John Herrington was the sole applicant for the Storey County-at-Large vacancy. Staff recommends re-appointment of Mr. Herrington.

Mr. Whitten continued that two, competitive applications were received for Precincts 3 and 6, the River District. Bret Tyler has served the Planning Commission well for approximately 14 years. Kris Thompson provided a resume with background too vast not to take advantage of. Staff recommends Kris Thompson for the River District.

Mr. Whitten presented the following regarding the recommendation of Mr. Thompson:

An email was received from Faith Sinclair stating she is not in support of the recommendation. This email will be given to the Clerk as part of the record.

Clay Mitchell also sent an email expressing that Mr. Mitchell has always found Bret to be helpful and friendly and his comments and decisions well-reasoned and impartial. Mr. Mitchell is concerned with the potential loss of impartiality and further expressed concerns about Mr. Thompson because of ties to the industrial park. Mr. Whitten has discussed this concern with Mr. Thompson. Mr. Mitchell said, with no disrespect to Mr. Thompson, he strongly encourages re-appointment of Mr. Tyler.

Mr. Whitten stated these are valid observations. Mr. Whitten stands firm on his recommendation based on the letter/resume provided by Mr. Thompson versus the more limited information provided by Mr. Tyler.

Vice Chair Gilman recuses himself from discussion and vote on the matter of the appointment to the River District.

Outside Counsel Robert Morris suggested that the vote in this matter be divided into three separate votes, with Vice Chair Gilman recusing on the vote for Mr. Thompson.

Commissioner McGuffey concurs with Mr. Whitten that Mr. Thompson's letter contains a lot of background. Mr. McGuffey has attended Planning Commission meetings and Mr. Tyler does a good job, but was disappointed in the one-sentence letter submitted by Mr. Tyler.

Public Comment:

Nicole Barde, Storey County Resident: Asked if Mr. Thompson resides and votes in the District of the Planning Commission that he is being considered for?

Mr. Whitten: Yes

Motion: Approve Appointment of Kris Thompson to represent Precincts 3 and 6, Lockwood and River District, to the Storey County Planning Commission, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

Motion: Approve Appointment of John Herrington to represent Storey County at-large, to the Storey County Planning Commission, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

Motion: Approve Appointment of Ron Englebrecht to represent Precinct 4, Mark Twain, to the Storey County Planning Commission, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Vice Chairman Gilman, **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

17. **DISCUSSION/POSSIBLE ACTION:** Appointment of Pamela Abercrombie, with St. Mary's Art Center, to the vacant "Motel" seat on the Virginia City Tourism Commission effective January 5, 2016.

County Manager Whitten recommends, along with Deny Dotson, the appointment of Pamela Abercrombie to the vacant seat on the Virginia City Tourism Commission. Ms. Abercrombie was the sole, but great, applicant.

Commissioner McGuffey: Pamela is a great candidate for this position.

Motion: Approve Appointment of Pamela Abercrombie to the vacant "Motel" seat on the Virginia City Tourism Commission, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

18. **DISCUSSION/POSSIBLE ACTION:** Resolution 16-434 authorizing the administrative assistant of the Storey County Public Works department to sign, serve and record liens for unpaid water and/or sewer charges.

County Manager Whitten presented this item. As Mike Nevin is often out in the field, it is necessary to have a senior staff person be able to begin the process of collecting pass due charges. The District Attorney's Office has prepared the resolution authorizing the administrative assistant to handle this process.

Public Comment: None

Motion: Approve Resolution 16-434 authorizing the administrative assistant of the Storey County Public Works department to sign, serve and record liens for unpaid water and/or sewer charges, **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

19. **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 19, 2016

20. **DISCUSSION/ POSSIBLE ACTION:** Approval of General Business & Liquor License Second Reading for Delta Saloon, Tina Perkins, located at 18 S C St., Virginia City.

Continued to January 19, 2016

21. **DISCUSSION/POSSIBLE ACTION:** Approval of General Business License Second Reading for Wells Fargo ATM & Alarm

Sheriff Antinoro stated it is the Sheriff's position that Wells Fargo ATM does not need a business license for the alarm. This is Wells Fargo monitoring its own alarm system. This has been sorted out and this is a General Business License for Wells Fargo. This is now in the office of Community Development.

Motion: Approve the General Business License Second Reading for Wells Fargo ATM & Alarm,
Action: Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey,
Vote: Motion carried by unanimous vote (**summary:** Yes=3)

22. **DISCUSSION/POSSIBLE ACTION:** Action for possible confirmation of Shawn Mahan Settlement Agreement for \$99,000.00 and other consideration arising out of the termination of his employment with the Storey County Sheriff's Office. Discussion of the matter may include Board involvement in settlement of cases in general.

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

District Attorney Anne Langer presented this item. There appeared to be some confusion at the arbitration as far as the document and agreement being public record. It was discussed in the agreement that the agreement should not be unduly publicized or broadcast.

This case originated with POOL/PACT not the District Attorney's Office. Pursuant to NRS 41.0375, the actual agreement is not only public record but should be confirmed by the Commission.

Ms. Langer understands that at arbitration, the arbitrator stated a decision was to be made at that time. After confirmation, or non-confirmation, by the Board, there will be a discussion to determine how future settlements will be handled.

Commissioner McGuffey: What account does the settlement come out of?

County Manager Whitten: A general fund account to a line-item appearing in the Sheriff's budget as part of the general fund.

Public Comment:

Nicole Barde, Storey County Resident: The agreement and supporting documents were not part of the packet. Why are we paying a settlement?

District Attorney Langer: There was a lawsuit that went to arbitration. Both sides presented their views and a settlement was reached. This is a situation where there were potential money damages so POOL/PACT became involved. The matter was heard before an arbitrator, who had reviewed the matter prior to hearing, and who indicated that it would behoove both sides to come to an agreement. An agreement was reached.

Ms. Barde: Has not seen the agreement. It was not attached.

Ms. Langer: Asked to take a break so that Ms. Barde could review the agreement.

Chairman McBride called for a recess at 11:24 AM.

Meeting reconvened at 11:34 AM

Chairman McBride asked if anyone else present would like to have a copy of the Mahan Settlement Agreement.

Ms. Langer: Everyone has a copy of the agreement. Ms. Langer has talked with Ms. Barde regarding the questions she had.

Mark Joseph Phillips, Virginia City Resident: Would like to remind the Commissioners that Shawn Mahan was never appointed by any Sheriff as a deputy. He was given a gun and a badge and was told he was a deputy. There's no record of an appointment or an oath being taken by Shawn Mahan as a deputy Sheriff.

Chairman McBride: We have heard all the testimony given so far. It is unfortunate that it came to Mr. Mahan leaving employment of the County, it's unfortunate that this came to arbitration. The facts are what they are. It has been suggested that this sounds like a large settlement - on the other side, it good have been greater.

Chairman McBride recommends approval of the settlement.

Motion: Approve confirmation of Shawn Mahan Settlement Agreement for \$99,000.00, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote (**summary:** Yes=2)

COMMUNITY DEVELOPMENT AND PLANNING

23. **DISCUSSION/POSSIBLE ACTION:** Application No. 2014-021 (Continued from 11/03/15 meeting) by the Tahoe-Reno Industrial Center, LLC., and Storey County on behalf of The Nature Conservancy, LLC and the Union Pacific Railroad Company to amend the Official Storey County Zoning Map. The amendments will apply regulatory zones to approximately 600 acres of land located in McCarran, Nevada (River District near the Tahoe-Reno Industrial Center) which was in July of 2014 transferred from Washoe County to Storey County by mean of boundary line adjustment. Additional information including, but not limited to, reports and maps may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org.

Continued to January 19, 2016

24. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- A. **SMEE'S ALASKAN FISH BAR** - General / 4650 Aberfeldy Rd ~ Reno (food truck)
- B. **VECOPLAN, LLC** - Contractor / 5708 Uwhurrie Rd ~ Archdale, NC (equipment contractor)
- C. **CIC PITTSBURGH, LLC** - Contractor / 2857 Banksville Rd ~ Pittsburgh, PA (contractor)
- D. **HIRANO TECSEED CO., LTD** - Contractor / Nara, Japan (Panasonic Contractor)
- E. **HEWLLET-PACKARD JAPAN, LTD.,** -- Contractor / Osaka, Japan (Panasonic Contractor)
- F. **TECHNO SMART CORP.** -- Contractor / Osaka, Japan (Panasonic Contractor)
- G. **SOFTWARE CONTROL CORP.** -- Contractor / Osaka, Japan (Panasonic Contractor)
- H. **KACOMS CO., LTD** - Contractor / Osaka, Japan (Panasonic Contractor)
- I. **SIERRA SHADING SOLUTIONS, INC.** - Contractor / 715 Gregory Way ~ Sparks (contractor)
- J. **RED WING BRANDS OF AMERICA, INC.** - General / 314 Main ~ Red Wing, MN (supplier)
- K. **WATER TREATMENT, INC.** - Contractor / 405 S 18th St ~ Sparks (water filtration)
- L. **K2 ENGINEERING & STRUCT DESIGN, LLC** - Professional / 3100 Mill ~ Reno (engineering)
- M. **AMCB, LLC dba Rubbish Runners** - General / 1085 Telegraph ~ Reno (trash hauling)

- N. **PAPE' MATERIAL HANDLING dba Pape' Rents** - Contractor / 25 Vista Blvd. ~ Sparks (equipment)
- O. **YOKOGAWA CORP OF AMERICA** - Contractor / 2 Dart Road ~ Newnan, GA (process control)
- P. **COMSTOCK FOUNDATION FOR HISTORY & CULTURE** -- Nonprofit (HB) / 1669 Main St ~ GH
- Q. **OLD RED GARTER, LLC** -- General / 80 South C Street (Change of Ownership Only) VC
- R. **MODERN MINING SOLUTIONS, LLC** - General / 1280 Alexandria Court TRI
- S. **BI NUTRACEUTICALS, INC.** - General / 625 Waltham Way #101 (milling botanicals) TRI
- T. **RICH DOSS, INC.** - General / 201 Wild Horse Canyon Drive (transportation) MCC

County Manager Whitten, on behalf of the Community Development Department, recommends items Q., R., S., and T., be continued, and items A., B., C., D., E., F., G., H., I., J., K., L., M., N., O., and P., be approved.

Motion: Continue items Q., R., S., and T., **Action:** Approve, **Moved by:** Vice Chairman Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote (**summary:** Yes=3)

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

Mr. Whitten: As previously stated by Vice Chair Gilman, a number of these businesses are due to Tesla and Panasonic. All of these businesses are paying the same business license fees as everyone else.

25. PUBLIC COMMENT (No Action)

Mark Joseph Phillips, Storey County Resident: Regarding the business and liquor license denials, Mr. Morris and Ms. Langer did a great job in explaining the situation.

26. ADJOURNMENT

The meeting was adjourned by the call of the Chair at 11:40 AM

Respectfully submitted,

By: _____
Wendy Bacus, Deputy Clerk