



# STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, JUNE 6, 2017 10:00 A.M.

DISTRICT COURTROOM  
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

## MINUTES

MARSHALL MCBRIDE  
CHAIRMAN  
ATTORNEY

ANNE LANGER  
DISTRICT

LANCE GILMAN  
VICE-CHAIRMAN

JACK MCGUFFEY  
COMMISSIONER  
TREASURER

VANESSA STEPHENS  
CLERK-

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**ROLL CALL:** Chairman McBride, Vice-Chairman McGuffey, Commissioner Gilman, Comptroller Hugh Gallagher, County Manager Pat Whitten, Deputy Clerk & Treasurer Wendy Bacus, Deputy District Attorney Keith Loomis, Sheriff Gerald Antinoro, Fire Chief Gary Hames, Fire Chief Appointee Jeff Nevin, Director of Tourism Deny Dotson, Director of Security Melanie Keener, Administrative Officer/Planning Director Austin Osborne, Planner Kathy Canfield, Community , Senior Center Director Stacey Gilbert, Community Chest Director Shaun Griffin

### **1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

Meeting was called to order by Chairman McBride at 10:08 A.M.

### **2. PLEDGE OF ALLEGIANCE**

Chairman McBride led those present in the Pledge of Allegiance.

### **3. DISCUSSION/POSSIBLE ACTION:** Approval of Agenda for June 16, 2017.

County Manager Pat Whitten requested Item #13 be continued and to strike Item #30 as there is no need for a closed session.

Public Comment:  
None.

**Motion:** Approve Agenda for June 6, 2017, with corrections, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

### **4. DISCUSSION/POSSIBLE ACTION:** Approval of Minutes for May 2, 2017.

Public Comment:  
None.

**Motion:** Approve Minutes of May 2, 2017, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

## 5. CONSENT AGENDA

I For possible action: Approval of payroll claims in the amount of \$586,277.33 and accounts payable claims in the amount of \$779,530.02

II For possible action: Approval of the Treasurer's Affidavit of Mailing Past Due Notice for all Delinquent Parcels.

III For possible action: Cancellation of the July 4, 2017 Board of Commissioners meeting.

IV For possible action: Approval of refund for APN 003-303-17, Houts.

V For possible action, approval of Business License First Readings:

- A. **CHIPBLASTER, INC.** – Contractor / 13605 S. Mosiertown ~ Meadville, PA (Contractor)
- B. **SCHOELER OF AMERICA, INC.** – Contractor / 11220 Elm Lane ~ Charlotte, NC (machinery)
- C. **CONSTRUCTION SAFETY EXPERTS** – Pro / 7032 Copperleaf Place ~ Cary, NC (safety consultant)
- D. **SOUTHEASTERN SEATING** – Contractor / 903 E 17<sup>th</sup> Ave ~ Tampa, FL (bleacher assembly)
- E. **CAIRE** – Contractor / 4 Rue Nicolas Copernic ~ 41100 Vendome FRANCE (machine installation)
- F. **COTMAC ELECTRONICS, INC.** – Pro / 830 Kirts Blvd ~ Troy, MI (engineer)
- G. **THE BRUNCH BOX, LLC** – General / 450 McClur Circle ~ Sparks (food truck)
- H. **SIMAC TECH S.R.L.** – Contractor / via Delindustria 24/26 Fiorano Modenese ITALY (machine installation)
- I. **SILVER QUEEN SISTERS dba Cobb Mansion Bed & Breakfast – General / 18 S A (bed and bkfst)VC**
- J. **QUALITY DESIGN SERVICES, INC.** – Pro / 3914 Highwood Pl ~ Okemas, MI (engineering)
- K. **TYRELL RESOURCES, INC.** – Contractor / 275 Hilltop Drive ~ Redding, CA (contractor)
- L. **BEE CLEEN CARPET & GLASS** – General / PO Box 21932 ~ Carson City (office cleaning)
- M. **TEST RESEARCH USA, INC.** – General / 832 Jury Ct ~ San Jose, CA (sales and service of equipment)
- N. **PRECISION CRANE & HOIST SVCS.** – Contractor / 2047 Pabco Rd ~ Henderson, NV (crane service)
- O. **JJRT, LLC** – General / 1284 Cedar Book Court ~ Gardnerville (contractor)
- P. **ZIMMER GROUP US, INC.** – Contractor / 1095 7<sup>th</sup> Street ~ Hickory, NC (machinery)
- Q. **HEMI SYSTEMS** – Contractor / 126 Industrial Drive ~ Maysville, GA (rigging contractor)
- R. **ANDERSON LOCK AND KEY** – Contractor / 601 Pyramid ~ Sparks (locksmith)
- S. **CALHOUN & POXON CO., INC.** – Contractor / 5330 Alhambra Ave ~ Los Angeles (machinery)
- T. **EDGEWATER AUTOMATION, LLC** – Contractor / 481 Renaissance Dr ~ St. Joseph, MI (equip install)
- U. **TEC GROUP, INC.** – General / 850 Stephenson Hwy ~ Troy, MI (staffing)
- V. **KINETIC SYSTEMS, INC.** – Contractor / 4900 Prospectus Dr ~ Durham, NC (contractor)
- W. **WHR DESIGN PC** – Pro / 201 Fuller Road, FL5, Albany, NY (architect)
- X. **JETT SOLUTIONS, LLC** – Contractor / 7322 N Hwy 8a ~ Duncan, OK (contractor)
- Y. **NOZATO ELECTRICAL ENG & CONST** – Contractor / 2-4-1 Kashiwazato Osaka JAPAN (Contractor)
- Z. **VALIANT INTERNATIONAL, INC.** – Contractor / 6555 Hawthorne Dr ~ Windsor CANADA (equip install)
- AA. **KURTEC, INC.** – Contractor/10449 Copper Cove Dr – Ft. Wayne, IN (automation)
- BB. **GIGAIMPLIANTI, LLC** – Contractor / 4650 Wedekind Rd ~ Sparks, NV (equipment installation)
- CC. **WACHTER, INC.** – Contractor / 16001 W 99<sup>th</sup> St ~ Lenexa, KS (contractor)
- DD. **OOKSAN IMT CO., LTD** – Contractor / 1316 Hammadero Gyeongurn KOREA (equipment installation)
- EE. **ZOLLERN GMBH & CO KG** – Contractor / Hitzkofer Strasse Sigmaringen GERMANY (equip installation)
- FF. **CLOCKWORK** – General / 423 Delaware Street ~ Kansas City, MO (staffing)
- GG. **OSE / VALEO** – Contractor / 2 chemin du Pullousard, 49130 Los Ponts-de-ca FRANCE (machine install)
- HH. **NEXTGEN SRO** – Contractor / 24ES Cadca SLOVAKIA (equipment installation)
- II. **SEBASTIAN SOBOTA** – HB / 414 Ave de la Bleu de Clair ~ Lockwood (handyman)
- JJ. **SPARK TALENT ACQUISITION, INC.** – General / 701 S Carson Street ~ Carson City (staffing)

- KK. SHAHEEN BEAUCHAMP BUILDERS, LLC** – Contractor / 318 N Carson St ~ Carson City (contractor)
- LL. SIGNAL X TECHNOLOGIES, LLC** – Contractor / 15800 Centennial Dr ~ Northville, MI (equipment install)
- MM. HINO SYSTECH CORPORATION** – Pro / 1-20-2 Minamirokugo, Otaku, Tokyo JAPAN (engineer)
- NN. UNDERGROUND VIDEO TECHNOLOGY, INC.** – Contractor / 65 McCart ~ Fernley (sewer cleaning)
- OO. TESLA, INC. – General / 201 Ireland Drive (warehouse material storage)** **TRI**
- PP. GEMA USA, INC.** – Contractor / 4141 W 54<sup>th</sup> St ~ Indianapolis, IN (equipment installation)
- QQ. EVAPCO, INC.** – Contractor / PO Box 1300 ~ Westminster, MO (warranty work)
- RR. MTM-CS LP** – Contractor / 1170 Howell Hill Rd ~ Atlanta, GA (equipment installation)
- SS. ANGUIL ENVIRONMENTAL SYSTEMS, INC.** – Contractor / 8855 N 55<sup>th</sup> St ~ Milwaukee, WI (equip install)
- TT. TT DL AUTOMATION & CONTROL SYSTEMS** – Contractor / 13/14 PremBhgyan Bundar

**Motion:** Approve Consent Agenda for June 6, 2017, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**6. DISCUSSION ONLY (No Action):** Veterans of Foreign Wars Presentation.

Presentation not given.

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

**Community Chest Director Shaun Griffin:**

- Thank you to all who attended the groundbreaking ceremony at the Community Center. It was a special day and huge success. One of the funders, Pennington, was in attendance. Notes were received from several others all of whom are very grateful that it is moving along and is under construction. State Library representatives were also there.
- There is great cooperation with the contractors, Shaheen-Beauchamp.
- State Library representatives are meeting with the librarian, Sandy, to set-up on-line databases. Within weeks the library will have virtually all resources on-line, including books, periodicals, research bases - everything that can be accessed from computers, phones, etc. As much as the University has.
- Amy Geddes from Lyon County library is assisting Sandy in cataloging books.
- February 28, 2018 is the contract deadline for the construction.
- Thank you to Public Works Director Jason VanHavel for assistance in moving dirt and to Hugh Roy Marshall for allowing dirt to be put on his property.

**Deputy Community Chest Director Eric Schoen:**

- Reminder: Community Chest has Case Management programs with counselors and staff to assist residents in need of help with situations such as substance abuse, domestic violence, as well as other support.
- This is the time children will be in the park with approximately three-quarters of the elementary students enrolled in the summer program - held from 7AM to 6PM. There will be a lot of activity in the park and Community Center.

**Senior Citizens Center Director Stacey Gilbert:**

- Mike Dixon, driver for the Center, has noted the need for fans for seniors in their homes during the hot weather.
- The Center is conducting a “fan drive”, collecting new fans to be distributed to seniors in need.

New fans or monetary donations can be made to the Senior Citizens Center. The “drop off” spot will be at the Community Chest.

**Public Works Director Jason VanHavel:**

- Six Mile Canyon has been paved and is open.
- Meeting with Federal Highways to discuss a potential project for upgrades in the Canyon.
- Paving was also done in the parking near the pool, as well as at St. Mary’s Art Center.
- Before the end of fiscal year, the bridge at Patrick should be moved over to the Painted Rock area.
- The sign in front of the Courthouse listing times of public and Courthouse parking is continually being hit. A ballard will be placed to hopefully keep people from running into this sign.
- The swimming pool will open mid-next week. The lifeguard shortage has been taken care of.
- Portions of Electric Avenue in TRI have been closed for the GID to expand the water line. This has caused significant traffic issues along USA Parkway and Electric Avenue. This work is expected to be done within the next week or two and the road will re-open.

**Fire Chief Appointee Jeff Nevin:**

- Open burning closed at the end of May.
- A “pile” was burned in the Mark Twain area by the Fire Department. There was a huge amount of illegal dumping in this pile - tire, furniture, trash. Once burned, this area has been closed down. Options will be looked at in order to curb this activity.
- The area in the Highlands is still open for vegetation dumping by residents.
- The “U Call - We Haul” trailers are still available through the Fire Department.
- Will be working with NDOT to remove some dead trees between the summit and Five Mile Canyon.

**Comptroller Hugh Gallagher:**

- A couple of items to be presented at the next meeting for approval: Augmentations for the current year and selection for the new County auditor.
- The auditor interview process will start next week.
- Update on replacement of Automated Data Systems (ADS):
  1. Met with DevNet - a firm that will hopefully handle the Assessor’s and Clerk-Treasurer’s functions, for the most part property taxes.
  2. Meetings will continue with various firms for “back-office applications” - including vouchers, payroll, budgets, business licenses and permitting.
  3. Hopefully this will be done by July 1, 2018. If not, July 1, 2019. It will not be started in the middle of a year.

**Deputy District Attorney Keith Loomis:**

- A hearing was heard in Federal District Court regarding whether or not to grant a preliminary injunction to control the Sutro Springs roadway. The decision was the road is clearly a RS2477 roadway to be open and available for public use. Approximately 44 people signed statements that they had used this road for a long time without being hindered. Resident Tom Zachary said at least 100 more signatures could be obtained.
- A RS2477 road goes back in history:
  1. When Virginia City was first established, mines, canals and roads were put in place without benefit of authorization from the Federal Government - who owned all of the land.
  2. It was determined that development would proceed better if the land was just given (for the mines, roads).

3. This argument won out and the 1866 Mining Law was passed, with a provision stating that “any roads that are used by the public are the public roads”. The roads were accepted by public use alone.

- The Federal Court was satisfied that this road is a RS2477 road - that it had been publicly used for 130 years.

**County Manager Pat Whitten:**

- Under the Consent Calendar the July 4<sup>th</sup> Commission meeting is cancelled. The next meeting will be June 20<sup>th</sup>, and then the one meeting in July on July 18.
- Recently there was an issue at Hillside Elementary School which continued at Louise Peri Park. The School Superintendent requested that the park be considered under the full jurisdiction and responsibility of the school district during school hours, and consent was given. The issue of the park being under school district jurisdiction during school hours will be discussed further.
- The District Attorney/Sheriff’s Office is being painted. When that is complete, the entrance area to the Courthouse will also be painted.

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

**Vice Chairman McGuffey:**

- Thank you to Public Works for the great job on paving the parking lot next to the pool. As well as at St. Mary’s Art Center. This makes a big difference.
- SB 57, V&T Bill, has been signed by the Governor. There will be a new Board in by October, enabling the V&T to be run more efficiently.

**Chairman McBride:**

- 2,000 runner participating in the Reno-Tahoe Odyssey came through Virginia City Saturday morning. This brings business into town.
- Street Vibrations Spring Rally was also this weekend.
- Today is the 73<sup>rd</sup> anniversary of the “D Day” invasion.
- Resident Clifford Miller passed away this last week. Mr. Miller grew up in Virginia City and was a Sheriff in Carson City.

**9. DISCUSSION/POSSIBLE ACTION:** Discussion and direction to staff regarding legislation or legislative issues proposed by legislators or by other entities permitted by the Nevada State Legislature to submit bill draft requests, or such legislative issues as may be deemed by the Chairman or the Board to be of critical significance to Storey County. Specific bills will include SB 57 which staff has expressed full support and bills SB176, SB244, SB314, AB289, SB271, AB290, SB356, SB469, and AB384.

County Manager Whitten: Walker & Associates, along with Bum Hess, will have an item on the June 20<sup>th</sup> Commission meeting to review all of the bills of interest.

- SB8: State Grants for Body Cams - This bill died. Hopefully, there will be a grant program available for body cams.
- SB439: 5 Cent Diesel Tax - Bill died.

The general consensus is everything came out OK. An interesting session filled with partisanship.

Austin Osborne: A couple of bills being looked at regarding employment and collective bargaining, were:

- AB271: Collective Bargaining - Binding fact-finding bill. This bill did not make it.

- Financial Stabilization Bill - This was gutted, but includes amendment allowing unions paid work time to do union business.
- AB384: Criminal History - Appears to have passed. It may or may not be vetoed.
- SB289: Out of Network Bill - Appears to have died in Finance.
- End-fund Balance re-opener: Appears with veto, will remain at 25% that a fact-finder after collective bargaining is not subject to.
- Wind machines: Has moved forward with amendment that special use can be required and can be regulated based on historical or other environmental concerns.
- Most of the water bills, especially water curtailment, have died in one way or another.
- Industrial hemp appears to have passed the Senate and may move forward. This is hemp that has no THC - is used for rope and such.

**10. DISCUSSION/POSSIBLE ACTION:** Acceptance of renewal proposal from Nevada Public Agency Insurance Pool (POOL) and approval for payment from fiscal year 2017-2018

Comptroller Hugh Gallagher stated the POOL fund for 2017-18 is \$293,024, a 7% increase from what it was. This is mostly due to claims, mainly with FEMA for weather-related events.

POOL representative Carol Ingalls: The purpose of the POOL is to try to stabilize premiums from having peaks and valleys. A 7% increase is not great, but not outrageous. Increase in property values, number of vehicles, operating expenses - all are going up incrementally, generating the warranted increase in premium. A concern this year was the late notice in getting renewal packages out.

Mike Rebaleati: Would like to come back with a full presentation in detail of how and what POOL does. Thank you to the Board and Virginia City for maintaining the historic buildings. Highlights of prevention and loss control programs available are:

- Risk management grants: available through the loss control committee. Body cams will be a topic in an upcoming session. A lot of grants were given this year.
- On-line “e-learning” safety courses: This helps with all human resource matters.
- Site safety and inspections: Includes playground/park safety surveys; work station evaluations; combined space assessments; facility surveys; fire extinguisher education; and many more. Also wellness and health education training.
- PACT is also tied in with law enforcement training. This includes sponsoring specialized training.
- Cyber-prevention program. Storey County will be contacted regarding this program which consists of a very extensive assessment.

Commissioner Gilman: Requested that POOL submit recommendations to the County in writing - a “punch list” that the County can be aware for loss control.

Mr. Rebaleati: That is the purpose of asking to come back another time. The list just presented will be sent to Mr. Whitten for distribution.

Public Comment:  
None

**Motion:** I make a motion to approve payments to the POOL/Pact in the amount of \$293,024.00,  
**Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman,  
**Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

Chairman McBride called for recess at 10:53 AM

Meeting reconvened at 11:02 AM

**11. DISCUSSION/POSSIBLE ACTION:** Recommendation to reject all bids received for the construction of the Virginia City Sewer Improvement Project Phases Two through Five (2-5) and authorization to amend the project for a new bid process to commence.

Mike Nevin, All Comstock Consulting, presented this item.

- Initial bids for this project were opened May 4<sup>th</sup>. Two bids were received: Q&D Construction was the apparent low bid at approximately \$17 million; and a bid from Sierra Nevada Construction at almost \$21 million.
- The engineer's estimate for this project is \$10.3 million. The bids were well over.
- USDA, funding agency for this project, was contacted regarding alternatives. One suggestion was to negotiate in good faith with low bidder.
- Q&D was contacted to see there was any way to reduce the bid. This resulted in some savings but still not enough to be in the best interest of the project.
- Bid tabulations were reviewed by staff, the engineer, and USDA.
- The Gold Hill phase, with about 50 customers serviced, was estimated at \$5 to 6 million. \$3.4 million was paid for the sewer facility in Virginia City - indicating the Gold Hill phase did not pencil out.
- Reasons the Gold Hill phase of the project was so expensive included having to deal with NDOT (utility lines run down SR342) and possibly a new highway to meet NDOT requirements, and NVEnergy for power to three lift stations.
- The decision was made to eliminate the Gold Hill phase.
- The Commission is being requested to reject the two bids and allow the project to be re-bid.
- Three additional contractors have been contacted. One contractor, not aware of the bid, is very interested. Hopefully there will be better results with more competitive numbers.
- The new engineer's estimate for the base bid is approximately \$9.6 million.
- Request for bids will be published in the local newspaper with a new bid opening scheduled for July 7<sup>th</sup>. Project should begin sometime in the middle of September.
- The USDA engineer is in agreement to re-bid this project including removal of the Gold Hill project.
- If there are funds left (from the project), the existing Gold Hill collection system could be vastly improved.

Chairman McBride: There is no choice but to reject these bids - the amounts received were not anticipated and the funds are not there. Either the engineers under-estimated the bid, or the contractors are out to gouge the County.

Mr. Nevin: The contractors are very busy. As seen in the industrial park, there are labor shortages.

Chair McBride: Labor shortages or not, the (bid) amounts are unacceptable.

Commission Gilman: Has a couple of quality contractors that can be added to the list for bids.

Chair McBride: A higher number of companies bidding may make it more competitive.

Mr. Whitten: Eliminating the Gold Hill portion, which has about 50 hook-ups with a bid of \$6 million, is a huge "chunk". Gold Hill was designed as a "3-lift" system and with on-going expenses for electricity, this makes sense at this point.

Chair McBride: If bids had come in at the engineer's estimate, the (Gold Hill) portion would have been \$3 million, not \$6 million - it might have been considered.

Mr. Nevin: There is an option to eventually reach out to USDA and increase the loan amount.

Public Comment:

Gold Hill Resident, Sam Toll: Concurs with Mr. Nevin's findings. It would be difficult to consider that tax dollars would be used in such a manner - it is a prudent move to consider re-bidding.

**Motion:** I move to reject the two bids received for the construction of the Virginia City Sewer Improvement Project Phases Two through Five (2-5). Due to the bids greatly exceeding the engineer's estimate of costs, it is in the public's best interest to reject all bids and authorize staff to amend the project for a new bid to commence, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**12. DISCUSSION/POSSIBLE ACTION:** Allow Storey County Sheriff's Office to enter into an agreement with Washoe County Medical Examiner's Office.

Deputy District Attorney Keith Loomis stated the proposed agreement has been reviewed. This is a long-standing process where the Washoe County Medical Examiner's Office provides services for autopsies and medical examinations.

District Attorney Anne Langer: This contract has been renewed every three years and basically the contract has not changed. One item is there is a new Medical Examiner in Washoe County.

Chairman McBride: Are the fees the same as before? Some look a little "outlandish".

Sheriff Antinoro: The Agreement being talked about does not address the fees. The fee schedule may have been included, but that is normally sent out on an annual basis. The fees now being charged were incorporated in this year's budget cycle - there was a minor increase across the board. This is pretty much the only "game in town".

Ms. Langer: In this County, funeral homes normally pick up the bodies, not the Medical Examiner.

Chair McBride: Would there be an exception for crime scene investigation?

Sheriff Antinoro: That's a different contract. This contract is strictly for services at the Medical Examiner's office.

Public Comment:

None

**Motion:** I make a motion to approve the interlocal pathology services agreement with the Washoe County Medical Examiner's Office, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)



**13. DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval of contract with T.W. Vending, Inc. d/b/a TurnKey Corrections to provide inmate services including video visitation, telephone services, inmate email and commissary services.

This item continued to June 20, 2017.

Item 14 moved to follow Item 18

**15. RECESS TO CONVENE AS THE STOREY COUNTY LIQUOR BOARD**

**16. DISCUSSION/POSSIBLE ACTION :** Approval of the On Sale Liquor License for Jennifer Nair for the Palace Restaurant & Saloon, 54 S C St., Virginia City, NV

Chairman McBride stated that he holds a liquor license in proximity to the Palace Restaurant. Voting on this item would no more affect Ms. Nair than anyone else holding the same license.

Commissioner Gilman: Has the same comment.

Sheriff Antinoro said the background investigation has been concluded. There is nothing to preclude the applicant from holding a license. Jennifer Nair has been there for years, waiting tables in high school, and beyond. This is the Second Reading and approval is recommended.

Chair McBride: Ms. Nair has been there for about 14 years and worked the way up to buying the business.

Public Comment:  
None

**Motion:** I make a motion to approve the On-Sale Liquor License for Jennifer Nair for the Palace Restaurant & Saloon, 54 S C St., Virginia City, NV, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**17. DISCUSSION/POSSIBLE ACTION :** Amendment to current liquor license. Approval of the Off Sale Liquor License for Connie Carlson for the Silver Queen Sisters, 28 N C Street, Virginia City, NV.

Sheriff Antinoro: Ms. Carlson is requesting to expand the current liquor license to include liquor that “goes out the door”. Ms. Carlson has no violations and is in good standing - approval is recommended.

Chair McBride: The family has had the business for many years. For full disclosure, “I also have a license in proximity to the Silver Queen and voting on this item would no more affect Ms. Carlson than anyone else”.

Commissioner Gilman: “I make the same disclosure”.

Public Comment:  
None

**Motion:** I make a motion to approve amendment to current Liquor License adding on Off Sale Liquor License for Connie Carlson for the Silver Queen Sisters, 28 N C St., Virginia City, NV, **Action:**

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

## 18. ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COMMISSIONERS

**14. DISCUSSION/POSSIBLE ACTION:** Approval of General Business License for Jennifer Nair for the Palace Restaurant & Saloon, 54 S C St., Virginia City, NV.

Sheriff Antinoro: This applicant has already been talked about under the Liquor License. Are there any questions?

Chair McBride: This is for the restaurant portion of the license.

Public Comment:  
None

**Motion:** I make a motion to approve the General Business License for Jennifer Nair for the Palace Restaurant & Saloon, 54 S C St., Virginia City, NV, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**19. DISCUSSION/POSSIBLE ACTION:** First Reading Ordinance No. 17-275 amending Storey County Code (Title 17 Zoning) 17.10 and 17.12 pertaining to marijuana and medical marijuana establishments, including prohibition of allowed uses, special uses, accessory uses, or temporary uses within all zoning districts, and other properly related matters.

Deputy District Attorney Keith Loomis presented this item. This is a proposed Ordinance which has been heard by the Planning Commission with a recommendation of approval.

The purpose of the Ordinance is to clarify that prohibition of the use and cultivation of marijuana includes medical marijuana. The Ordinance expands the types of uses not authorized, to include marijuana establishments - testing laboratories, cultivation and production facilities - things of that nature.

A question has been raised regarding the meaning of Section 1, paragraph B, #2 - "The sale or display of items intended for use as marijuana paraphernalia to persons under the age of 21 years is also a prohibited use."

- This paragraph has been clarified and will be amended to: "The display of items of marijuana paraphernalia intended for sale to persons under the age of 21 years is also a prohibited use".
- Sales of paraphernalia over the age of 21 is legal; sales to persons under 21 is not.
- It can be prohibited by a County ordinance.

Public Comment:

Gold Hill resident, Sam Toll: Referred to a Storey County Community Development letter dated July 25, 2015, regarding this Ordinance and it's use.

- Note the type of business owned by Mr. Quigley ("root beer barrel kid") as having infractions to this code.
- A concern by many merchants on C Street is the unfair application of this Ordinance.

- It is interesting that this ordinance is being modified to address medical and commercial marijuana usage, but it is glossed over that this ordinance is not being uniformly enforced throughout businesses on C Street.
- Inconsistent application of the law borders on hypocrisy.
- Regarding the re-wording of the Ordinance: does this mean (the County) is going to prohibit everyone in the County from the legal ability to cultivate recreational and medical marijuana in their homes? Is that under the jurisdiction of this ordinance change?

Mr. Loomis: The personal cultivation and use of marijuana - medicinal and soon to be recreational - is authorized by law. The Ordinance is going to prohibit the marijuana establishments, not personal use and cultivation.

Mr. Toll: Storey County (to his knowledge) is the only county in the United States, under contract, that manufactures, distributes, and sells a controlled substance - alcohol. It is his opinion that alcohol is the most dangerous substance affecting public safety and is responsible for a 911's worth of death each month across the country. Law enforcement would say that when making an arrest of a person under the influence of alcohol or marijuana - the preference would be to deal with a person who was stoned and not drunk.

- The fact that Storey County folks have approved Question Two in the 2016 election, reflects the fact that conservative Republicans share the notion the 1930's style of addressing this problem is one that should be in the rear-view mirror.
- In the wording of the proposed change, there is a "whereas" talking about the Federal Government prohibiting substances - folks should be reminded of the 10<sup>th</sup> Amendment and its application on that sentence.
- The hypocrisy of the County producing alcohol and selling it as taxpayers, and then prohibiting someone from opening a legal business to provide marijuana products to the public, speaks for itself.
- If (the County) proceeds with this process, (the County) will probably be employing the POOL attorneys that were here (earlier in this meeting) with a lawsuit with the folks that have a license pending.

Vice Chairman McGuffey: Mr. Toll - you referred to hypocrisy in the County - some people are getting away with things, some are not - do you have any proof to back that up?

Mr. Toll: Has talked with almost every vendor on C Street. Looking at the fact that this gentleman has loud music and signs posted in front of his building in direct violation of this ordinance, and there are folks up and across the street not allowed to play music loudly or display signs similarly, that reflects an inconsistent application of the code.

Vice Chairman McGuffey: Are there complaints to back up those allegations?

Mr. Toll: Does not know if anyone has the courage to come up and speak in front of you as he does.

- Mr. Toll has had these conversations directly and can share them.
- It has been discussed that if someone remains silent, consent is given silently to the mis-application. It is a sentiment that exists.
- Discussions were held at the VCTC April meeting regarding reconsideration of the entire ordinance, how to bring folks into reflecting the look and feel of the historic nature - having signs that are consistent with the 1860's and not with Coney Island.
- The Ordinance needs to be applied consistently with respect to every business - this would go a long way to mend hurt feelings. It's the idea the "root beer barrel kid" can flaunt every aspect of this Ordinance with impunity because he walks - folks in this building ...(inaudible).

Mr. Loomis: Not sure Mr. Toll understands what is being done here. When an ordinance is being amended, the ordinance has to be published in full. What is being added and deleted must be indicated. Mr. Toll is talking about a different portion of the Ordinance having nothing to do with the marijuana provision being addressed today.

Mr. Toll: That is correct. The point being made is that if this Ordinance is going to be fixed, everything that is wrong with it should be tackled. It is wrong that looking at just marijuana as to what is prohibited, without looking at the other things since 2015 that have been looked at, trying to deal with and address at the VCTC meeting. There was talk about bringing that Ordinance up. Mr. Toll suggests that motivations for inserting these into the Ordinance are motivated with different motivations. In fact, if we look at the entire Ordinance, perhaps we should fix the entire thing before we penalize a business that ....

Chairman McBride: Mr. Toll, can you wrap it up? We're talking about two different ordinances here. It is known that the sign ordinance has been difficult to enforce as written, headway is being made with that. The marijuana issue is with us now. It will be made perfectly clear that marijuana is still deemed by the Federal Government as a Schedule One drug - it is illegal Federally.

Earlier in this meeting, funding with USDA for water, sewer, and the like, was discussed. (The County) would be remiss to jeopardize the relationship with the Federal Government - monies that help us out with to do construction and improvements - to "slap them in the face" by going forward in legalizing marijuana when it is a Federal prohibition. We don't care what is done in other counties - we have to look out for Storey County residents, taxpayers, and citizens.

**Motion:** In accordance with the recommendation by staff and the Planning Commission, I, Commissioner McGuffey, motion to approve First Reading of Ordinance No 17-275 amending Storey County Code (Title 17 Zoning) 17.10 and 17.12 pertaining to marijuana and medical marijuana establishments, including prohibition of allowed uses, special uses, accessory uses, or temporary uses within all zoning districts, and other properly related matters, including the correction of Section 2, paragraph B - 2,

Mr. Loomis read the title:

An ordinance amending zoning provisions in Storey County Code Title 17 to clarify that the prohibition on the use of property for the sale, cultivation, dispensing or display of marijuana includes medical and recreational marijuana, expanding that prohibition to include prohibitions on medicinal marijuana establishment uses, and recreational marijuana establishment uses, removing the prohibition on the sale or display of marijuana paraphernalia to persons over the age of 21 years or use of marijuana by persons over the age of 21 years and providing for other matters properly related thereto.

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

**20. DISCUSSION/POSSIBLE ACTION:** Authorize the County Manager to approve contract with Battle Born Consulting Services, LLC for the assistance in providing administrative functions and oversight of the Storey County Community Development Department.

County Manager Pat Whitten presented this item. With the retirement of Community Development Director, Dean Haymore, the approach to finding the next path is daunting. Staff is recommending to

not look outside for replacement. The typical building inspector comes in with an attitude of “let me show you how it’s done” in other cities and counties. There have been many times when a perspective business has asked how long it would take to get a permit in Storey County and Dean would say all that is needed is the plans and a check. That led to the decision to find the strength (for the position) internally or through a new structure.

Mr. Whitten stressed awareness of a lot of talk about “the good ole boy days”. This is an independent services contract and when looking at the economics, it makes sense. Douglas County has taken this approach in the hiring of an independent contractor for the County Manager position. The Douglas County contract was used as a base. This contract was reviewed by Human Resources and the District Attorney’s Office to be sure it meets all tests and legalities.

The reason to go with Battle Born Consulting and Gary Hames, is there is no “ramp up” time. Gary is aware and actively involved in all projects throughout the County and understands the key role that economic development has in local government. Most people hate government - our job is to make it the easiest, smoothest, most cost effective way for people to deal with. Including those that are developing projects - big and small. Most importantly, Gary understands Storey County. There is no worry about bringing in “outside attitude” to correct it, break it, mold it or anything like that.

Mr. Whitten is very pleased to recommend Battle Born Consulting, subsequent to Chief Hames retirement, to step in and provide the services.

Looking at the economics of this decision, there were three solutions:

- Go out to try and replace Mr. Haymore. Between salary and benefits - PERS and medical, cell phone and car allowances, this would have cost the County approximately \$207 to \$208,000.
- Same scenario with salaries and benefits being requested, was a solution costing \$262,000.
- The contract price bottom line with Battle Born Consulting Services, is \$136,248 total. Battle Born Consulting will have its own truck, pay for gas, tires, and cell phone. These will not be provided. Many ancillary expenses that Battle Born will have, including attorneys and such, will have to be paid for by Battle Born.
- The County has not been looking at “this path” for very long. It was not necessarily the first solution.
- There has been a lot of “chat” about a class in Denver, authorized by the County Manager - the only one who can do so by policy. This was done only because the County was buried in plan checks on all projects - including those inside and outside of TRI. Plan checks are greatly important in terms of safely permitting projects and limiting the County’s liability when it comes to stamping forms stating it is a “certified, qualified, trained” inspector or plan reviewer, verifying the plans are safe. The class was not done in anticipation of this move.

Mr. Whitten strongly recommends approval of this contract.

Chairman McBride: Explain how the contract would be terminated if it does not work out.

Mr. Whitten: Termination is covered in section 6, stating “either party can terminate this contract without clause provided that the termination of the contract shall not be effective until 30 days after the party has served written notice on the other party. All monies due and owing up to the point of termination shall be paid by Storey County to the contractor within 60 days unless otherwise agreed upon by the parties”.

Public Comment:

Gold Hill Resident, Sam Toll: Mr. Toll commented about not going out to bid for a contract and the issue of “rubber stamping” contracts. If there are only two contractors bidding, the same type of aggressive approach is not received as if you had ten. If promoting from within is suggested, the people promoted under those conditions must be the best and the brightest. It is shortsighted to not look outside because other sets of “clear eyes” may be looking at what is done here. Mr. Toll has suggested that other contracts, ie., Liquid Blue and Rad Strategies, not be “rubber stamped” every year, but go out to bid so there is a sense that a free market is being looked at. If contracts are kept within associates and friends, that gives the impression of “crony-ism”.

Mr. Whitten: There is a lot of talk about bid, this is a contract for professional services, nothing more - nothing less. Contracts for professional services are not out for bid. It be out for “RFQ”. Working with Gary for 20+ years - don’t need to RFQ or look around, or solicit for a brighter person. Mr. Whitten has worked with Gary, watched Gary work and help with Tesla and Switch, and “land” countless companies.

Mr. Whitten stands by his recommendation.

Storey County Resident, Nicole Barde: How is this an independent contractor? This contract does not meet the State’s 3 out of the 5 conditions, the IRS 20-factor test, and the ABC’s. With an indefinite contract, being paid monthly - with invoices, performing a core business function on the employer’s premises, using employer’s equipment and rules, only providing guidance to employer to hire and fire employees - how (does) this meets Federal Law, which State Law cannot overcome?

Mr. Whitten: (This contractor) is not using the employer’s equipment. Mr. Hames is using is own truck, his own computer . . .

Ms. Barde: Where is he going to be conducting business?

Mr. Whitten: In and out of a home office as well as with staff at County facilities, and in the field.

Ms. Barde: The question still stands. It also requires a substantial investment of a contractor in their own business to qualify as an independent contractor. How is this an independent contractor?

Mr. Loomis: This contract is modeled on the Douglas County contract with County Manager Larry Warner as an independent contractor. The contract is with Battle Born (Consulting Services), LLC - a limited liability company - not with Gary Hames personally. Battle Born will be providing Gary Hames as the person fulfilling the terms of this contract and follows the IRS 20-factor test as much as it can. The State requirements are being followed. Most importantly, this is a contract with an LLC and not with Gary Hames.

Ms. Barde: This is an exclusive contract. The services are not offered to anyone else. Thank you for the explanation, but (Ms. Barde) still not satisfied. This will be taken to others to find out of if this does match independent contracting - it is based on an existing contract without - and I’m probably wrong with this - basing it on “what little Bobby is doing and his mom says its okay”. Not so sure the Douglas County contract is legal, that way.

Kris Thompson: The two prior speakers want the County to go to other areas and bring someone in with experience in those (other areas) institutions. Storey County is different - this is why the County is exploding in economy not because corners are cut. The inspectors enforce the same building code and same environmental standards. Storey County has found a way to do this faster and more

efficiently, with an attitude of fast turn-around times - assisting and not hampering business, as would be with the people these folks would like to see hired (from California).

Gary Hames is a stand-out person - in work ethic and honesty and is clearly qualified to do the job based on licensing and experience at TRI. After Mr. Haymore leaves, no one in the County has more experience on the ground with the businesses in TRI.

There is no "back deal" - there was a different thought process, which was put aside for good reasons. If this is the option from the County, (TRI) supports it. Mr. Hames is qualified, and will fulfill the County's attitude of high environmental and building code quality bringing in leaders from around the globe.

Chairman McBride: When there is a good team in place, knowing how everything works, it is not necessary to go out to bid every time. If there are issues with anyone, that person will be cut loose and the County will go on. The County can't go out to bid every year for services just to go out to bid. When it's a good thing, stick with it.

Chair McBride is comfortable with this decision. Staff recommends approval.

Mr. Whitten: There are "non-substantive" changes that need to be made to the contract before signing. Paragraph 3 references termination in paragraph 7 - change to paragraph 6.

**Motion:** I, Commissioner McGuffey move to approve authorizing the Storey County Manager to enter the County into contract with Battle Born Consulting Services, LLC for the assistance in providing administrative functions and oversight of the Storey County Community Development Department as set forth in the proposed contract enclosed herewith, with correction noted, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**21. DISCUSSION POSSIBLE ACTION:** Consideration and possible approval of Resolution No. 17-455 to appoint hearing officers to hear appeals from persons appealing notices of nuisance issued by the County, setting the fees for filing the appeal, and setting the amount of compensation to be paid to the hearing officers.

Deputy District Attorney Keith Loomis: The recently passed nuisance ordinance contains provisions for appointment of hearing officers. Among the persons that can be considered is a pro-tem Judge from outside the jurisdiction. The ordinance also provides that the Board is to set the fees for filing an appeal from a notice of nuisance as well as fees for hearing officers and for appeal of the decision of the hearing officer for appeal before the Board of County Commissioners.

- Two pro-tem Judges have agreed to act as hearing officers as the need arises - David Sarnowski and Jessica Prunty.
- The proposed compensation is \$100 for half-day hearing; \$200 for full day. This is the same fee paid by Carson City for pro-tem Judges.
- The fee for the appeal will cover the cost of the hearing officer as well as for preparation of a transcript of the hearing before the hearing officer.
- The proposed fee for the appeal is \$300.

District Attorney Anne Langer: Dave Sarnowski is retired, giving him time to do these cases, and was with the Attorney General's Office and then worked with Judicial Ethics. Jessica Prunty has worked for a private firm for approximately 20 years. Both are on the pro-tem calendar in Carson City,

indicating experience as pro tem judges in the past and would understand the nuances of a nuisance case. Ms. Langer highly recommends both.

Vice Chairman McGuffey: Dave Sarnowski was the attorney for the Ethics Commission at the time of a matter involving myself. Mr. Sarnowski wrote an exoneration letter. Would this be a conflict of interest?

Ms. Langer: Yes, there could be conflict. It is best that Vice Chairman McGuffey not vote on this item.

Chairman McBride: If a person should prevail in appealing the nuisance before a hearing officer, are the fees refunded?

Mr. Whitten: I think so.

Public Comment:  
None

Vice Chairman McGuffey abstained from voting.

**Motion:** I move to Approve Resolution No. 17-455 setting the fees for filing appeals in nuisance cases, setting the amount of compensation to be paid to the hearing officers, and the appointment of Jessica Prunty and David Sarnowski as hearing officers to hear appeals from notices of nuisance issued by the County and authorize the Chairman to sign, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

**22. DISCUSSION/POSSIBLE ACTION:** 2017-019 BLA by Pamela Loy/Dave Thomas. The Applicant requests approval of a Boundary Line Adjustment (BLA) between Lots 331 and 332A of Virginia City Highlands Unit 1, Assessor Parcel Numbers (APNs) 003-101-06 (Lot 331) and 003-101-67 (Lot 332A). The adjustment is being requested to accommodate a driveway for Lot 332A that was constructed across the property line. Upon completion of this Boundary Line Adjustment, the driveway will be completely contained on Lot 332A. The adjustment will be an equal area exchange so that the parcel sizes remain the same. The properties are located at 1935 and 1941 Saddleback Road, Virginia City Highlands, Storey County, Nevada.

Planner Kathy Canfield presented this item. An addendum has been passed out. This item is a simple boundary line adjustment where a driveway was built across an adjacent property. The adjustment will be an equal area exchange allowing the driveway to be on the applicant's property. No objections were received from surrounding property owners.

Public Comment:  
None

Findings of Fact:

The applicant requests approval of a boundary line adjustment between lots 331 and 332A of Virginia City Highlands Unit 1, Assessor Parcel Numbers 003-101-06 (Lot 331) and 003-101-167 (Lot 332A).

The Boundary Line Adjustment complies with NRS 278.475 through 278.477 relating to the change in location of boundary line.



The Boundary Line Adjustment complies with all Federal, State, and County Regulations pertaining to Parcel Maps, BLA and allowed land uses.

The Boundary Line Adjustment will not impose substantial adverse impacts or the surrounding vicinity.

The conditions of approval for the requested Boundary Line Adjustment do not conflict with the minimum requirements in Storey County Code Chapters 17.40 Estate Zone or any other Federal, State, or County regulations.

**Motion:** In accordance with the recommendation by Staff and the Storey County Planning Commission, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I, Commissioner McGuffey, hereby recommend approval with conditions for the Boundary Line Adjustment Application Number 2017-019 for a boundary line adjustment between Lots 331 and 332A of Virginia City Highlands Unit 1, Assessor Parcel Numbers 003-101-06 (Lot 331) and 003-101-67 (Lot 332A), **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

**23. DISCUSSION/POSSIBLE ACTION:** Variance 2017-018 by Tim Roth/Jack McGuffey (changed from McGuffey to Collins Construction at the Planning Commission meeting). The applicant requests a variance to the side and rear yard setbacks for the construction of a one-story, one-car garage. The applicant requests the side yard setback be reduced from the required 8-feet to the proposed 4.5-feet, and the rear setback from the required 20-feet to the proposed 6-feet. The property is located at 196 S. P Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-253-07.

Based on his affiliation with Collins Construction, Vice Chairman McGuffey, recused himself from discussion and vote on this item.

Planner Kathy Canfield: This is a Variance request to construct a single, one story car garage on a residential property. Two existing sheds will be removed when the garage is constructed. The request is for the side yard setback be reduced from 8 feet to 4.5 feet with the rear yard setback to go from 20 feet to 6 feet. Staff is recommending approval. The garage will be constructed to match the house which has historical characteristics.

Public Comment:  
None

Findings of Fact:

The applicant requests a variance to the side and rear yard setbacks for the construction of a one-story, one-car garage. The applicant requests the side yard setback be reduced from the required 8-feet to the proposed 4.5-feet, and the rear setback from the required 20-feet to the proposed 6-feet. The property is located at 196 S. P Street, Virginia City, Storey County, Nevada, APN 001-253-07.

The subject property is located within R1 Residential zoning with an existing residence as a primary use and the proposed garage as an allowed accessory use.

That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.

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

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

The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations.

The proposed Variance is in compliance with Storey County Code 17.03.140 Variances and 17.16 R1 Residential Zones when all Conditions of Approval are met.

The proposed Variance is in compliance with and supports the goals, objectives and policies of the 2016 Storey County Master Plan.

Commissioner Gilman: The Planning Commission did a very professional job in reviewing and approving this project.

**Motion:** In accordance with the recommendation by Staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board, and in compliance with the conditions of approval, I, Lance Gilman, recommend approval of a variance (Variance 2017-018) to the side and rear yard setbacks for the construction of a one-story, one-car garage. The Applicant requests the side yard setback be reduced from the required 8-feet to the proposed 4.5 feet, and the rear setback from the required 20-feet to the proposed 6-feet. The property is located at 196 S. P Street, Virginia City, Storey County, Nevada, APN 001-253-07, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

**24. DISCUSSION/POSSIBLE ACTION:** SUP 2017-016 by Patrick Bacon. The Applicant requests a Special Use Permit to construct a maximum 75-foot high tower to support non-commercial amateur "ham" radio telecommunications equipment at the Applicant's residence located at 188 Martin Lane, "Mark Twain" (Dayton). Storey County, Nevada, Assessor's Parcel Number (APN) 003-284-13.

Planner Kathy Canfield stated Applicant's request is for an amateur radio tower, with a maximum of 75 feet, at a residential property in Mark Twain.

- Applicant proposes to construct the antenna toward the middle of the property with a 75 foot setback from rear and side property line.
- In case of a failure, the (antenna) would fall on applicant's property without impacting neighbors.
- Aesthetics of the tower was discussed at the Planning Commission.
- An illustration is presented in the packet. The tower is collapsible and can go up and down to various heights - a maximum of 75 feet.
- Two neighbors expressed concern about seeing the tower and impact on property values.

- Applicant indicated he will work with the neighbors. Applicant also talked with neighbors and has a list of those not opposed.
- Staff recommends approval with conditions:
  1. Insurance - the County is satisfied with \$300,000 insurance, based on the location of the tower;
  2. Strike "Condition U" as being redundant. Condition "C" covers the same items.
  3. New "Condition U" was added: "The proposed tower design shall be consistent with the engineered plans submitted to Storey County Planning Department and as depicted in the Staff Report for this Special Use Permit."

Public Comment:

Chairman McBride: Heard the concerns of neighbors at the Planning Commission meeting. Mr. Bacon is within the guidelines of Ordinance and Law in erecting this (tower). One concern, was the telephone poles on the property. Is there a limit to how many telephone poles will be put in?

Applicant, Patrick Bacon: Those are the only poles that will be put up.

- The poles are within the law and are used for flags for each of the services for which telephone patches are run for injured military.
- There is a wire around the poles used as a nighttime antenna.
- Phone patches are run around the world, many times at night. The antenna that will be on top of the tower will be for daytime use.
- The tower is motorized, goes up and down, and can be remotely controlled. It is in compliance.
- The poles were professionally installed and are to code. This is the only nighttime antenna and the poles are in compliance with every other pole in the neighborhood.
- Every adjacent property had no problem.
- One person in the back - one property over, said in might affect sale of his home. Another resident thought the tower might be unsightly.
- The tower is a pipe tower with the top section being 3 inches square - nearly imperceptible from  $\frac{1}{2}$  to  $\frac{3}{4}$  miles away, and will probably be down a lot of the time.
- There are poles all around in this area. The power lines...

Chairman McBride: Understands and is familiar with the antenna being erected. Mr. Bacon might have to agree that the neighbors seeing four telephone poles - although within legal rights - understand how that might be an eyesore.

Mr. Bacon: Neighbors across the street and on the other side of the property, have signed that it does not bother them.

- The person worrying about his property value going down has so many trees, Mr. Bacon does not understand how the poles can be seen.
- All ordinances have been complied with.
- Originally there were five poles, one is horizontal and will be left horizontal.
- The antenna goes up to 75 feet. Mr. Bacon will experiment to determine the height needed to reach injured military in the Persian Gulf.
- Mr. Bacon has also been a ham radio operator for many years with friends around the world.

Vice Chair McGuffey: Does this (antenna) open the door to remove the poles?

Mr. Bacon: Then there wouldn't be antenna on two bands.

Austin Osborne: The applicant has explained everything. The poles are compliant with code and appear to meet building requirements, however the conditions state that there will be no more.

Ms. Canfield: The SUP is non-transferable. If the property is sold, the antenna would have to come down.

Mr. Bacon: Will agree that if he is no longer the owner of the property or deceased, the antenna and poles will come down.

#### Findings of Fact:

The Applicant requests a Special Use Permit to construct a maximum 75-foot high tower to support non-commercial amateur “ham” radio telecommunications equipment at the Applicant’s residence located at 188 Martin Lane, Mark Twain, Storey County, Nevada, Assessor’s Parcel Number (APN) 003-284-13.

In accordance with *Taormina v. Storey County* and the PRB-1 Ruling of the Federal Communications Commission (FCC), the county may “attempt to negotiate a compromise with the applicant” in order to provide for a “reasonable accommodation” for amateur radio communications in administering practicable regulations with regard to health, safety, and aesthetic considerations for the area. Under the rule of the Ninth Circuit Court noted in *Howard v. City of Burlingame* and included in *Taormina*, “the city [county] may deny the antenna permit” if attempts “to negotiate a compromise with the [amateur radio] applicant” in accordance with factual findings are unsuccessful.

Storey County’s local ordinances do not outright ban or impose unreasonable restrictions on the height or placement of radio communications towers; therefore, the federal law under PRB-1 of the FCC does not preempt the local ordinances regulating such structures.

The conditions and stipulations in accordance with the motion “which involve placement and other restrictions, based on health, safety, and aesthetic considerations” have been crafted to provide a “reasonable accommodation” for amateur communications, and to represent a minimum practicable regulation to accomplish the county’s legitimate purposes.

Section 17.62.010 (Special Uses) of the Storey County Code provides for “reasonable accommodation” of amateur communications in that, “Certain uses may be permitted by the Board of Storey County Commissioners in zones in which they are not permitted by this title where such use are deemed essential or desirable for the public convenience or welfare.”

The motion provides for effective and efficient amateur communications at the local, regional, national, and global level.

Storey County has considered the Special Use Permit application, hereby proposes factual findings to be included with a motion for approval, has engaged the applicant in the appropriate public process, and has attempted to negotiate a compromise for a “reasonable accommodation” for amateur communications.

The applicant has agreed that the support structure (tower) will remain below Federal Aviation Administration (FAA) height limitations which would necessitate lighting and tower coloration.

In accordance with federal regulations under the FCC, electromagnetic and other radio-wave interference resulting from the amateur communication systems is entirely within the

jurisdiction of the FCC and that the local jurisdiction may not impose or enforce regulations related thereto.

This Special Use Permit allows for additional height up to a maximum of 75 feet for the non-commercial communications tower and antennas on the subject property. The tower is an accessory use to the primary residential use on the property.

The Special Use Permit conforms to the 2016 Storey County Master Plan for the Mark Twain planning area in which the subject property is located. A discussion supporting this finding for the Special Use Permit is provided in Section 2.D of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

The subject property is located within an existing residential neighborhood in the Mark Twain Estates area of Storey County. The zoning is Estates and the primary use on the property is residential which is consistent with the Estates zoning. The proposed non-commercial communications tower and amateur radio equipment are an accessory use to the primary residence on the property.

Granting of the Special Use Permit will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons residing in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building plan review in order to ensure compliance with federal, state and other codes.

The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

The conditions under the Special Use Permit do not conflict with the minimum requirements in Storey County Code Sections 17.03.150, Special Use Permit and Section 17.40, E - Estate Zone.

Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

**Motion:** In accordance with the recommendation by Staff and the Planning Commission, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Commissioner McGuffey, recommend approval of Special Use Permit 2017-016 allowing the applicant to construct a maximum 75 foot high non-commercial communications tower to support amateur "ham" radio equipment at the applicant's residence located at 188 Martin Lane, Mark Twain, Storey County, Nevada, Assessor's Parcel Number (APN) 003-284-13, with the added condition that no other poles or towers be installed and that all towers and poles be removed once ownership changes, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

Chairman McBride called for recess at 12:54 PM  
Meeting reconvened at 1:01 PM

Item 26 moved and heard before Item 25.

**26. DISCUSSION/POSSIBLE ACTION:**

Grant and conveyance to TRI General Improvement District a perpetual right and easement to construct, operate, add, modify, maintain, and repair aboveground and/or underground water well facilities, consisting of pipes, wells, pump stations, valves, treatment facilities, other structures, wires, cables, conduit, manholes, vaults, service boxes, cabinets, and other equipment, fixtures, apparatus, and improvements, and to access the easement area for construction, repair, and maintenance of allowed uses upon, over, under, and through right-of-way property owned by Storey County and located approximately at the northeasterly right-of-way of Peru Drive and the northeasterly right-of-way of West Sydney Drive, McCarran (Tahoe-Reno Industrial Center), Storey County, Nevada.

Commissioner Gilman recused from discussion and vote on this item

Planning Director Austin Osborne presented this item. Applicant is requesting to install a well within the right-of-way of the road, serving companies adjacent to the area at Tahoe-Reno Industrial Center.

- This includes structures related to the well.
- This is a standard use in the area.
- There will not be a storage tank at this location. There are storage tanks located far away in other area of TRI.

Public Comment:

None

**Motion:** I, Commissioner McGuffey, motion to approve the grant conveyance to TRI General Improvement District a perpetual right and easement to construct, operate, add, modify, maintain, and repair aboveground and/or underground water well facilities, consisting of pipes, wells, pump stations, valves, treatment facilities, other structures, wires, cables, conduit, manholes, vaults, service boxes, cabinets, and other equipment, fixtures, apparatus, and improvements, and to access the easement area for construction, repair, and maintenance of allowed uses upon, over, under, and through right-of-way property owned by Storey County and located approximately at the northeasterly right-of-way of Peru Drive and the northeasterly right-of-way of West Sydney Drive, McCarran (Tahoe-Reno Industrial Center), Storey County, Nevada, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

**25. DISCUSSION/POSSIBLE ACTION:** SUP 2017-017 by Tyra Fuller. A Special Use Permit to operate a historical re-enactment of blacksmithing activities, located at 109 S. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-074-03. The historical re-enactment will include the use of a small coal-fired forge, dressing in historical clothing, the installation of a picket fence for a barrier between the public and blacksmith activities, an open-sided structure for shade/cover and the sale of metal works.

Planner Kathy Canfield presented this item. This is for blacksmithing activity located on C Street.

Ms. Fuller is currently operating under a Tourism Commission Special Permit.

The Planning Commission had numerous questions about Ms. Fuller's operation but had no objections.

- As an amendment to the conditions, it was requested that the County be added as additional insured to Ms. Fuller's insurance. This has been added as an addendum.
- Another condition added - to not operate during "red-flag" days.
- Applicant has agreed to these conditions.

County Manager Whitten: The County would like to be more precise in the definition of windy days. This is sustained wind in excess of 10 miles per hour - as predicted and available on the National Oceanic & Atmospheric Administration's site.

Mr. Osborne: The Fire District recommends simply - "no operation of the forge during red-flag warning days". Red-flag warning days are triggered not necessarily just by the wind. The Fire District will also do periodic reviews to insure the premises are safe.

Mr. Whitten: There is a specific condition that a qualified person must remain physically on-site at any time there is an active fire. Having seen this in operation - it is "way cool".

Mr. Osborne: It's very authentic and consistent with what we want to bring here.

Vice Chairman McGuffey: How will applicant know when/if it is a red flag day?

Mr. Osborne: Flags go up on the fire station. A condition could be added that the applicant call the Fire Department on windy days. The applicant is responsible for shutting the forge down and checking with the Fire Department on windy days.

Mr. Whitten: The Fire Department usually knows well in advance if there is a red-flag warning.

Public Comment:

Applicant, Tyra Fuller: If you stop working with a coal forge for even five minutes, it goes out. At times wind blows through the blower and it looks like smoke, but it is ash - which is not lit. Coal does not spark like charcoal and is hard to light. A chalk board is put up during windy times indicating the forge is not being lit due to the conditions. There is also a dome to be put over the forge at times when applicant is away from the area. Basically, it's "burning rock".

Mr. Osborne: Is there any objection to a condition that coal would be used and not charcoal.

Ms. Fuller: Does not use charcoal, other than to sometimes light the coal. Ms. Fuller was required to use charcoal in the past, and did not like the results. Ms. Fuller indicated she has four means of suppressing the fire: a fire extinguisher, the dome, sand, and buckets of water.

Ms. Canfield: Note this Special Use Permit is not transferable.

Findings of Fact:

This approval is for a Special Use Permit to operate a historical re-enactment of blacksmithing activities, located at 109 S. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number(APN)001-074-03. The historical re-enactment will include the use of a small coal-fired forge, dressing in historical clothing, the installation

of a picket fence for a barrier between the public and blacksmith activities, an open-sided structure for shade/cover and the sale of metal works.

The subject property is located within a commercial area along C Street in Virginia City, Storey County, Nevada. The zoning is Commercial-Residential and the primary use on the property is commercial, with the proposed use as an outdoor venue.

The Special Use Permit conforms to the 2016 Storey County Master Plan for the Virginia City planning area in which the subject property is located. A discussion supporting this finding is provided in Section 2.C of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

Granting of the Special Use Permit will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons residing in the neighborhood of the subject property. The project is expected to meet the safety and health requirements for the subject area. The use will also be subject to building and fire plan review in order to ensure compliance with federal, state and other codes.

The Special Use Permit will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding area, and it will comply with all federal, state and county regulations.

The conditions under the Special Use Permit do not conflict with the minimum requirements in Storey County Code Sections 17.03.150, Special Use Permit and Section 17.30, CR - Commercial Residential Zone.

Granting of the Special Use Permit will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the neighborhood or area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property improvements in the neighborhood or area of the subject property.

The proposed use will conform to all requirements of the Storey County Fire Protection District as a condition of this Special Use Permit.

Chairman McBride: In regards to the condition of having applicant name the County as additional insured, staff does not seem to know if this has been done in the past with a Special Use Permit.

Commissioner Gilman: At this point, it seems to be an unusual precedent.

Mr. Whitten: Believes this is a condition under the VCTC special event permitting. Anytime there is a short, limited permit, this would be needed. In this case, Mr. Whitten agrees that this (condition) is not necessary.

Mr. Osborne: Agrees with this as well. Staff's original position was not to have it - this was added by the Planning Commission.

Staff is recommending approval.

Commissioner Gilman: Strike the condition regarding the County being named as additional insured (added by the Planning Commission).



**Motion:** In accordance with the recommendation by staff and the Planning Commission, the findings of fact under Section 3.A of this report, and other findings deemed appropriate by the Board of County Commissioners, and in compliance with the conditions of approval, I, Commissioner Lance Gilman, recommend approval of Special Use Permit 2017-017 to operate a historical re-enactment of blacksmithing activities, located at 109 S. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-074-03. The historical re-enactment will include the use of a small coal-fired forge, dressing in historical clothing, the installation of a picket fence for a barrier between the public and blacksmith activities, an open-sided structure for shade/cover and the sale of metal works, with the added condition that no operating shall occur under Fire District issued red-flag warnings,  
**Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

**27. DISCUSSION/POSSIBLE ACTION:** Business License Second Readings:

- A. ALL THINGS ELECTRIC** - Contractor / 4632 Sommerville Way ~ Reno (Contractor)
- B. TUFF WRAP INSTALLATIONS, INC.** - Contractor / 2080 Detwiler Road ~ Harleysville, PA (Contractor)
- C. SUPREME CONCRETE, LLC** - Contractor / 5295 Coggins Road ~ Reno (Contractor)
- D. SOUTH ATLANTIC CONTROLS, INC.** - Contractor / 10226 Governor Blvd ~ Williamsport, MD (Cont.)
- E. ROCKWELL AUTOMATION** - Contractor / 3000 Executive Pkwy ~ San Ramon, CA (Professional)
- F. PRO-BEAM USA, INC** . - Contractor / 3909 75th Street ~ Aurora, IL (Contractor)
- G. HAS CONSULTING, LLC** - Professional / 3450 Madison Road ~ Cincinnati, OH (Software Developer)
- H. ROSENBERGER HFT GMBH & CO KG** - Contractor / PO Box 1260 Tittmoning, Germany (Contractor)
- I. LJS SOLUTIONS** - Contractor / PO Box 969 ~ Sumter, SC (Contractor)
- J. CC CLEANING SERVICE, LLC** - General / 9115 Hummer Drive ~ Reno (General)
- K. MEMORY LANE JEWELRY** - Home Business / 340 Cartwright Rd ~ Reno (online sales)
- L. PALETTI USA, LLC** - Contractor / 145 Keystone Drive ~ Montgomeryville, PA (Contractor)
- M. BAYSIDE INTERIORS, INC** . - Contractor / 3220 Darby Common ~ Fremont, CA (Contractor)
- N. JAPAN SYSTEMS CO., LTD** - Professional / 1-5-17 Dojima, Kita-ku, Osaka JAPAN (Professional)
- O. HERO CO., LTD** - Professional / 6-6-6 Nishinakajima Yodogawa-ku, Osaka JAPAN (Professional)
- P. PROMTEC INDUSTRIEMONTAGE GMBH** - Contractor / Benzstrasse 2, GERMANY (installer)
- Q. GO GREEN CONSTRUCTION, INC** . - Contractor / PO Box 956 ~ Crystal Bay, NV (roofing contractor)
- R. TK SYSTEMS, INC** . - Contractor / 6949 Buckeye Street ~ Chino, CA (Contractor-pallet racking)
- S. BBS AUTOMATION PENANG SDN.BHD** - Contractor / Plot 313 Pulau Pinang, Malaysia (Contractor)
- T. STERICYCLE ENVIRONMENTAL SOLUTIONS, INC** . - General / 28161 N Keith ~ Lake Forest, IL (labor)
- U. CENTIMARK CORPORATION** - Contractor / 5380 South Watt ~ Sacramento (roofing contractor)
- V. BRIDGE CRANE SPECIALISTS, LLC** - Contractor / PO Box 940 ~ Kiefer, OK (Contractor)
- W. PLAN B CONSULTANCY, INC** . - Professional / 696 McVey Avenue ~ Lake Oswego, OR (consultant)
- X. AUTOMATION NTH, LLC** - Professional / 491 Waldron ~ Lavergne, TN (Engineer)
- Y. EATON CORPORATION** - Professional / 1000 Moon Township, PA (Engineer)
- Z. AMADOR STATELINES, INC** . - Transportation / 1331 C Street ~ Sacramento, CA (bus transportation)
- AA. ATS ASSEMBLY AND TEST, INC** . - Contractor / One ATS Drive ~ Nixom, MI (Contractor)
- BB. KYZEN CORPORATION** - Contractor / 430 Harding Industries ~ Nashville, TN (Contractor)

**CC. MEI RIGGING & CRATING, LLC** - Contractor / 3838 Western Way NE ~ Albany, OR  
(Contractor)

**DD. INNOVATIVE MANAGEMENT SOLUTIONS, INC** . - Professional / 825 Watters Creek ~ Allen,  
TX (prof)

**EE. SYNCREON TECHNOLOGY (AMERICA), INC.** - General / 2555 USA Parkway (logistics) TRI  
TRI

On behalf of Community Development, Mr. Whitten, requested that Item EE be continued. Items A through DD to be approved.

Public Comment:  
None

**Motion:** I move to continue Item EE, Syncreon Technology, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

**Motion:** I move to approve Items A through DD., **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

## **26. PUBLIC COMMENT (No Action)**

Gold Hill resident, Sam Toll: Has attended many County Commission meetings and in every one the public comment section is at the beginning of the meeting - not the end. By placing public comment at the end of the meeting, there is no way to know when that will be - if someone needs to leave or go out. It sends a message to the public that their comments are less important than the rest of the process. It would be in the best interests of the public to move (public comment) to where most meetings have it, at the beginning. Mr. Toll acknowledged that there have been persons who take advantage of and abuse the amount of time it takes - but, public comment is critical. The Board's consideration is appreciated.

County Manager Whitten: Just received a message from the County's analyst, Tom Gransbery, saying for the first nine months - July through receipt of the last tax payment - the County's SCRRT's were a positive gain over the guaranteed share, of \$171,500 in excess.

## **27. ADJOURNMENT**

The meeting was adjourned by call of the Chair at 1:30 PM

**28. CLOSED SESSION :** Call to Order 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 Firefighters Association IAFF Local 4277 and Storey County Sheriff's Office Employees Association NAFPO Local 9110. This meeting will commence immediately following the regular commission meeting.

This item taken of the agenda.

Respectfully submitted,

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

