



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, MARCH 1, 2016 9:00 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, County Manager Pat Whitten, Comptroller Hugh Gallagher, Administrative Officer/Senior Planner Austin Osborne, Clerk & Treasurer Vanessa Stephens, Outside Counsel Robert Morris, Community Relations Director Cherie Nevin, Community Development Director Dean Haymore, Sheriff Gerald Antinoro, Planner Jason VanHavel,

1. **CALL TO ORDER CLOSED SESSION AT 9:00 A.M.** - Closed Session meeting pursuant to NRS 288.220 for the purpose of conferring with county management and legal counsel regarding labor negotiations with the Storey County Employees Association/AFSCME 4041 Comstock Chapter.
2. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**
The meeting was called to order by the Chair at 10:00 A.M.
3. **PLEDGE OF ALLEGIANCE**
The Chair led those present in the Pledge of Allegiance
4. **DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for March 1, 2016
County Manager Pat Whitten requested item 12 be moved immediately after item 8, Board Comment.

Motion: Approve the Agenda for March 1, 2016, with item 12 moved immediately after item 8 Board Comment, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

CONSENT AGENDA

5. For possible action approval of Payroll Checks date 02/12/16 for \$470,034.87, date 02/14/16 for \$2,314.53, and date 02/16/16 for \$121,244.52 and \$73,423.54. Accounts Payable Checks date 02/12/16 for \$38,783.70 and for \$406,176.59 and \$8,374.73.
6. For possible action approval of Business Licenses First Readings:
 - A. **DESERT VALLEY DENTAL OF TRI, IN C. - General / 420 USA Parkway TRI**
 - B. **WESTERN PARTITIONS, INC.** - Contractor / 8300 SW Hunziker Road ~ Tigard, OR (contractor)
 - C. **ROLLING PLAINS CONSTRUCTION, INC.** - Contractor / 12331 North Peoria St. ~ Henderson, CO (fireproofing contractor)
 - D. **HELIX ELECTRIC OF NEVADA, LLC** - Contractor / 3078 East Sunset Road ~ Las Vegas (elect cont.)
 - E. **MEDIC ELECTRIC, LLC** - Contractor / PO Box 612 ~ Sparks (residential contractor)
 - F. **ERGOMAT, INC.** - Contractor / 7469 Industrial Pkwy ~ Avon Lake, OH (installation of fatigue matting)
 - G. **MARTIN HARRIS CONSTRUCTION, LLC** - Contractor / 3030 South Highland ~ Las Vegas (contractor)
 - H. **BORGES ARCHITECTURAL GROUP** - Contractor / 1478 Stone Point Dr ~ Roseville, CA (architectural)
 - I. **COLOG, INC.** - Contractor / 810 Quail Street ~ Lakewood, CO (geophysical/hydrophysical services)
 - J. **ITEM WEST, LLC** - Contractor / 9725 South 500 West ~ Sandy, UT (manufacturing solutions)
 - K. **EDAX, INC.** - Contractor / 91 McKee Drive ~ Mahwah, NJ (equipment manufacturing)
 - L. **FRIENDLY PLUMBING, INC.** - Contractor / 1744 C Street ~ Sparks (plumbing contractor)
 - M. **APOLLO SHEET METAL, INC.** - Contractor / 1207 West Columbia ~ Kennewick, WA (mech. Cont.)
 - N. **FUTURE ELECTRONICS, CORP., --** Contractor / 237 Hymus Blvd ~ Pointe-Claire CANADA (electronics distributor/installer)
 - O. **ICG CONSTRUCTION, LLC** - Contractor / 500 Ryland ~ Reno (concrete contractor)
 - P. **GEOTEMPS, INC.** - General / 970 Caughlin Xing ~ Reno (Staffing solutions)

END OF CONSENT AGENDA

Motion: Approve the Consent Agenda for March 1, 2016, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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

Community Development Director Dean Haymore:

- Work began last week on the Gold Hill Depot.
- Input will be taken regarding the stairs to be installed at the Sharon House. The Public Works Department will also be working on this project.

Administrative Officer/Senior Planner Austin Osborne :

- The next Planning Commission meeting will be held March 3rd, in the Highlands. The Master Plan update will be discussed.
- The Master Plan is almost finished. Meetings have been held with all communities to insure the Master Plan meets goals and objectives of the communities.

- The Master Plan will be presented to the Commissioners to discuss any concerns the Board may have.
- As is done each year at this time, work continues on the employee benefits insurance program. Nationwide there is an increase in insurance cost which will result in adjustments to employees. The goal is to provide the best benefits possible with costs as low as possible. More information will be available on March 3rd and will be brought back to the Commission.

County Manager Pat Whitten:

- The County continues to work with Ames Construction. Equipment is being mobilized for the USA Parkway project to be in operation by April 1st. Terms of agreement regarding tenant work to be completed could be extended a little longer.

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

Commissioner McGuffey :

- The NACO convention was held in Washington DC. It was very informative and presented the opportunity to communicate with representatives, including Senator Heller and Congressman Amodei. A lot of time was spent in workshops and classes.
- Progress has been made on the zip code issue with new items that have been brought forth. Any application for a new zip code must be completely accurate. If it fails, there is a 10 year waiting period before an application can be resubmitted.

Chairman McBride :

- The United States Marine Corps Band performed at the opening ceremony of NACO which was phenomenal. This was a well-attended conference with ten of the seventeen Nevada counties represented.

12. DISCUSSION/POSSIBLE ACTION: Approval of Virginia City Sewer Improvement USDA Project Contract with Farr West Engineering for Professional Services.

Community Relations Director Cherie Nevin presented this item for approval of the Virginia City Sewer Improvement USDA Project Contract, second phase, and is similar to what was done in the first phase. Ms. Nevin introduced Brent Farr and Lucas Tipton from Farr West Engineering.

Lucas Tipton stated this is actually phase two through five of the project thanks to the USDA funding ability and the needs of Virginia City and Gold Hill. Approximately 15 miles of sewer main will be installed, replacing existing sewer mains as well as hooking up Gold Hill residents and removing those residents from the community septic system, which is failing. The project will have about 10 months of preliminary work before going to bid, with a construction schedule of approximately 12 to 18 months.

No public comment.

Brent Farr reported that March 1st is Farr West Engineering's 15 year anniversary. Work has been focused in rural counties and communities in Nevada including about 8 years in Storey County. Thank you to Pat Whitten, the Commissioners, and staff, for the privilege of working in Storey County.

Motion: Approve the Virginia City Sewer Improvement USDA Project Contract with Farr West Engineering for Professional Services, **Action:** Approve, **Moved by:** Vice Chair Gilman,

Seconded by: Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=3)

9. **DISCUSSION ONLY:** Update from Ron Radil regarding WNDD activities.

Ron Radil, Western Nevada Development District, presented an update of WNDD activities including a history and previous projects. This is a district of economic development districts throughout the United States. This district is a voluntary association of local governments and includes nine counties. The Board is comprised primarily of elected officials with some private sector involvement. WNDD maintains the comprehensive economic development strategy (CEDS) for the District.

Work was done in previous years with local governments putting in infrastructure in publicly owned industrial parks. A business, micro-loan program was started in 2012, which will take time to grow. Other projects included a V & T Rail Economic Feasibility Study for Re-Construction, and Lake Tahoe Basin Prosperity Plan. WNDD will be presenting the Nevada Economic Development Conference in September.

The CEDS document includes projects and initiatives for local entities. There is a section which applies to anyone making an application to USDA Rural Development. Additional points can be gained if projects, initiatives and goals are cited out of CEDS. WNDD is in the process of updating the CEDS.

Community Development Director and WNDD Past President Dean Haymore, said one of the items to be added in on the CEDS is the Lockwood Interchange along with possibly Waltham Way as well as other connections on the other side. In addition, WNDD is working on a regional transportation system and working with NDOT to obtain funding for this system.

Pat Whitten: Why not work with the RTC for a transportation system? RTC brings a lot of valuable resources.

Mr. Haymore: We want our plan and we want to make sure they don't forget the rural areas.

Mr. Radil defined agri-business as the definition of agriculture - the irrigated, the alfalfa, the dairies, and includes wineries, distilleries, and microbrews who use agricultural products to be able to make their product for sale. WNDD previously had an agri-business work group who developed legislation to remove the restriction on Clark and Washoe Counties to not have wineries.

With the NDOT transportation proposal WNDD is looking beyond just RTC as it is limited to Washoe County and Carson City. There will have to be coordination with what they (RTC) are doing with what WNDD is doing.

Mr. Whitten: It's questionable as to why agri-business - not the wineries or distilleries - but as far as true crop growing, as to how many jobs can be created. The answer from another County was **2 ½ to 5 jobs on 1,000 acres**. On the same acreage, 6,000 plus jobs can be created by a Tesla. Tesla does use water.

Mr. Radil: As part of agri-business, alternative crops are being looked at which would not take as much water as alfalfa. One example would be hops. This may help alleviate the problem in the

long term. One of the sessions at the September conference will be entitled "Agri-hoods". Agri-hoods would be a food producing area within a common area of a development.

Mr. Haymore: Austin Osborne has been working on the bus system at TRI, which is subsidized by RTC. It's working good. We're trying to get NDOT to do the same - subsidize, because they (RTC) won't do it coming from other counties besides Washoe.

Austin Osborne: In looking at the goals and objectives of WNDD for facility use, interlocal work in the region - all of these are in the Master Plan. Mr. Osborne would like to work with WNDD in integrating the items in the Master Plan into the CETS. As an example, the Master Plan recommends the County coordinate with a regional partner such as RTC and NDOT to create reasonable transportation in the area. It is recognized that some things do not work in the County - some bus systems, some fixed systems. There may be ways to make them work, such as van pools.

Mr. Radil: We're in a great position in Northern Nevada with the growth opportunities that are here. These opportunities do not recognize county and city boundaries.

WNDD works with EDawn and NNDA and all other economic authorities within the region. WNDD does not direct business recruitment like the EDA's (economic development agencies).

Dean Haymore: This organization goes out and tries to obtain funding to help communities put in needed infrastructure.

Pat Whitten: Would TRI, acknowledging that it is privately owned, be eligible for funding for water and sewer infrastructure responsibilities which are on the horizon, as TRI is under GID management?

Mr. Radil: Yes. The GID through the County.

Vice Chair Gilman: TRI has been working on a project with Mr. Haymore for the pipeline installation. There are funds identified that may be of assistance.

10. **DISCUSSION/POSSIBLE ACTION:** Approval of Auditors Recommendations pertaining to the Storey County Audit Report for the period ended June 30, 2015.

Comptroller Hugh Gallagher reviewed the recommendations on the Audit Report for the period ending June 30, 2015.

In regards to the Community Development Department, with the un-anticipated development at TRI, building permits and licensing increased beyond comprehension. The consequence is increased expenditures for overtime. A plan will be developed to bring down the overtime.

County Manager Whitten: The auditor is required to make recommendations. The Community Development Department is one of the most closely monitored offices and decisions regarding overtime are carefully scrutinized. Items like this will continue to be seen in future audits to keep up with projects in TRI.

Mr. Gallagher continued with review of County Departments and presented explanations for accounts that exceed budgeted amounts.

Mr. Gallagher concurred with the auditor's recommendation to establish, and strictly enforce, August 30th as a cut-off date for all payables, receivables, and journal entries by any governmental employee. This should not slow down preparation of the audit.

Mr. Whitten suggested looking at what the date is in the statutes for Taxation's requirements on having the audit approved and submitted. For justifiable reasons, the County has been late for at least the last three years. It needs to be understood that by adopting this date, and approving the selection of the auditor for the next year, the County will not accept another late submittal process.

Mr. Gallagher agrees. The audit this year would have been on time with the exception of a deposit that was critical. That item affected many pages of the audit. The August due date before the Commission will be ample time.

Commissioner McGuffey: Would it be beneficial to take money and put it into the fiscal year in which it was received? This has gone on for three years?

Mr. Gallagher: Generally accepted accounting principles say that if it is in fact a receivable in a fiscal year, it should - with all possible effort - be put in that fiscal year. This just occurred this year and was a \$2 million dollar deposit. The Department of Taxation did not give it to the County until July.

Mr. Whitten: There have been other reasons in the two previous years that the audit was late, including a complaint filed by a resident.

Chair McBride: The State (Department of Taxation) payment will always be in arrears as businesses have a month to report. There is no way to change that. Journal entries will have to continue to be done to make it up.

Public Comment:

Nicole Barde , Storey County Resident: In discussing the VCTC, Mr. Gallagher talked about stabilizing the revenue stream. What about expense control? Ms. Barde suggested looking at the expense side for VCTC. Drawing down the general fund from \$650,000 to \$300,000 is not just a function of capital expenses in buying materials for the fairgrounds. VCTC purchased the Black & Howell building, which will never be used. The County came in to bail them out by building a small observatory. The expense side needs to be emphasized.

Mr. Whitten: Regarding the purchase of the Black & Howell building, it is not fair to say the building will not be used. The opportunity to purchase presented itself, it was properly approved and, for the record, the County has not yet stepped in to bail anyone out with a pocket park or observation deck - that may or may not happen.

Ms. Barde: The VCTC does not appear to have the resources now, or in the foreseeable future, to do what it was proposed to be done at the time of purchase and when presented to the Board.

Chair McBride: If there are opportunities for building a new structure or visitor's center, there would be the option of selling the existing building to pay for that. By losing the area where events like the camel races were held in the past, the only way to continue to have these events was to have a capital outlay to do improvements to the new arena.

Ms. Barde: The budgets for the last 5 or 6 years for the VCTC, aside from the capital expenditure for the arena, the building may have been a mistake....

Chair McBride: Keep in mind, the reason there was a \$600,000 ending fund balance was due to phenomenal things going on in the River District. If something comes back like that, maybe the revenues will get pushed up again and maybe these other projects can be completed.

Ms. Barde: Suggesting, with the exception of the arena, maybe there should be stronger governance on the expense side - in regular day to day expenses

Mark Joseph Phillips, Storey County Resident: Asked for a copy of the letter from Deny Dotson.

Motion: Approve Auditors Recommendations pertaining to the Storey County Audit Report for the period ended June 30, 2015, **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

11. **DISCUSSION/POSSIBLE ACTION:** Selection of David A. Pringle, CPA, LTD as Storey County auditor for the fiscal year ended June 30, 2016.

Hugh Gallagher stated the current auditor David A. Pringle, CPA, LTD has done an excellent job in providing audit compliance, accounting and auditing advice, and financial statement presentation to Storey County. There were circumstances over the past few years that prohibited the auditor from getting the audit done timely. Regardless of the August 30th cutoff date, the books will effectively be closed on August 1st instead of July 15th. This caveat can be included in the agreement with the auditor.

Pat Whitten: Agrees with everything Mr. Gallagher said, including pricing. Pricing paid by other jurisdictions is much higher. As a condition of approval, it is recommended that a message be given to Mr. Pringle and Mr. Bartshe that the expectation is the audit will be delivered for approval on or before the dates outlined either in NRS or in Taxation's requirements, barring highly unusual circumstances. If there are circumstances that would delay the audit, Mr. Pringle or Mr. Bartshe would come before this Board prior to the due date with an explanation so that it is clear to both the Board and the public.

Chair McBride: Does Pringle audit other government entities? With so much to be done in a short time, it can become quite cumbersome.

Mr. Gallagher: Believes they do, there are a lot of GIS groups out there. This audit engagement is in excess of 35 special revenue funds and more than 35 departments within one fund.

Mr. Whitten: This is at least three audits in one, with the County, Fire District, and the Tourism Commission.

Mr. Gallagher: The County was very busy last year with switching the Tourism Commission back into the County, all of the USDA work, and reclassification of the Fire Department.

Public Comment:

Nicole Barde, Storey County Resident: Asked the Board to consider putting this out to bid to another auditing company. Pringle has grown up with Storey County. Based on the discussion regarding the lateness of the audit - whatever the reasons - you get what you pay for. The fees may reasonable but if they are not able to handle the County's business, what is the County

getting. Given the growth of the County, the complexity both of revenue sources as well as the way of accounting - are they big enough and stable enough to handle the County, especially in light of increased State reporting requirements and the large companies in TRI which will extend in to the County's financial business.

Chair McBride: In response to what we're paying for - the County is getting a clean audit and recommendations on how to make things better going forward. Tardiness is not a "deal breaker". Staff would not recommend approval if Pringle CPA was not doing the job.

Mr. Whitten: Pringle CPA's ability to keep up with the County is not being questioned. The issue is the struggle to meet the deadlines. Pringle is capable and have never failed the County in any way. I am fairly certain this is a professional service that is not subject to "going out to bid".

Ms. Barde: Just saying, shop for other vendors. Do an evaluation on what may be done better and more quickly, more automated.

Mr. Whitten: Is this proposed to be an added expense to taxpayers?

Ms. Barde: Everything is an expense, just a matter of what the return is on the investment. If it helps to better internal processes, as a taxpayer - okay. What are other County's paying? Are they paying the same and getting significantly more?

Motion: Approve Selection of David A. Pringle, CPA, LTD as Storey County auditor for the fiscal year ended June 30, 2016 with the request that they address a timely production and finish of the audit, and if not possible, to address this body and show cause as to why they did not perform within the appropriate time, **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 of Virginia City Sewer Improvement USDA Project Contract with Farr West Engineering for Professional Services.

Heard following item 8.

13. **DISCUSSION/POSSIBLE ACTION:** Second reading of Ordinance No. 15-267 amending Storey County Code Title 8 Health and Human Safety by adding chapter 8.01 Nuisances and providing a uniform process for abating all the different nuisance complaints in the code. The amendment also changes the existing nuisance procedures in other parts of the Code to be consistent with the new chapter and provides for other properly related matters.

Outside Counsel Robert Morris presented this item. Mr. Morris suggested that, after discussion, if there are any significant changes or changes to the way the process works, approval of this item be continued to a date certain in two weeks.

Mr. Morris reviewed specific issues:

- The complaint process and how it is initiated. Whether a County employee should go out and look for nuisances to cite. Currently, this has to be based on a complaint. An addition will be that the complaint be submitted in writing and signed. This will alleviate anonymous complaints. The use of County staff may bring up the issue of selective enforcement and should be considered.

County Manager Whitten: Recommends the Board follow the suggestion of a written and signed complaint. Mr. Whitten is a strong advocate of having County staff look for complaints.

Chair McBride: Some people will be reluctant to file a complaint for fear of retaliation. At that point, can the Nuisance Officer sign the complaint - if it's a blatant nuisance?

Mr. Morris: It's important that there is an identifiable person making the complaint. Especially if the matter goes to court. If there is a criminal case, the person is protected until the case is resolved.

District Attorney Anne Langer: Agrees with Mr. Morris.

- The independent hearing officer. Currently there is not an independent hearing officer in the Code. Should this person be paid or not? If the Board agrees to pay these officers, it can be set up by resolution. The idea is to have more than one hearing officer - a rotating list.

Should a minimum qualification for the job of hearing officer included in the ordinance? An example would be experience as a hearing officer.

Vice Chairman Gilman: Has the idea of having a hearing board, as opposed to a hearing officer, been explored?

Mr. Morris: The County does have an appeals board under the building code. There is the potential of having the appeals board, but it is somewhat limited to construction issues.

Mr. Whitten: We do not want County employees as the hearing officer or on a board. It should be a public board. Applicants for an individual hearing officer position should be solicited from each of the residential neighborhoods. A group of officers could be chosen so that a complaint in a certain area would be heard by an officer from a different area. This could be done with a board.

Mr. Morris clarified: The way the ordinance is set up is there is a hearing officer. From the hearing officer it goes to the Board of County Commissioners as an appeal. It is confusing by calling this the Board of Appeals. The current process is: if there is a complaint there is a notice, the clerk sets a hearing, there's a hearing officer. The inspector and the owner come in and present evidence. If the owner does not like the hearing officer's decision, it can be appealed to the Board. The Board hears the appeal on the grounds of whether there is substantial evidence presented to the hearing officer to support the decision.

Commissioner Gilman was suggesting instead of having a single hearing officer, have a board at that level to hear the issue. This is a good possibility.

Vice Chairman Gilman: Agrees with Mr. Whitten about having a hearing officer from each neighborhood. If a neighborhood was on the docket, that particular hearing officer would stand down.

Mr. Whitten: Feels this can be managed through Dean Haymore's office. Basically, (these matters) will go through Dean's office to a hearing board. Mr. Whitten suggested candidates be solicited from all of the residential communities, select a panel, and convene a hearing board of three, or more, that does not include a representative from the community where the complaint originated.

Mr. Morris: Suggested this should be done through the ordinance. That way if, say, four people are chosen there would be three including the local person. Just so someone, like the County Manager, is not picking the persons to be on the Board. The County Commissioners would appoint the people to the position.

Mr. Whitten: Does the number of potential people eligible to participate on the Board have to be fixed? As big as the Highlands is it would be good to have at least a couple. If there was a nuisance in Virginia City, maybe only one person would be pulled in from the Highlands.

Mr. Morris: Who would do the "pulling"?

Mr. Whitten: The Commission appoints to the pool, and then whatever is spelled out. It could be Dean Haymore's office, the County Manager.

Mr. Morris: To clarify, we are trying to make this an independent board that no one can say has been "stacked". The preference would be to make it a matter of law that there are a certain number of hearing officers and then a Board would be convened of a specific number. Just so the County Manager or Mr. Haymore do not have to appoint the specific people to hear a nuisance.

Hopefully this will not be a regular procedure.

Ms. Langer: The real word in putting the ordinance together is independent. One thing to consider would be to have an independent hearing officer with experience in this area, outside the jurisdiction, so there wouldn't be an issue coming before the Board of Commissioners on appeal saying there was bias because of being known to the person hearing the matter. When discussing the difference between a civil and criminal action, we were talking about an appeal officer that had experience and knowledge in these areas. The appeal process would be before the Board of Commissioners. The more people on the board from within the community does not mean people do not know one another. This would be why one independent hearing officer would be chosen.

Mr. Morris: Will prepare an alternative to have a hearing board rather than a hearing officer with a "fool proof" method of choosing the board out of eligible hearing officers appointed by the Commission. There would be a process on who would hear the matter.

Mr. Whitten: Take what Ms. Langer explained and include it as another alternative. Having an outside hearing officer will have a cost.

Mr. Morris: Costs can be added to the ordinance.

Ms. Langer: Check with surrounding jurisdictions to see what a Judge pro tem or hearing officer would receive as compensation to hear these matters.

Mr. Morris: Having a hearing officer from outside the County would insure there were no pre-conceived ideas.

Mr. Whitten: There are rigid timelines in these matters. Should consideration be given to the Board appointing more than hearing officer?

Mr. Morris: Currently it does have more than one hearing officer to be appointed.

Ms. Langer: In the case of a pro tem Judge, there is a list so there is more than one person to choose from.

Mr. Morris continued with the third item:

- Funding: The Board may want to create a contingency fund for cleanup of nuisances. The County generally does not have funding set aside to cleanup nuisances. If the County wants to go after the owner for reimbursement of cleanup expense, the County would need initial funds to do the cleanup. Many times an owner cannot be forced to clean up - the alternative would be to have a lien on the property or go in, clean it up, and put a lien against the property.

Mr. Whitten: The County can lien the property, but that does not mean the property will ever sell for that much. The costs on the last property where this was done will be explored. A reasonable amount will be determined and will be included as a restrictive line item in the Community Development budget, since that is the office overseeing these matters.

Ms. Langer: A lien can be obtained against a property, but that doesn't mean it has to be cleaned up. With a contingency fund, the County has the ability to clean up the nuisance.

Commissioner McGuffey: Do you think a pro tem Judge will work?

Mr. Morris: In other areas, Municipal Judges are designated as the hearing officer in nuisance cases.

Ms. Langer: A hearing officer with experience in nuisances is what we are looking for. Whether it be a pro tem Judge or an experienced hearing officer they would have dealt with these situations, and might have methods in having people clean up nuisances without the County having to pay for it. There are lists of pro tem Judges who have had to qualify for the position.

Mr. Whitten: It would be best to preclude any prior serving Justice of the Peace in Storey County.

Mr. Morris:

- Civil penalties: Under NRS ordinance, counties are allowed to impose penalties on someone who has a nuisance. There are various processes:
 1. County process where the inspector cites the person and there is a hearing. If the nuisance is not abated, there is the ability to apply civil fees;
 2. Alternatively, the authorized inspector may refer the notice of nuisance to the District Attorney who may commence a civil action to abate the nuisance, or commence a criminal action in the manner provided by law.

It would be up to the inspector to determine if the person is not cooperating and then to come back and request civil penalties. Prior to that, the matter could be referred to the District Attorney's office.

A process is set up in the ordinance to have a hearing and appeal on the civil fees.

Mr. Whitten: If a Judge pro tem is used, this person - who has the experience - should be able to determine the amount.

Mr. Morris: When it is determined by a pro tem there is a nuisance with an order to clean up within a certain number of days and it is not cleaned up, the inspector could come back to the pro tem and request civil penalties.

Mr. Whitten: Would it be more efficient for the pro tem to order the clean up and at the same time order civil penalties if the clean up is not completed in the time period indicated?

Mr. Langer: Agrees that the potential civil penalties should be set out when before the hearing officer. This way everyone knows what they're up against. Knowing what could potentially happen may cause a person to want to clean up the nuisance. This would be like a suspended sentence.

Mr. Whitten: At the time of hearing, the County could provide the hearing officer/Judge pro tem with an estimate of costs to clean up a nuisance.

Mr. Morris: Basically the process would be that the County inspector would request the hearing in front of the hearing officer or Judge pro tem. If the inspector is having no progress with the person, there is the option of turning the matter over to the District Attorney, who has the choice between a civil or criminal matter. Once the matter is turned over, the County no longer has anything to do with the case.

Dean Haymore: A case number will be assigned when the case is presented to the Community Development Department. When the case gets to the pro tem, the District Attorney's office should be involved also.

Ms. Langer: Everyone is working together to have procedures and process that will be understood. Being able to read an ordinance and to see what can happen, creates a better chance of compliance.

Mr. Morris: The idea is to have a consistent method of dealing with nuisances. It would be helpful and is important that County paperwork and forms are also consistent.

Public Comment:

Mark Joseph Phillips , Virginia City Resident: At the last Commission meeting, the minutes of February 2nd were pulled from the agenda. Mr. Phillips's public comment on February 2nd is not on record. The minutes are not on the agenda today which means the public comment is a moot point, why bother.

Mr. Whitten: If Mr. Phillips requests, his comments that were going in to the draft minutes will be extracted and placed into today's full packet and can also be provided as a matter of record going into the continuation date of whatever continued to.

Robert Morris, based on today's suggestions and changes, recommends continuing this item to March 15, 2016 at 10:00am.

Motion: Continue Item 13 to March 15, 2016 at 10:00 A.M., **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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

- 14. DISCUSSION/ POSSIBLE ACTION:** Approval of the second reading of the Gold Hill Hotel's (Robert Wilkinson) request for a Cabaret License as an addendum to the current license.

Sheriff Antinoro presented this item stating that Mr. Wilkinson has been a responsible license holder of a number of businesses in town for several years. Mr. Wilkinson requests that a Cabaret License be included in the current existing license.

No Public Comment.

Motion: Approval of the second reading of the Gold Hill Hotel's (Robert Wilkinson) request for a Cabaret License as an addendum to the current license , **Action:** Approve, **Moved by:** Vice Chair Gilman, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=4)

ADJOURN STOREY COUNTY LIQUOR BOARD TO RECONVENE BOARD OF COUNTY COMMISSIONERS

COMMUNITY DEVELOPMENT AND PLANNING

15. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- A. **MIDWEST CONSTRUCTION SERVICES, INC.** - General/ 2450 Vassar Street ~ Reno (staffing)
- B. **EBSCO INDUSTRIES, INC. dba Valley Joist** - Contractor / PO Box 1943 ~ Birmingham, AL (steel fabricator)
- C. **HUNT ELECTRIC CORPORATION** - Contractor / 7900 Chicago Avenue ~ Bloomington, MN (contr)
- D. **ENVIRONMENTAL AIR SYSTEMS, LLC** - Contractor / 521 Banner Ave ~ Greensboro, NC (hvac contr)
- E. **MARIE MORRISON** - Home Business / 308 Wagon Wheel ~ Dayton (vending machine business office)
- F. **HOUSTON SMITH CONSTRUCTION** - Contractor / 4010 Drake Way ~ Carson City (contractor)
- G. **PANASONIC PRODUCTION ENG** - Contractor / Osaka JAPAN (lithium battery assembly machine)
- H. **FUJITSU IT MGMT PARTNER** - Contractor / Osaka JAPAN (system implementation & support)
- I. **PDM STEEL SERVICE CENTERS** - Contractor / 3535 East Myrtle ~ Stockton, CA (steel whsing)
- J. **NORTHGATE EXPRESS** - Transportation / 500 Ireland (petro transportation) TRI
- K. **WESTERN PACIFIC EXPRESS** - Transportation / 500 Ireland (petro transportation) TRI

Dean Haymore, Community Development Director, recommended approval of all listed licenses

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

PUBLIC COMMENT (No Action)

Nicole Barde , Storey County Resident: On the Highlands message board, there was a comment from someone trying to get a dumpster. The company contacted advised this person that Waste Management has an exclusive contract with Storey County and they can't provide that.

Pat Whitten: The County has two franchise agreements with Waste Management, one for the landfill exclusively and one for refuse/trash pickup County-wide. This is a provision contained in those agreements for decades that the County has attempted to negotiate out. So far this has been unsuccessful.

Ms. Barde: We're subject to them telling us who we can do business with?

Mr. Whitten: The answer is Waste Management in Storey County. The County is subject to requiring any business doing business in Storey County to be properly licensed and/or franchised. In this case, Storey County requires that only Waste Management dumpsters can be used. This is a problem not only for residential areas, but in TRI and all over.

Ms. Barde: We're a county. Can't we choose who we do business with? Are we forced to having to do business with the mafia?

Mr. Whitten: We have a franchise agreement with Waste Management that clearly delineates that they have exclusivity on the matter Ms. Barde is talking about, and the County is obligated to honor the franchise agreement.

Anne Langer: This will be looked at when the renewal comes up.

16. ADJOURNMENT

The meeting was adjourned by the call of the Chair at 12:20 pm

Respectfully submitted,

By _____
Vanessa Stephens Clerk-Treasurer