



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, NOVEMBER 7, 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-

ROLL CALL: Chairman Marshall McBride, Vice-Chairman Jack McGuffey, Commissioner Lance Gilman, County Manager Pat Whitten, Clerk & Treasurer Vanessa Stephens, Deputy District Attorney Keith Loomis, Administrative Officer/Planning Director Austin Osborne, Comptroller Hugh Gallagher, IT Director James Deane, Outside Counsel Robert Morris, Community Relations Director Cherie Nevin, Project Manager Mike Northan, Wastewater Project Coordinator Mike Nevin, Director of Security Melanie Keener, and Sergeant Kern

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

Meeting was called to order by Chairman McBride at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE

Chairman McBride led those present in the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for November 7, 2017

County Manager Whitten requested Consent Agenda item VII. F - Edegaro Candido business license - be removed.

Public Comment:
None

Motion: Approve Agenda for November 7, 2017, with removal of Consent Agenda Item VII. F,

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 the Minutes for September 19, 2017.

Public Comment:

None

Motion: Approve Minutes for September 19, 2017, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

5. DISCUSSION/POSSIBLE ACTION: Approval of the Minutes for October 3, 2017.

Public Comment:

None

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

6. CONSENT AGENDA:

I For possible action, approval of payroll claims in the amount of \$584,285.09 and accounts payable claims in the amount of \$2,738,451.98.

II For possible action, authorize the County Manager to sell approximately 154 sections of 12 foot "K-Rail" on an "as is; where is" condition to Ames Construction in the amount of \$27,720.00.

III For possible action, approval of Resolution 17-476, a resolution to direct the County Assessor to prepare a list of all the taxpayers on the secured roll in the County pursuant to NRS 361.300(3).

IV For possible action, approval of Assessor's Recommended Corrections to 2017-18 Secured Tax Roll for Exemptions.

V For possible action, approval of general business license first reading, applicant is Carol Maley, owner of Virginia City RV Park LLC located at 355 N F Street, Virginia City, NV 89440.

VI For possible action, approval of cancellation of the November 21st meeting.

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

- A. **BARRY-WEHMILLER DESIGN GROUP** - General/ 8020 Forsyth Blvd ~ Roseville, CA
- B. **WTD HOLDINGS, INC.** - Contractor / 2255 Justin trail ~ Alpharetta, GA
- C. **INTERNATIONAL WORKERS GROUP** - General / 26 Center Rd ~ LaGrange, GA
- D. **MOUNTAIN MUNCHIES VENDING CO.** - General/ ~ Truckee, CA
- E. **MARLOWE HEINZ** - General / 355 N "F" St. ~ Virginia City, NV
- F. ~~**EDEGARDO CANDIDO** - HandyMan HB / ~ Virginia City, NV -- REMOVED~~
- G. **MITSUBISHI ELECTRIC AUTOMATION** - General/ 500 Corporate Woods Pkwy ~ Vernon Hills, CA
- H. **CHROMALOX INC.** - General/ 103 Gamma Dr ~ Pittsburgh, PA
- I. **BOART LONGYEAR CO.** - Contractor/ 2455 South 3600 West ~ West Valley City, UT
- J. **CALLE TACOS** - General/ 2880 Kieztke Ln ~ Reno, NV
- K. **TESLA ENERGY, DBA: SOLARCITY** - General/ 3055 Clearview Way ~ SanMateo, CA
- L. **ADECCO USA, INC** - General/ 10151 Deerwood Pk ~ Jacksonville, FL
- M. **COBALT CONTRACTING LLC** - General/ 5669 Courtney Plummer Rd ~ Oshkosh, WI
- N. **ACME CONSTRUCTION SUPPLY** - General/ 330 se Salmon St ~ Portland, OR
- O. **DIANDA CONSTRUCTION INC** - Contractor/ 5485 Reno Corporate Dr ~ Reno, NV
- P. **THERMOLD INSULATION** - Contractor/ 2995 White Pine Dr ~ Washoe Valley, NV
- Q. **REYNOLDS BATTERY SVC, INC** - General/ 1390 N. McDowell ~ Petaluma, CA
- R. **SAKANA, LLC** - General/ 7655 Town Square Ln ~ Reno, NV

- S. **TECH PLUMBING & HEATING INC** - Contractor/ 2601 Warm Springs Ct ~ Carson City, NV
- T. **BDE ENGINEERING GMBH** - General/ 10 Industrie Strasse ~ Germany
- U. **ISLAND ICE, LLC** - General/ 6137 Torrington ~ Reno, NV
- V. **AMERICA RENTS** - General/ 10450 S. Virginia St ~ Reno, NV
- W. **INFERNO PIZZA TRAILER, LLC** - General/ 5885 Wishbone Ct ~ Sun Valley, NV
- X. **TECHNICOAT MANAGEMENT, INC** - Contractor/ 6879 Speedway Blvd ~ Las Vegas, NV
- Y. **SUMMIT LINE CONSTRUCTION, INC** - Contractor/ 441 W. Power Line Rd ~ Heber City, UT
- Z. **TRUE NORTH SOLUTIONS LP** - General/ 8822 S. Ridgeline Blvd ~ Highlands Ranch, CO
- AA. **ENCORE STEEL, INC** - General/ 3420 S. 39th Ave ~ Phoenix, AZ
- BB. **BANGKOK CUISINE, LLC** - General/ 55 Mt. Rose St ~ Reno, NV
- CC. **MIDWEST ENGINEERED SYSTEMS, INC** - General/ W238 N. 1800 Rockwood ~ Waukesha, WI
- DD. **DEVIN GALLOWAY, DBA: IN THE ROUGH RECORDS** - General/ 333 Territory Rd ~ Dayton, NV
- EE. **CHEF YORKEY, LLC.** -General/ 881 Golfers Pass Rd. ~ Incline Village, NV
- FF. **TECHNOSOFT SERVICES, INC.** - General/ 13400 Bishops Lane ~ Brookfield WI

Motion: Approve Consent Agenda for November 7, 2017, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

7. DISCUSSION/POSSIBLE ACTION (No Action-No Public Comment): Committee/Staff Reports.

VRWPA representative, Valerie Lebel-Flatley:

- Thank you the Commission and especially to Commissioner Gilman for support of the Cooperative Agreement regarding the wild horse issues.
- It would be helpful if all of the Commissioners could sign a letter rescinding the termination of the Cooperative Agreement.
- There is a rally tomorrow in Carson City.
- The cattle guards in Lockwood need to be cleaned out before drainage issues occur. The guards deter horses from entering the community.

Mr. Whitten: Acting Public Works Director Jason Wierzbecki is looking in to the issues with the cattle guards.

Community Relations Director Cherie Nevin:

- A blood drive is being held today in the parking lot.
- Grant funds of approximately \$80,000 have been awarded to the County from State Historic Preservation Office. Approximately \$50,000 will go to St. Mary's Art Center for structural and drainage issues. The rest of the funds to the Cemetery Foundation for construction of the Visitors Center porch.

Project Manager Mike Northan:

- A final set of drawings and scope of work have been received for the Virginia City Highlands mailboxes. A couple of contractors have expressed interest in this project.
- A site visit was made to the area of the communication tower project. There is some potential commercial interest that may put resources toward this project.

- A huge amount of insurance work took place over the last two weeks, including at the Courthouse, the building department, and the District Attorney's Office. Work will begin at Station 71 this week.
- Thank you to all department heads and personnel for patience and understanding while the work is being completed.

Wastewater Project Coordinator Mike Nevin:

- Week 9 of this project has started, with approximately 345 days left for completion.
- Work continues on Washington Street and along Flowery.
- The intersection of Washington and L will be completely re-done. The V&T Railway tunnel runs under this intersection causing some issues that have been addressed.
- Mr. Nevin presented statistics regarding equipment and products being used in this project.

Administrative Officer/Planning Director Austin Osborne:

- Work continues with the Porter Group in Washington DC on the Lands Act. The Porter Group is working with offices of Congressman Amodei, and Senators Heller and Cortez-Masto on this issue. The Bill is being written along with BLM, who is working with them, and is looking to be positive for the 2018 session of Congress with no real issues expected. There may be an option to go through the initial Lands Act and create administrative clarification without going through the Congressional process.
- Title 16 and 17 will be discussed at the Planning Commission meeting on November 16th with action to be taken at that time.
- Carson River Water Subconservancy received bids to conduct the Master Plan flood study in Mark Twain.

County Manager Pat Whitten:

- The November 21st Commission meeting has been cancelled. The next regular meeting will be held on December 5, 2017.
- Introduced and welcomed Carol and Mark the new owners of the Virginia City RV park.
- Read the following statement from the Porter Group regarding the zip code issued into the record:

“As we've mentioned in previous updates, language to create a single, unique ZIP code for all of Storey County is currently in a bill - HR 756, the Postal Service Reform Act of 2017 - which has been unanimously approved by the House Oversight and Government Reform Committee. Other Committees in the House also have jurisdiction over parts of this bill and we are pushing them to complete their work on it as soon as possible so it can be sent to the full House floor for a vote. Congressman Amodei has also been helpful in pushing the other Committees to act on HR 756 yet, to date, no timeline has been given to Porter Group or Congressman Amodei as to when we might expect the bill to move next.

In addition to that, we are also pursuing other legislative vehicles that we might be able to attach our ZIP Code language to. These include both appropriations bills and authorization bills. It is our view that the more exposure we get for our ZIP code language, the better chance we have to get it enacted into law. It is still our strong opinion that we will get a new ZIP code for Storey County by the end of the 115th Congress.”

- The County will take responsibility for re-paving portions of roads where sewer work is being done and is outside of the area being re-paved by the contractor.
- Community members are encouraged to take up Mr. Nevin's offer to tour this (wastewater improvement) project. It is a very intrusive project, however in the last two weeks there have

only be a handful of complaints. The contractor, Ames Construction, is great to work with. Updates are provided weekly on the County website or by calling 847-INFO.

- In regards to tax relief, a suggestion was made to look into what is done in Alaska with pipeline program and checks being sent to residents. There is a lot to be looked at but there may be some potential in this type of program. It may take an act of the Legislature. The District Attorney's Office is working to find viable solutions (to tax relief).

County Manager Whitten on behalf of Jason Wierzbicki, Acting Public Works Director:

- Mark Twain road project is just about complete.
- An unpaved section of "O" Street has been paved.
- The Community Center/Pool parking lot has been striped.
- New street signs for all streets in Virginia City have been picked up. These signs denote "north" and "south".
- Working with Mr. Nevin and the contractor in determining sewer and water locations for the wastewater project.
- Farr West Engineering has completed the survey of property around the mailboxes in the Highlands.
- Working on playground options for Lockwood Park.

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

Commissioner Gilman :

- Reported on his recent trip to Washington DC to attend the Nevada Local Elected Officials White House Convention. This is a new program being developed by the Administration looking for "grass roots" input into decisions being made in Washington DC. This convention will be held for each state. Discussions took place with the County's lobbyist regarding the Lands Bill and Zip Code issues. There was an opportunity to meet and speak with every major Federal department. An invitation was extended to communicate with each of these Federal departments on any issues, concerns, or requests that are important to the County.
- He left Washington with an optimistic outlook that de-regulation is being looked at the Federal level.

Vice Chairman McGuffey:

- The annual Homeowners Association meeting was held in the Highlands with new Board members voted on. Information provided at the meeting by Chairman McBride and Mr. Osborne was greatly appreciated.

9. DISCUSSION ONLY (No Action) : Update of the Devnet and Tyler software/hardware installation.

James Deane, IT Director, gave an update on the installation of software for the Devnet and Tyler systems which will replace the County's mainframe.

- Flooring is in and power has been run in the new data center.
- The machines are built and ready to be plugged in.
- Working with both companies to consolidate server requirements.

Comptroller Hugh Gallagher: The County is at about \$200,000 in costs at this time and will get close to the \$400,000 shortly. The Assessor is approximately 35% into the building of software. The Clerk and Recorders offices are just getting started.

Public Comment:
None

10. DISCUSSION/POSSIBLE ACTION: Authorize the County Manager to move and/or dispose of pending personal property located at 141 North C Street in Virginia City, NV (more commonly known as the Fire Department Training Room/Building) by the following sequential steps:

-Move the main portion of the existing building from its current location to a location to be determined down at the County Jail property located at 911 Highway 341 in Virginia City for possible use as County office workspace. Estimated cost of moving the building has been quoted at \$18,000. with the rear “tag” portion being demolished. Ball park estimated cost of placing on a foundation, building additional office square footage and making the building compliant with the Americans with Disabilities Act of 1990 are \$82,000.00 for a maximum out-of-pocket cost not to exceed \$100,000 for the shell building. Future use will create additional tenant improvement cost which will depend on the ultimate tenant. Relocation location would be subject to approval by the Comstock Historic District Commission. If this is unsuccessful, we would then;

-Take bids for the sale of the structure with the provision that if a bid is accepted, the County will sever the structure from the foundation. Buyer will pay the cost of moving the structure subject to requiring relocation within the Comstock Historic District conditioned upon approval by the Comstock Historic District Commission. A recommended minimum bid would be \$6,000 to cover the cost of severing the building. If this is unsuccessful, we would then;

- Dispose of the personal property unit (building) thru a public bid process with the proviso that if a bid is accepted, the County will sever the structure from the foundation requiring removal to a location outside the Comstock Historic District conditioned upon approval by the Comstock Historic District Commission. A recommended minimum bid would be \$6,000 to cover the cost of severing the building with the buyer paying for the actual move of the building. If this is unsuccessful, we would then;

-Make application to the Comstock Historic District Commission to demolish the building.

County Manager Whitten presented this item. This building is next to the Fire Department and was last used by the IT Department.

- The building has been used as a training facility, a command center, and such.
- Significant environmental issues have been discovered, including radon, mold, and asbestos (intact).
- The County and the Comstock Historic District (CHD) would like to save the building.
- There are some insurance funds to help with remediation, if possible.
- A process has been determined by the Historic District and the County on how to handle this. Options include:
 1. Move the main portion to a foundation at the jail, with additions made to include ADA compliant restrooms, etc. Estimated cost to “shell it out” is \$100,000 - including moving.
 2. Take bids for sale. Buyer would pay cost of moving to a required location with the Comstock Historic District.
 3. Sell it and with approval from CHD, move to a location outside the District;
 4. Apply to CHD to demolish the building.
- Priority is to seal and/or mitigate the site. There would be a bid process for this.
- Once mitigated, there are several potential ideas for use of the site - including living quarters for Fire staff or additional town parking.

Public Comment:

Steve Ayer, Virginia City Resident: What is the cost for just remediating the problems? The building has been handy for the Fire Department forever.

Mr. Whitten: It would probably be in same range. The problem is the lack of ADA compliance, other “out of code” hazards, and so many other issues, that moving it makes sense. In the future, we will discuss potential living quarters for the Fire Department. The old bank building is now being used as a training center.

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, move to approve the County Manager to consider the relocation and/or disposal of the personal property located at 141 North C Street in Virginia City by the outlined, sequential steps, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

11. DISCUSSION/POSSIBLE ACTION: Resolution No. 2017-477, acceptance of quitclaim deed of dedication between EP Minerals, LLC, a Delaware limited liability company, to Storey County, a political subdivision of the State of Nevada, where EP Minerals, LLC is to dedicate, release, remiss, and quitclaim to Storey County to have and hold for public use as a public street, including rights, title, and interest in the real property located at McCarran, Storey County, Nevada and described in Enclosure A hereto.

Austin Osborne said there is a portion of Electric Avenue - a road in TRI - that needs to have the land underneath conveyed to Storey County. Currently, EP Minerals technically owns the land - which would be deeded over to the County to be taken care of like any other road in the County. This will apply to the Tahoe Reno Industrial Center Development Agreement.

Mr. Whitten explained this action will enable the installation of a signal, paid for by NDOT, on Electric Avenue. The County will be responsible for maintenance of the road and the signal light.

Public Comment:
None

Motion: In accordance with the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve Resolution No. 2017-477, acceptance of quitclaim deed of dedication between EP Minerals, LLC, a Delaware limited liability company, to Storey County, a political subdivision of the State of Nevada, where EP Minerals, LLC is to dedicate, release, remiss, and quitclaim to Storey County to have and hold for public use as a public street, including rights, title, and interest in the real property located at McCarran, Storey County, Nevada and described in Enclosure A hereto, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

12. DISCUSSION/POSSIBLE ACTION: Approval of Voting System Agreement by and between Dominion Voting Systems, Inc. and Storey County, NV for the purchase of a voting system, licenses and related services with a total purchase price of \$127,217.

County Clerk Vanessa Stephens: This contract is for replacement of the current voting system with an up-graded system. Reimbursement of \$59,000 will be paid by the State, plus additional for training and the poll-book system. \$100,000 was budgeted for this purchase.

Public Comment:
Steve Ayer: How is security provided?

Ms. Stephens: It will work like the current system, with a paper audit trail that is verified after each election. It’s the same system - just smaller and lighter.

Motion: I, Commissioner Jack McGuffey, motion to approve the Voting System Agreement by and between Dominion Voting Systems, Inc. and Storey County, NV for the purchase of a voting system, licenses and related services with a total purchase price of \$127,217, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

13. DISCUSSION/POSSIBLE ACTION: Approval of Memorandum of Understanding between the Comstock Historic District Commission, Storey County and the Nevada State Preservation Office.

Community Outreach Director Cherie Nevin: The County is working with the Nevada State Preservation Office to develop a Memorandum of Understanding (MOU) governing the County's relationship with them under the Certified Local Government (CLG) program. This program supports and strengthens local historic preservation programs. The County has been CLG status based on its status as a National Historic Landmark. The MOU is beneficial if the County is requested documentation of this relationship. This continues the course of business and how the County interacts with the programs.

Public Comment:
None

Motion: As recommended by staff, I move to approve the Memorandum of Understanding between the Comstock Historic District Commission, Storey County, and the Nevada State Historic Preservation Office, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

14. DISCUSSION/POSSIBLE ACTION: Approval of revised County Manager's job description and discussion on enacting complimentary county policies on agreements and contracts.

Outside Counsel Robert Morris requested action on this item be continued to January 2, 2018, giving the Board opportunity to discuss, implement changes, possibly establish a retirement incentive program, and to take public comment. A current policy, number 042 - Contracts and Agreements, along with other policies, interface with the County Manager position. The proposed job description includes administering the preparation of board meeting agendas. The Board is requested to not consider the current County Manager's job performance as part of this item.

Proposed changes have been made to the existing policy 042. This policy states all contracts shall be reviewed by the District Attorney, County Manager, and Comptroller - Mr. Morris is not sure this is being done. This policy should be looked at to see if this is what the Board wants. Mr. Morris reviewed other proposed changes to the policy and is looking to the Board for direction. The requirements should be clear.

Public Comment:

Nicole Barde, Storey County resident: Does a retirement policy currently exist?

Mr. Morris said he is not aware of any.

Ms. Barde: Does the policy on budgets contain compensation or is there a separate compensation policy? Retirement incentive is a small piece of compensation. Is the County Manager allowed to provide compensation above certain thresholds?

Mr. Morris replied that compensation is covered more by the contracts with employees. There are some employees that are not covered by contracts.

Mr. Osborne: (The County) does have a policy on compensation and on retirement. The County is on PERS and does not manage a retirement system like a private company. PERS manages the retirement program. Everything being discussed is in a policy. Adjustments can be made to each of these policies.

Mr. Whitten: Look at the job description for structure and then address the policies - which can be adjusted. This process is being worked on to shore up the practices that need to be set as policy. The Board is cautioned to be careful at how restrictive they get. The County is known for getting things done - a lot of times there is opportunity to get something done and there is a timing element.

Sam Toll, Gold Hill resident : Appreciates the direction being taken in this process. Be mindful of being more transparent. There is a responsibility to the taxpayers. Suggests the County Manager's authorization for spending funds should be zero, as the Comptroller is steps away. Future County Managers may not have same approach to spending money as Mr. Whitten.

Mr. Gallagher: There is a lot of legal and financial liability in signing contracts. As example, on the Tesla Agreement, the Deputy District Attorney informed Mr. Gallagher he had no signatory abilities.

Mr. Whitten: Looking forward, does not propose any changes in the language, but cautions the Board and the public, that the County Manager and Comptroller will not always agree with each other.

Chairman McBride: Agrees with Counsel Morris on a \$10,000 threshold. If the limit was lower, the Board could be hearing many requests at each meeting.

Mr. Whitten: Some contracts deserve Board action regardless of amount.

Mr. Morris: Another addition to the policy states: "nothing in this policy prohibits the County Manager from having the Board review, vote on, and sign on contracts and change orders" - giving the County Manager the ability to give the Board contracts that are less than \$10,000 if he thinks it's appropriate. This policy does not prohibit the Board from requesting certain agreements, contracts, change orders be approved by vote of the Board. There is a 10% percentage on change orders.

Mr. Whitten: The Board may want to look at having another workshop.

Mr. Loomis: Chapter 332 - Public Bidding and Purchasing for Local Governments - states the authorized representative of the local government shall request bids. Mr. Loomis suggests this should go into the policy or the proposed job description. Other department heads could be directed to request bids.

Mr. Morris: Will make that change before the next meeting.

Commissioner Gilman: This is a very important document in making plans for a future position. It is appropriate to take time and focus on the detail.

Vice Chairman McGuffey: The County Manager runs and oversees the County and its department, and does not want to “tie his hands behind his back”.

Motion: I make a motion to continue Item 14 to January 2, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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

16. DISCUSSION/POSSIBLE ACTION: First reading for Off-sale Liquor License. Applicant is Carol Maley, owner of Virginia City RV Park LLC located at 355 N F Street, Virginia City, NV 89440.

Mr. Whitten stated that Sheriff Antinoro has recommended approval of this first reading for Off-Sale Liquor License. The business is operating on a temporary license.

Public Comment:
None

Motion: I make a motion to approve first reading for Off-sale Liquor License for Virginia City RV Park LLC located at 355 N F Street, Virginia City, NV 89440, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

17. ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

18. DISCUSSION/POSSIBLE ACTION: Continue to December 5, 2017, First Reading of: Ordinance No. 17-279 amending Storey County Code Title 16 Subdivisions to adopt new codes for land subdivisions, parcel maps, division of land into large parcels, surety requirements, land readjustments, boundary line adjustments, and reversions to acreage; Ordinance No. 17.280 amending Storey County Code Title 17 Zoning including chapters 17.03 Administrative Provisions, 17.10 Definitions, 17.12 General Provisions, 17.15 Public Zone, 17.24 Agriculture Zone, 17.28 Commercial Zone, 17.30 Commercial-Residential Zone, 17.32 Forestry Zone, 17.34 Light Industrial Zone, 17.35 Heavy Industrial Zone, 17.40 Estate Zone, 17.44 Special Planning Review Zone; and 17.84 Signs and Billboards; Ordinance No. 17.278 amending Storey County Code 17.56 Planned Unit Developments to revise the procedure for approval of planned unit developments; and approval of Resolution No. 17-474 to the Board of County Commissioners with recommendation by the Planning Commission adopting a design criteria and improvement manual setting forth certain development and design standards and guidelines for residential and non-residential planned unit developments, multi-family residential complexes, and other uses; Resolution No. 17-461 to the Board of County Commissioners with recommendation by the Planning Commission determining and consolidating all planning fees, including removing certain fees from code and placing them into resolution. In addition to provisions of the NRS, any person may complete and return to the board or planning commission a statement supporting or opposing the proposed amendments to the county code and zoning ordinance.

Mr. Osborne: This is first reading of Ordinances amending/up-dating Titles 16 and 17 and various other matters dealing with fees and other planning issues. The Planning Commission has not yet approved these amendments. Continuance of this item to December 5, 2017 is requested.

Public Comment:

None

Motion: Based on the recommendation from staff, I, Commissioner Jack McGuffey, motion to continue the following to the December 5, 2017, meeting of the Board of Storey County Commissioners, to be held at the Storey County Courthouse, District Courtroom, 26 South "B" Street, Virginia City, Nevada, First Reading of: Ordinance No. 17-279 amending Storey County Code Title 16 Subdivisions to adopt new codes for land subdivisions, parcel maps, division of land into large parcels, surety requirements, land readjustments, boundary line adjustments, and reversions to acreage; Ordinance No. 17.280 amending Storey County Code Title 17 Zoning including chapters 17.03 Administrative Provisions, 17.10 Definitions, 17.12 General Provisions, 17.15 Public Zone, 17.24 Agriculture Zone, 17.28 Commercial Zone, 17.30 Commercial-Residential Zone, 17.32 Forestry Zone, 17.34 Light Industrial Zone, 17.35 Heavy Industrial Zone, 17.40 Estate Zone, 17.44 Special Planning Review Zone; and 17.84 Signs and Billboards; Ordinance No. 17.278 amending Storey County Code 17.56 Planned Unit Developments to revise the procedure for approval of planned unit developments; and approval of Resolution No. 17-474 to the Board of County Commissioners with recommendation by the Planning Commission adopting a design criteria and improvement manual setting forth certain development and design standards and guidelines for residential and non-residential planned unit developments, multi-family residential complexes, and other uses; Resolution No. 17-461 to the Board of County Commissioners with recommendation by the Planning Commission determining and consolidating all planning fees, including removing certain fees from code and placing them into resolution. In addition to provisions of the NRS, any person may complete and return to the board or planning commission a statement supporting or opposing the proposed amendments to the county code and zoning ordinance, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

19. DISCUSSION/POSSIBLE ACTION: Amended Special Use Permit 2000-217-A1-2017 request by the applicant Basalite Concrete Products, LLC., to increase the annual mining capacity from the 1999 Storey County approved 200,000 tons per year to 500,000 tons per year. The project includes identifying a new area of surface mining activities approximately 12 acres in size adjacent to existing mining areas at the top of the mountain owned by the applicant, and approval of a future watchman's dwelling. The property is located at 1150 N. Pinenut Road, Mark Twain area, Storey County, Nevada, APNs 004-291-09, 13, 25, 45 and 47.

Planner Kathy Canfield presented this item. This is an amended Special Use Permit to the original issued in 1999. The request is to increase capacity to 500,000 tons per year in increments. It will take about 5 years to reach this number. The potential for a watchman's dwelling as well as equipment replacement needs are included in this request. This is a 20-year Special Use Permit. The conditions in the permit were setup consistent with those of Comstock Mining. The Planning Commission recommended approval.

Vice Chairman McGuffey: Attended the Planning Commission and did not see anything detrimental (with this request). Some residents did bring an issue of noise.

Public Comment:

Sam Toll, Gold Hill Resident: Does the increase in volume have a financial impact on the County?

Ms. Canfield: Generating more rock and quarry would have additional sales tax.

Jeremy Anthony, General Manager, Basalite Concrete Products : Would anticipate a positive financial impact to the County.

Mr. Whitten: Potentially, no (impact on the County). Will follow up with the Comptroller's Office.

Chair McBride: There is no known expense. Basalite is a long-established business, with no known problems with the mine.

Mr. Anthony: The Plant Superintendent is looking into and currently addressing complaints of noise.

Ms. Canfield read the findings of fact: The following Findings of Fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

This approval is for an Amended Special Use Permit 2000-217-A1-2017 request by the applicant Basalite Concrete Products, LLC., to increase the annual mining capacity from the 1999 Storey County approved 200,000 tons per year to 500,000 tons per year. The project includes identifying a new area of surface mining activities approximately 12 acres in size adjacent to existing mining areas at the top of the mountain owned by the applicant, and approval of a future watchman's dwelling. The property is located at 1150 N. Pinenut Road, Mark Twain area, Storey County, Nevada, APN 004-291-09, 13, 25, 45 and 47.

The Amended 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.E of this staff report and the contents thereof are cited in an approval of this Special Use Permit.

The subject property is located within I2-Heavy Industrial and Forestry zoning in the Mark Twain area of Storey County. The project is identified as Large Operation per Section 17.92 of the Storey County Zoning Ordinance. A Special Use Permit is required for both the zoning districts and the Large Operation use.

Granting of the Amended Special Use Permit, with the conditions of approval listed in Section 4 of this report, will not under the circumstances of the particular case adversely affect to a material degree the health or safety of persons/property in the neighborhood 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 project is expected to meet the safety and health requirements for the subject area.

The Amended 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 Amended Special Use Permit do not conflict with the minimum requirements in the Storey County Zoning Ordinance Section 17.35 - I2 Heavy Industrial Zone, Section 17.32 - F Forestry Zone, Section 17.92 - Mineral Exploration, Mining, and Extraction and Section 17.03.150 Special Uses.

Certain mineral and surface property rights exist across the county and the Zoning Ordinance serves to protect those rights. The Zoning Ordinance also recognizes and serves to abide by the Mining Law of 1872 which provides mineral property owners the right to mine where the property is a mine patent pursuant to Title 30 of the United States Code Section 29, or an

unpatented mining claim located pursuant to Section 23, as well as the right to milling and ancillary uses pursuant to Section 42(a).

The county has a diversified economy including agriculture, commercial, industrial, tourism, recreation, and mining. Permitted uses under these categories are found to be economically and socially beneficial to the county, directly and indirectly, when they are appropriately regulated so that they do not cause substantial adverse impacts to adjacent uses and are not detrimental to the health, safety, and general welfare of citizens, property owners, scholars, and businesses in the county.

The provisions of the Zoning Ordinance serve to address and mitigate potential adverse impacts that mining and related activities may have on the natural and historic environment and adjacent land uses (e.g, residential, commercial, tourism, etc...)as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, Title 17, and any other plan, program, map or ordinance adopted or under consideration, pursuant to an official notice by the county or other governmental agency having jurisdiction to guide growth and development.

This project is not located within the Virginia City National Historic Landmark, nor is it part of the Comstock Historic Preservation Area identified in Chapter 17.92 of the Storey County Code.

This mine has been in operation for approximately 71 years. The 2016 Storey County Master Plan states the mine should be a continued use and Storey County should protect the long-term well-being of the quarry mine.

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 Jack McGuffey, move to approve Amended Special Use Permit 2000-217-A1-2017, a request by Basalite Concrete Products, LLC, to increase the annual mining capacity from 1999 Storey County approved 200,000 tons per year to 500,000 tons per year. The project includes identifying a new area of surface mining activities approximately 12 acres in size adjacent to existing mining areas at the top of the mountain owned by the applicant, and approval of a future watchman's dwelling. The property is located at 1150 N. Pinenut Road, Mark Twain area, Storey County, Nevada, APN 004-291-09, 13, 25, 45 and 47, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

20. DISCUSSION/POSSIBLE ACTION: Approval of Business License Second Readings:

- A. **ATLAS CONSULTING GROUP, LLC** - General / 71 W Main St. ~ Freehold, NJ
- B. **FULCRUM, LLC** -General / 1105 Williamsburg Dr. ~ Mobile, AL
- C. **MOTAN, INC.** - General / 320 N Acorn Street ~ Plainwell, MI
- D. **RENO CARSON MESSENGER SERVICE.** - General/ 185 Martin St. ~ Reno, NV
- E. **TSS TECHNOLOGIES, INC.** - General / 8800 Global Way ~ W. Chester, OH
- F. **VWR INTERNATIONAL, LLC** General / 738 Space Island Rd. ~ Sparks, NV
- G. **ZEPHYR COMMUNICATIONS OF NV** - General / 2187 Main Street ~ Gold Hill, NV
- H. **SISSYS BBQ & MORE, DBA** - General/ 1378 S. Spruce ~ Tulare, CA
- I. **REBECCAS WILD KITCHEN, LLC.** - General/ 257 Artesia Rd. ~ Wellington, NV
- J. **RENO TAHOE CATERING COMPANY** - General/ 313 Flint St ~ Reno, NV

Mr. Whitten presented this item on behalf of Community Development, requesting all items A. through J. be approved.

Public Comment:
None

Motion: I make a motion to approve Items A. through J., **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

Mr. Whitten: Has been advised that it is not necessary to read all names of approved Second Readings for business licenses. Unless the Board requests, this will not be done in the future.

21. PUBLIC COMMENT (No action)

Nicole Barde , Storey County Resident: Asked why the “pipeline bond” did not pass?

Mr. Whitten: What he has heard is that the approach using a “tax increment area” is on life-support. The shortage of time to get this through the Special Session created a lot of vagaries in the bill, including the nature of a tax increment area and ways to fund parts of this project. Another approach, or a combination, is being sought. From the County’s perspective, this deals with an ultra-conservative set of restrictions on bonding capacities and debt service coverage. There is another governing restriction - a 15% rule - that will not let it go, stating not to rely on an increment area for more than 15%. This is not enough to meet the criteria. Other ideas are being looked at. Legislative intent is being debated. To change the role to the State being responsible and take the County out of first position would require new legislation.

Commissioner Gilman: It’s premature to explore what vehicle may be used - there are a number of options.

Ms. Barde: In regards to the tax rebate discussion, understands there is a regional approach that will take into account all revenue and expenses in Northern Nevada associated with economic growth and then re-apportion it back out.

Mr. Whitten: This comes up in every economic cycle. The County is watching and is aware there is all kinds of “flack” out there right now. This not just a regional issue, but also a “turf”, issue.

Ms. Barde: Asked that the Commission just keep everyone informed.

Commissioner Gilman: (The County) has had incredible success. All parties surrounding the County would like a piece of that action - this will be an on-going issue.

Kris Thompson , TRI Project Manager: On the pipeline: the bond has not yet been heard by the Board with jurisdiction. All discussions are pre-hearing, this is negotiation. It is typical in floating public bonds that the people applying for the bonds have to satisfy those paying it back - in this case would be some of the businesses or all of TRI. The local government authority, in this case Storey County - the State, the Department of Taxation, and the bond counsel and investment advisors have to be satisfied. Counsel wanted to take a more conservative approach and brought in concepts from other laws and types of bonds - this is being worked on now. There are a number of ways to still go forward and they are hopeful.

Mr. Thompson reviewed revenues coming into the County before and after the beginning of TRI, which almost quadrupled the County budget.

Sam Toll, Gold Hill Resident: Suggested the people who will need the water that will flow through the pipeline are the ones who should finance the \$35 million.

Mr. Toll commented that his vision of a workshop is sitting down around a table and “hashing out” ideas. When it is an issue that will affect County government and the public, it may be a good idea to have an actual workshop after hours.

Mr. Toll understands that Fire Marshal duties have been transferred to Community Development from the Fire Protection District, reflecting a shift of budget of \$900,000 from Fire District to Community Development. Is this accurate? If so, what’s happened to the Fire District budget?

Mr. Whitten: Not much - it will not be anywhere near those numbers (\$900,000). Contracted out through an interlocal agreement rather than transferred, is a more accurate statement. The plan is to have those duties performed by Community Development. In the past few years, funding support has been provided from the General Fund to the Fire District for to help out with some of that work.

Mr. Toll: The Fire District isn’t under budget and public safety isn’t being affected? Are employees transferred from the Fire District to Community Development still County employees?

Mr. Whitten: Services are not being risked. There was a question whether or not Fire District personnel are “true” County employees - the persons transferred to Community Development are County employees.

22. ADJOURNMENT:

The meeting was adjourned by the Chair at 12:50 PM

Respectfully submitted,

By: _____
Vanessa Stephens Clerk-Treasurer