



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, APRIL 19, 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, Commissioner McGuffey, District Attorney Anne Langer, Deputy District Attorney Keith Loomis, Comptroller Hugh Gallagher, County Manager Pat Whitten, Clerk & Treasurer Vanessa Stephens, Sheriff Gerald Antinoro, Community Relations Director Cherie Nevin, Public Works Director Mike Nevin and Director of Security Melanie Keener.

Absent: Vice-Chairman Gilman

1. **CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**
The Chair called the meeting to order 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 April 19, 2016

Motion: Approve Agenda for April 19, 2016, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

4. **DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for March 15, 2016

Motion: Approve Minutes for March 15, 2016, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

CONSENT AGENDA

5. For possible action approval of Payroll Checks date 3/30/16 for \$4,844.54, date 4/07/16 for \$120,306.05, date 4/07/16 for \$72,346.63 and 4/08/19 for \$470,416.41. Accounts Payable Checks date 4/01/16 for \$1,242,086.42 (not including check 85107) and date 4/05/16 for \$28,828.08.
6. For possible action approval of the Justice Court Quarterly report.
7. For possible action approval of Treasurer report for March 2016
8. Correspondence
 - A. Storey County Fire Protection District Monthly Report
9. For possible action approval of Business Licenses First Readings:
 - A. **FERNTUCKY BBQ** - General / 4520 Glenwood Drive ~ Fernley (Food Truck)
 - B. **ANCHOR DOOR & HARDWARE, INC.** - Contractor / 335 Edison Way ~ Reno (doors, frames cont.)
 - C. **WIRTZ MFG. CO., INC.** - Contractor / 1105 24th St ~ Port Huron, MI (equipment setting)
 - D. **GREG A. BAILOR** - Contractor / 405 Sparrow Way ~ Carson City (drywall & painting contractor)
 - E. **ENHANCED ELECTRICAL SERVICES, INC.** - Contractor / 888 Deming ~ Sparks (elect cont.)
 - F. **IT'S MY COMMUNITY STORE, LLC** - General / 1140 Financial Blvd ~ Reno (office supply sales)
 - G. **ENVIRONMENTAL WATER SOLUTIONS, INC.** - Contractor / 1162 E. Dominguez ~ Carson, CA (equip. svcs.)
 - H. **STANLEY ACCESS TECH, LLC** - Contractor / 6225 S Valley Blvd ~ Las Vegas (automatic doors)
 - I. **CHIKUSHI ELECTRIC CO., LTD.** - Contractor / Amagasaki, JAPAN (machine installation)
 - J. **AQUA TECH CO., LTD.** - Contractor / Fukuoka, JAPAN (machine installation)
 - K. **ENVIROTROL, LLC** - Contractor / 114 Landmark Dr., ~ Greensboro, NC (hvac contractor)
 - L. **CAPSTONE LOGISTICS, LLC** - Contractor / 6325 The Corners Pkwy ~ Peachtree Corners, GA (warehouse services)
 - M. **SWITCH BUSINESS SOLUTIONS, LLC** - General / 1705 Peru Drive TRI
 - N. **SWITCH, LTD** - General / 1705 Peru Drive TRI
 - O. **SWITCH RIG, LLC** - General / 1705 Peru Drive TRI

END OF CONSENT AGENDA

Motion: Approve Consent Agenda, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

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

Public Works Director Mike Nevin :

- The TRI draft phase of the roads capital improvement project contracted out to Farr West Engineering, has been completed. The budget for the next fiscal year includes some of those high priority projects which will be seen when the CIP is complete and presented.
- The restrooms in the visitors' area at the north end of Virginia City will be open prior to this weekend. It is the goal to turn this area into a year round location for public use - with the exception of outside water in the winter.

Commissioner McGuffey: Is Public Works still planning to install a new roof on the gazebo in the Highlands?

Mr. Nevin: It is anticipated this will be done this season.

Commissioner McGuffey: There is a controversy regarding Park Fund money. Basically this is supposed to be used for capital improvements or new stuff - equipment?

County Manager Whitten: May need to look back at the statute that authorizes the County to collect on that Park Fund. Periodically, the Legislature makes changes. The general concept is, it is not intended to be used for maintenance. Mr. Whitten will work with the District Attorney to make sure this is an appropriate use.

Commissioner McGuffey: It was stated that funds "may" come out of Park Fund - not that it "will". Mr. McGuffey sees this as a complete teardown, with a completely new and better roof - not a repair, but a new roof.

Comptroller Hugh Gallagher :

- Regarding the Park Fund issue - 377b is the section that states what can and cannot be used as an expense. Mr. Gallagher is fairly certain that if it is a replacement, rather than maintenance, it would be okay. This section will be reviewed. Repairs and on-going maintenance are not covered by the Park Fund.
- The budget committee met to review the next round of meetings with department heads to bring the budget down from the deficit expenditures over revenue. Looking at the Department of Taxation numbers, ad valorem may be a bit lower than before.

County Manager Pat Whitten :

- Special guest, Federal lobbyist and retired-Congressman John Porter, will attend the May 3rd Commission meeting, as well as staff meetings, addressing matters of overall Federal concern and projects specific to Storey County. Mr. Porter is the group the County has worked through to help with the Public Lands Bill passed in the prior session of Congress. Mr. Porter is currently working diligently with the County on the sales tax issue, along with other items.
- A plan is in the works to relocate the Justice Court into its own facility based on long-standing verbal agreements with the District Courts that use this facility on an interim basis. An organizational meeting was held to identify properties and construction sites that may be viable. One target area looks to be an annex to the Courthouse. It appears that approximately 2,500 square feet will be needed.
- The Ordinance on nuisances was approved at a prior meeting. District Attorney Langer had training on the Ordinance with Dean Haymore's work group. A written nuisance was submitted regarding a potential "dark skies" violation and is being worked under the new process.
- Save the date of June 7th, 3PM, for a ribbon-cutting ceremony at the groundbreaking of work on USA Parkway. It is anticipated that the Governor will attend. Most likely the Commission meeting will be cancelled for that day.
- Mr. Whitten, along with Commissioner McGuffey and Mr. Gallagher, meet tomorrow with Carson City Mayor Bob Crowell and the Rail Commission Chairman.

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

Commissioner McGuffey :

- The old Miner’s Hall is being cleaned up by the Fraternal Order of the Eagles in preparation for the State convention the last week of April.

12. **DISCUSSION/POSSIBLE ACTION:** Approval and acceptance of a National Park Service Land and Water Conservation Grant award in the amount of \$30,000.00 for replacement of Playground Equipment and Improved Amenities at Miners Park and authorization for Cherie Nevin to sign all associated grant documentation.

Cherie Nevin stated this grant was applied for in May 2015:

- The grant is administered by the Nevada State Parks Division.
- The project includes site preparation, demolition of outdated, unsafe playground equipment, and replacement with appropriate equipment.
- This project will improve walking surfaces around the park, including installation of playground bark and extending a walkway to the play area.
- Miners Park is used on a daily basis by community children and visitors.
- This grant comes with a match made up of in-kind and cash in the amount of \$30,532, which is spelled out in the application. The total project cost is \$60,532.
- A notice to proceed should be ready by May 1st.

Commissioner McGuffey: Will the work affect the use of the park by the car club.

Ms. Nevin responded only the small area of the playground and some walkway surfaces in that area will be affected - not the baseball field or gazebo.

Chair McBride: This is a great deal - a federal grant. Of the \$400,000 awarded to Nevada, Storey County received \$30,000.

Public Comment:

County Manager Pat Whitten: A huge thank you to Cherie Nevin for not only getting the funds, but keeping in compliance (on grants) as well. These grants are critical and take a lot of time, work and patience in dealing with various agencies. At some point, the number of grants that have benefited the County will be added up and the number will be staggering.

Motion: Approve and accept a National Park Service Land and Water Conservation Grant award in the amount of \$30,000.00 for replacement of Playground Equipment and Improved Amenities at Miners Park and authorization for Cherie Nevin to sign all associated grant documentation, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

13. **DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval of indenture from Union Pacific Railroad Company amending and restating the grant of a right to construct, reconstruct, maintain and use the Mustang Ranch underpass where it crosses the railroad right of way.

Deputy District Attorney Keith Loomis presented this item.

- In 1974 the Southern Pacific Railroad Company issued an indenture to Storey County to build and maintain an easement across Southern Pacific property where Mustang Road is now located.
- A piece of property has been purchased in the area to be developed.

- For the purpose of obtaining Title Insurance that will insure access to the property, a new indenture must be issued correctly describing the location of Mustang Road. With this new indenture the purchaser, Skinnell Properties, should be able to obtain Title Insurance.
- Union Pacific, the successor to Southern Pacific, has issued a new, re-stated indenture that has the correct description of Mustang Road as the area entitled to be maintained and used by Storey County.
- The property is actually located in Washoe County. Mr. Loomis understands Storey County would like to move the obligation to maintain that road to Washoe County. They (Washoe County) are prepared to do this.
- Present today is Shannon Hogan from Holland & Hart, and Dave Solaro from Washoe County, who are available to answer questions.

Public Comment:

Mr. Whitten: Thank you to our neighbors from Washoe County for attending this meeting. This is a great example of the relationship between Storey and Washoe counties which has grown stronger over the last years. When Skinnell Properties came to Storey County it appeared to be a “no-brainer”. Storey County has wanted to eliminate rights to hold land in other government jurisdictions for years. Thank you to both Ms. Hogan and Mr. Solaro. This is the next step - there will be more legal work to follow in this matter.

Mr. Loomis: At some point, the indenture and maintenance will be moved to Washoe County

Motion: Accept the indenture from Union Pacific Railroad Company amending and restating the grant of a right to construct, reconstruct, maintain and use the Mustang Ranch underpass where it crosses the Union Pacific right of way, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

14. **DISCUSSION/POSSIBLE ACTION:** Approval of check 85107 to the Bucket of Blood Saloon in the amount of \$4,500.00 for parking lot lease.

Mr. Whitten requested continuance of this item to the May 2, 2016 Commission meeting as Chairman McBride will abstain from voting due to having a pecuniary interest in the Bucket of Blood Saloon.

Public Comment:
None

Motion: Continue approval of check 85107 to the Bucket of Blood Saloon in the amount of \$4,500.00 for parking lot lease to May 2, 2016, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

15. **DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval of interlocal agreement between Storey County, State Public Works Division and Nevada Department of Transportation regarding replacement of a portion of the water pipeline crossing under US Highway 580 carrying water from the Marlette Lake Water System to Storey County.

Deputy District Attorney Keith Loomis presented this item:

- This item arose from work done in 1963 under highway 580 resulting in improper fill and damage to the pipeline.

- Based on an interlocal agreement with the Department of Public Works, NDOT is proposing to replace the entire pipeline where it crosses under US 580. The Department of Public Works is actually responsible for maintaining the Marlette Water System.
- Storey County has a maintenance obligation to the mid-point of US 580.
- NDOT is going to do the work, and pay for it, which is contracted to Q&D Construction.
- The Department of Public Works will inspect and be responsible for providing engineering services.

Public Works Director Mike Nevin:

- This project has been discussed at prior Commission meetings.
- The project is at the point for approval of the interlocal agreement. This agreement is just for that portion mentioned.
- Once work is complete, the Marlette System and Storey County accept the responsibility from that point forward per the existing agreement for the maintenance of the new pipeline.
- The pipeline work will not start until these agreements are in place and an occupancy permit from the Federal government is received - probably in June.
- Thank you to Mr. Loomis and the District Attorney's staff for getting this item done quickly.

Chair McBride: This pipeline is very important to this community, being the only source of water.

Public Comment:

None

Motion: Approve interlocal agreement between Storey County, State Public Works Division and Nevada Department of Transportation regarding replacement of a portion of the water pipeline crossing under US Highway 580 carrying water from the Marlette Lake Water System to Storey County and authorize the Chairman to sign, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

16. **DISCUSSION/POSSIBLE ACTION:** Consider appointment of Board Member to attend Supreme Court settlement conference in the Malfitano case.

Deputy District Attorney Keith Loomis presented this item:

- The District Court decided the Malfitano case in favor of the County.
- As a result of this decision, the petitioners filed a case in the Nevada Supreme Court. A possibility of settlement was indicated in the appeal.
- The Supreme Court sent the case to its settlement program. A settlement conference is set for May 19th.
- All parties have been directed to be present.
- The Board is requested to appoint a single member of the Board of County Commissioners to participate in the settlement conference. The County Manager and the District Attorney's Office will also be in attendance.
- The settlement Judge has been advised that because the full Board will not be present, any proposed settlement will have to be brought back to the full Board for possible approval.

Chairman McBride volunteered to fill the appointment and attend the settlement conference.

Public Comment:

None

Motion: Approve appointment of Marshall McBride to attend Supreme Court settlement conference in the Malfitano case, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

17. RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD

18. **DISCUSSION/POSSIBLE ACTION:** Approval of the second reading of the Café Del Rio's (Brian Shaw) request for a Cabaret license as an addendum to the current license.

Sheriff Antinoro presented this item:

- This is an addendum to a long-standing, existing license in good standing.
- **Approval is recommended so that Café Del Rio can provide live entertainment.**

Public Comment:

None

Motion: Approve the second reading of the Café Del Rio's (Brian Shaw) request for a Cabaret license as an addendum to the current license, **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

19. RECESS TO CONVENE AS THE STOREY COUNTY BROTHEL LICENSE BOARD

20. **DISCUSSION/POSSIBLE ACTION:** Work card appeal/revocation hearing for Dina Maria Petrone, Sade M. Flatts and Michelle Tanguay.

Jennifer Barnes and Tara Adkins presented this item and stated that only Dina Maria Petrone is being represented. Ms. Flatts and Ms. Tanguay are not present. The work card for Michelle Tanguay has been granted by the Sheriff.

Ms. Adkins discussed the application, records and background of Dina Maria Petrone. Dina started working in 2011 and has had three work cards. On the last work card, Dina included more information than on the first two.

Chair McBride questioned background information regarding applicant Petrone.

Sheriff Antinoro reviewed Ms. Petrone's current application. The Sheriff said he is leaving the decision up to the Board. The Sheriff's only concern is Ms. Petrone's history. There has been nothing in the last five years.

Commissioner McGuffey asked about background information on the previous applications submitted by Ms. Petrone.

Mr. Whitten asked Ms. Petrone to clarify information in the application. Ms. Adkins and Ms. Petrone responded.

Jennifer Barnes indicated there was nothing in Ms. Petrone's background that would not allow Ms. Petrone to obtain a work card.

Chair McBride said the situation with Ms. Petrone's application was the non-disclosure of issues. This has been a concern in the past with other applicant/employees. Chairman McBride recommended reinstating Ms. Petrone's work card provided nothing happens in the future.

Public Comment:
None

Motion: Approve the reinstatement of work card for Dina Maria Petrone, **Action:** Approve, **Moved by:** Chairman McBride, **Seconded by:** Commissioner McGuffey, **Vote:** Motion carried by unanimous vote, (**Summary:** Yes=2)

Sheriff Antinoro abstained from vote on this item.

County Manager Whitten addressed Ms. Barnes and Ms. Adkins, saying Mr. Whitten would like to discuss with someone the issue of “no shows” when the matter has been agendized.

Ms. Barnes responded that on this item, Sheriff Antinoro approved Ms. Tanquay’s work card and Ms. Barnes also indicated that Sade M. Flatts could not be represented at this time.

Based on this comment, Mr. Whitten said he would not be agreeable in the near future to have an item placed on an agenda regarding an appeal by Ms. Flatts. There is a certain amount of work to placing these items on an agenda that needs to be considered.

21. RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS

COMMUNITY DEVELOPMENT AND PLANNING

22. FOR POSSIBLE ACTION, LICENSING BOARD SECOND READINGS:

- A. **PHO REAL, LLC** - General / 4047 Zermatt Road ~ Tahoe City, CA (Food Truck)
- B. **PROCLEAN MAINTENANCE, INC. dba PCM Bldg Svcs** - Contractor / 4587 Longley ~ Reno (cleaning)
- C. **PAMPA TECHNOLOGIES, LLC** - Contractor / 3 Waters Park Drive ~ San Mateo, CA (IT Contractor)
- D. **TAIKISHA, LTD** - Contractor / Tokyo, JAPAN (Equipment Installation Contractor)
- E. **SATO CO., LTD** - Contractor / Kyoto, JAPAN (Equipment Installation Contractor)
- F. **I TRUST JAPAN** - Contractor / Osaka, JAPAN (Equipment Installation Contractor)
- G. **MIRAPRO CO., LTD** - Contractor / Yamanashi, JAPAN (Equipment Installation Contractor)
- H. **DAIKOU KOUKI CO., LTD.** - Contractor / Kyoto, JAPAN (Equipment Installation Contractor)
- I. **AIR PRODUCTS & CHEMICALS, INC., --** Contractor / 7201 Hamilton Blvd., ~ Allentown, PA (Fuel Supplier)
- J. **LEADING 2 LEAN, LLC** - Contractor / 88 Deer Pass Road ~ Wellington, NV (IT Contractor)
- K. **RISHA ENGINEERING GROUP** - Professional / 410 Cypress Ave ~ Burbank, CA (Engineering)
- L. **NASON’S SCANNING SERVICE, LLC** - Contractor / 1187 Rancho Mirage ~ Sparks (Concrete Scanning)
- M. **FACILITIES PROTECTION SYSTEMS** - Contractor / 1150 W. Central ~ Brea, CA (Fire Protection)
- N. **BERGELECTRIC CORP., --** Contractor / 5650 W. Centinela ~ Los Angeles (Electrical Contractor)
- O. **LAWSON DRAYAGE, INC., --** Transportation / 3402 Enterprise ~ Hayward, CA (Transportation, Rigging)
- P. **K B L REINFORCING, INC., --** Contractor / 4660 S. Eastern ~ Las Vegas (Rebar Installer)
- Q. **TRICOM NETWORKS, INC.** - Contractor / 24335 Prielipp Road ~ Wildomar, CA (Telecom Contractor)
- R. **ENDRESS & HAUSER, INC.** - Contractor / 2350 Endress Place ~ Greenwood, IN (Instrumentation Cont.)

- S. **SANDEX, INC.** - Contractor / 4768 West 1400 South ~ Cedar City, UT (Drill & Blasting Contractor)
- T. **J.E. PEEBLES FIREARMS INSTRUCTOR** - General / 349 Occidental Dr. ~ Dayton (CCW Instructor)
- U. **AMES CONSTRUCTION, INC.** - Contractor / 1705 Peru Dr. (Contractor) TRI
- V. **TURNING POINT, INC.** - General / 55 North C Street (Evaluation Services) VC
- W. **STONCOR GROUP, INC.** - Contractor / 1000 East Park Ave ~ Maple Shade, NJ (Epoxy Flooring Cont.)
- X. **NATIONAL HIGH VOLTAGE SERVICES, INC.** - Contractor / 4530 Winter Oak ~ Antelope, CA (Electrical Inspection Service)
- Y. **UHK ENTERPRISES dba Snap-On Tools** - General / 7435 Indian Springs ~ Sparks (Mobile Tool Sales)
- Z. **DIVIDE FITNESS, INC.** - General / 800 South C Street (Fitness Facility) VC
- AA. **BI NUTRACEUTICALS** - General / 625 Waltham Way TRI

County Manager Whitten, on behalf of the Community Development Department, recommended approval of all items. Note, there are five companies from Japan. This can be called a “culture shift” in Storey County and the region, both of which are getting exposure.

Mr. Whitten discussed BiNutraceuticals. This company grinds materials such as bark, twigs, roots and into spices and powders in an USDA approved, sterile environment. Mr. Whitten is also very excited about Divide Fitness. There was a great turnout at the recent open house. This company has a tremendous investment in the community and county, and provides state of the art equipment.

Motion: Approve items A. through Z., and AA., **Action:** Approve, **Moved by:** Commissioner McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

Public Comment:
None

23. PUBLIC COMMENT (No Action)

Nicole Barde, Storey County Resident: Recently Chris Thompson had a statement on the Highlands blog, saying that Lance Gilman and TRI had done a study for \$19,000 of the various ways to provide tax rebates or relief to the citizens of Storey County. What were the results and where is this report? Ms. Barde would like a copy.

Commissioner McGuffey: Did not see this statement.

Chairman McBride: The statement was on the blog, but Chair McBride has not seen the report. It may have been done, but it has not been seen.

Mr. Whitten: To the best of his knowledge, staff has not seen this report.

Ms. Barde: If Mr. Gilman is a Commissioner and there is a report out there, isn't that part of public record?

Chairman McBride: Not if it was done privately. The County did not pay for it.

Ms. Barde: Chris made the statement that Lance had commissioned the report due to his commitment to try to get money back to the citizens.

Chairman McBride: Cannot answer this question because no one (here) knows.

Ms. Barde thought the Board would have the report, given it was done by a Commissioner for the County.

Chairman McBride: Does not know if it was done for the County or if it was done as a private entity.

Comptroller Hugh Gallagher: The County has not paid for anything nor has anything been seen. There was a rumor that someone out there was looking at some tax issues. It would have had to come to the Board first to be paid for. It has to be a private document - Mr. Gallagher does not who, and the County does not have a copy.

Ms. Barde: If this becomes the basis of making a decision for a tax rollback, or anything like that, does that become public?

Mr. Whitten: The answer is yes. Unless advised otherwise by counsel, the minute the County is in possession of that document it becomes public record.

District Attorney Anne Langer: At this time, it appears that Mr. Gilman may have a document having to do with TRI. It sounds like it was not "commissioner" but "commissioned" through private industry. It sounds like it is a private document at this time.

24. **ADJOURNMENT**

The Chair adjourned the meeting at 11:02am

Respectfully Submitted,

By _____
Vanessa Stephens Clerk-Treasurer