



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, SEPTEMBER 18, 2018 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN
ATTORNEY

ANNE LANGER
DISTRICT

LANCE GILMAN
VICE-CHAIRMAN

JACK MCGUFFEY
COMMISSIONER
TREASURER

VANESSA STEPHENS
CLERK-

ROLL CALL: Chairman McBride, Vice-Chairman McGuffey, Commissioner Gilman, County Manager Pat Whitten, Clerk/Treasurer Vanessa Stephens, Deputy District Attorney Keith Loomis, Fire Chief Jeff Nevin, Planning Director/Administrative Officer Austin Osborne, Public Works Director Jason Weizrbicki, Fire Marshal Martin Azevedo, Emergency Management Director Joe Curtis, Project Coordinator Mike Northan, Chief Deputy Tony Dosen, Community Relations Director Cherie Nevin, Community Development Director Gary Hames, Tourism Director Deny Dotson, Wastewater Project Manager Mike Nevin

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 September 18, 2018.

County Manager Whitten asked that the following items under the Consent Agenda items III, IV, V, VI, VII, VIII and IX be continued to a date not set; item 11 to be continued to a date not set. Items 12, 14, and 15 will be heard but no action will be taken.

Public Comment:
None

Motion: Approve Agenda for September 18, 2018 with changes noted above, **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 August 7, 2018.

Public Comment:

None

Motion: Approve Minutes for August 7, 2018, **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 August 21, 2018.

Public Comment:

None

Motion: Approve Minutes for August 21, 2018, **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 business license first readings:

A. COLEMAN ELECTRICAL CO / Contractor - 2665 Billys Rd ~ Minden, NV

B. NW HOLDING & RECOVERY, LLC / General - 4900 Meadows Rd ~ Lake Oswego, OR

C. GLOBAL RISK CONSULTANTS CORP / General - 100 Walnut Ave ~ Clark, NJ

D. SAVANAH LEE, DBA: ACCESS TRANSFORMATION / MT - 4255 Wedekind Rd ~ Sparks, NV

E. MEN WIELDING FIRE INC / General - 1485 W. 4th St. ~ Reno, NV

F. ZUNESIS INC / General - 8375 S. Willow St ~ Lonetree, Co

G. LARSON DESIGN GROUP, INC / General - 1000 Commerce Park Dr ~ Williamsport, P

II For possible action, approval of payroll claims in the amount of \$566,375.43 and accounts payable claims in the amount of \$278,382.93.

III For possible action, consideration and possible approval of resolution no. 18-499 granting Historic Fourth Ward School Foundation \$120,000.00 for the purpose of preserving the Fourth Ward School Building and promoting the history of the Comstock and Storey County history. **CONTINUED**

IV For possible action, consideration and possible approval of resolution no. 18-500 granting Community Chest, Inc \$234,492.00 for the purpose of funding health and human services programs. **CONTINUED**

V For possible action, consideration and possible approval of resolution no. 18-504 granting Liberty Engine Company No. 1 Inc. the sum of \$10,000.00 for the pupose of preserving the Comstock Fireman's Museum and its historic contents. **CONTINUED**

VI For possible action, consideration and possible approval of resolution no. 18-505 granting the Mark Twain Community Center the sum of \$25,000.00 for the purpose of preserving the Mark Twain Community Center for the community outreach and improvement. **CONTINUED**

VII For possible action, consideration and possible approval of resolution no. 18-506 grantng the Nevada Rural Counties RSVP Program Inc. the sum of \$7,050.00 for the purpose of providing essential programs for Storey County seniors, veterans, adults with disabilities and caregivers. **CONTINUED**

- VIII For possible action, consideration and possible approval of resolution no. 18-507 granting the Storey County Senior Citizens Center the of sum of \$135,000.00 for the purpose of maintaining the Storey County Senior Center and for providing programs and services to seniors to promote independent and healthy lifestyles.

CONTINUED

Public Comment:

None

Motion: Approve Consent Agenda for September 18, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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

Mike Northan , Project Coordinator:

- All 2017 flood event repair work has been completed.
- The traffic signal at USA Parkway and Electric Avenue has been installed and is working well.
- An application has been made and accepted for attachment to NVEnergy poles behind the Courthouse enabling data connection from the Courthouse to Pipers.
- A universal car charger has been installed at the Courthouse parking lot.

Stacey Gilbert , Senior Center Director:

- Work has begun on a strategic plan for all of the Storey County Senior Centers. This should help in applications for grant funding and foundation money.
- Lasagna Cookoff will be held Friday, October 5th at 6PM at the Senior Center.
- The transportation grant funded program is up and running providing transportation for seniors 60 and over.

Erik Schoen , Community Chest/Library Director:

- The “before and after school program” has been extended to Hillside. We are working with the School District to have a counselor in every school at least one day a week to partner with the school counselors.
- The 6th annual statewide Thrive Conference was held at the Community Center last Friday. The center was full with attendees from all over Nevada.
- The annual Halloween show - “No Brainer Zombie Bash” - will be held Friday, October 26th, at Pipers featuring Lydia Pence and Cold Blood.

Deny Dotson , VCTC Director:

- During special events and with the new fairgrounds, there are always congested areas. We are working with Public Works to address these issues, including “no parking” signs in the congested areas.
- The camel races last weekend were very successful. The traffic pattern with the train was almost flawless. Having I Street as egress from the fairgrounds was beneficial.
- Demolition of the Black & Howell building north wall will begin in the fall, after Street Vibrations.
- A merchant/resident workshop will be held October 18th at Pipers. Results of a survey being sent to residents will be discussed. The intent is to work towards a 2019 event calendar that is beneficial to everyone.

Cherie Nevin , Community Relations Director:

- Ophir Grade Road will be closed until further notice due to construction on the Five Mile Reservoir. Heavy equipment will be working and there will be open trenches. Project signage will be posted this week.
- Open House will be held at the Slammer/County Museum on October 4th, 5 to 7 PM, to showcase the mural. Refreshments will be served and there will be a scavenger hunt.
- Flu shot clinics are set for October 17 - 10am to 12pm, at Mark Twain Community Center, and 4:30pm to 6pm at the Virginia Highlands Fire Station.
- Busy with grants. We received notification of an emergency, back-up generator for the high school that had been applied for.
- September is National Preparedness Month. A time to look at everything - insurance, etc. Go to ready.gov for more information.
- The Thrive Conference was well attended. Senior Center Director Stacey Gilbert was awarded the Social Justice Super Hero award. She has made a huge difference in the two years at the Senior Center.

Joe Curtis , Emergency Management Director:

- October is Earthquake Awareness Month. October 18th at 10:18 AM the County will participate in an earthquake exercise.
- Storey County's Hazardous Materials exercise will be held on October 6th, at Aqua Metals in TRI.
- Local Emergency Planning Committee meeting is October 10th at the VCCC.

Jeff Nevin , Fire Chief:

- The fire last week in the Industrial Park was 800 acres, smaller than reported by news agencies. There was no threat to buildings and no impact to businesses.

Martin Azevedo , Fire Marshal:

- Two inspectors are in Denver updating their training.

Mike Nevin , Project Manager:

- Ophir Grade Road is being graded, prep work, and clean-up is being done. Pipe for the project is scheduled for delivery next week. The road will be closed from the sewer plant to the top of the summit. It may be difficult at times for fire and emergency services - the best access will be through Gold Hill, through the mine, and up the back side. The closed section is about 2.3 miles in length.
- Signs will be posted regarding the closure.
- The Gold Hill septic project is in regulatory review by NDEP and USEPA.
- The wastewater project is 100% complete by pipe with over 53,000 linear feet of pipe.
- There has been some savings with the original contract and contingencies.
- Total contractor amount to date is \$11,213,021. There are some contingent funds remaining and USDA has approved use of those funds to purchase updated equipment for Public Works. This includes new GPS equipment, trailer mounted vacuum suction unit, and locating equipment. Some funds will go toward billing from Broadbent (archaeological company).
- A sub-contractor is working on raising manhole covers.
- 95% of the punch list has been done before substantial completion.
- Substantial completion should be one month early - the final will coincide with that date.

Hugh Gallagher , Comptroller:

- Recently attended the County Fiscal Officers Association convention along with the County Clerk and County Recorder. Discussions were held regarding the up-coming Legislation.

- County Recorder Jen Chapman and County Clerk Vanessa Stephens were both selected as officers of the CFOA.
- The County's new Tyler software infrastructure will be in place in about 40 days. Departments will go through a lot of in-user training.

Austin Osborne , Administrative Officer/Planning Director:

- A satellite dish will be installed on the mono-pine in the Highlands in about a week. This should go live in mid-October.
- People are asking whether or not to switch to AT&T - it probably would not be recommended at this at this point until it the tree is "live" and everyone is comfortable that it is okay.
- AT&T does consider this an emergency management priority connection to that neighborhood.

Pat Whitten , County Manager:

- Thank you to the entire team working on the wastewater project has been amazing and great to work with.
- Thank you to Cherie Nevin for all of the detailed accounting and working with all agencies on this project. Thank you to Jason Weizrbicki for taking care of changes and always being at meetings.

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

Chairman McBride: Longtime resident and former District Attorney Harold Swafford recently passed away.

9. DISCUSSION ONLY: Candace Wheeler with the Comstock Cemetery Foundation - Update on Cemetery Projects and other matters properly related.

Ms. Wheeler, Executive Director for Comstock Cemetery Foundation, explained she is here to recognize Cherie Nevin. Ms. Nevin recently helped the Foundation in obtaining a grant for a new porch and stairway. Ms. Wheeler presented Ms. Nevin with a letter and certificate of recognition.

10. DISCUSSION ONLY (No Action): Representatives from Fourth Ward School, St. Mary's Art Center, Community Chest, and the Storey County Senior Center provide an update on planning and marketing efforts on behalf of Storey County nonprofits.

Stacey Gilbert, Director of Fourth Ward School, said these groups got together to form a Storey County non-profit group - the non-profits working together.

Erik Schoen explained this resulted in a draft brochure that can be used to explain what is being done by these non-profits. The groups are open to all feedback and suggestions.

11. DISCUSSION ONLY (No Action): Honorable United States Congressman Mark Amodei discussing updates on federal matters of interest in general and specific to Storey County. This item continued.

12. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of resolution 18-512 approving the form of the financing agreement among the County, TRI General Improvement District and all owners of assessable property in Storey County Special Assessment District No. 01 (Tahoe-Reno Industrial Center).

Commissioner Gilman recused himself due to a pecuniary interest.

Chairman McBride reminded this will be discussion only.

County Manager Whitten explained there will be no action due to difficulty obtaining consistent and acceptable documents based on the number of participants and attorneys involved in this issue. There is no presentation - hopefully there will be approval on October 2nd. The same goes for items 14 and 15.

Public Comment:

Nicole Barde, Storey County resident read this statement into the record:

I would like to once again ask that you not go forward to the conclusion of this process and approve the diverting of future TRI tax revenue from the general fund in order to fund and purchase a private pipeline which will then be given to private parties.

In the capitalist system, people and companies are free to promote their business ideas, invest their funds and take the risk of failure for the possibility of future profits. The state of Nevada and Storey County have already invested in future "profits" and tax revenues thru the incentives and abatements given to many of the companies at TRI. One day this investment will pay off big....just not today.

I think that residents understand that the use of public funds for the incentives and abatements is a cost of doing business and are willing to do that in order to secure future county revenues. The expectation, however, is that once those companies are here they need to fund their own development and expansion

I don't think that residents are willing to continue to forego receiving needed services today or in the future for the sake of continuing to "help" big business. Our own C street merchants use their own money and bear the full weight of risk as they run and expand their businesses. They don't ask for, nor do they expect, handouts from the County.

Why would they approve of your handing out public money to other businesses?

In going door to door in our communities in the last several weeks people are expressing concern and opposition to giving away our future revenues for these private companies when they see needs going unmet in their community.

Why would they approve of your putting the needs of big business before their needs?

Lockwood points to portions of their roads and easements that need repair, they point to the 180 onramp that needs reconfiguring, and they cite continuing water issues for some of its residents.

Mark Twain needs flood and speeding mitigation on many of their roads, a couple of 4 way stop signs, and some street lighting for safety. The Highlands is still waiting for a community center.

Virginia City residents wait for their water and sewer bills to go back down and some flood mitigation on their roads to be done after this years "big dig".

We have current and future needs in the county that are going unaddressed today while you think about giving away future revenues. \$60 million dollars of future revenues, \$60 million dollars of debt.

You are thinking of giving away future revenues and taking on debt at a time when the abatements are still in force and at a time when we still have to pay Roger Norman 35% of TRI revenues in order to repay our \$47 million infrastructure debt to him.

While the economy is booming now, given how long it has been roaring wouldn't it be more prudent to look at preserving our future revenue streams for the eventual and obligatory slow down that always follows rapid growth? Now is not the time to take on more debt.

The Pipeline is needed by the 6 companies at TRI and our residents understand thatlet us help those companies get the pipeline by selling the bond at the reduced cost for them to finance it , let's have them pay us back thru the SAD.

But thats it. Enough is enough.

Mr. Whitten commented 100 signatures - in part obtained on misinformation. Statements like “this is a private pipeline being given to private companies” are false. When built, the pipeline will be dedicated to the TRI GID, a local government.

Ms. Barde said she will correct that.

13. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of agreement between Storey County and TRI Center LLC (TRI) by which should County have to utilize the uncommitted portion of its general fund to make payments on the bond secured by the Storey County Special Assessment District No. 01 (SAD) TRI agrees that the amounts so provided will be credited against the vouchers issued by County to reimburse TRI for the costs of providing public infrastructure at the rate of 1.5 to 1.

Commissioner Gilman recused himself due to a pecuniary interest.

Deputy District Attorney Keith Loomis reviewed the County’s obligation to cover payments on the bonds if the initial sources of revenue were not available. There are several sources, the final source would be the County’s general fund - a fairly remote risk. This agreement provides for the amount of any funds used out of the general fund to be credited against the vouchers owed to TRIC, LLC at a rate of 1.5 to 1. The principle of TRIC, Roger Norman, will hold off signing this agreement until the SAD and TIA are created.

Mr. Whitten commented that recommendation for approval of anything will be withheld unless this agreement is executed.

Public Comment:
None

Motion: I make a motion to continue this item to October 2, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

14. DISCUSSION/POSSIBLE ACTION: Second reading of ordinance 18-289 creating Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center); ordering a water project within Storey County, Nevada

Commissioner Gilman recused himself due to a pecuniary interest.

County Manager Whitten: There are certain core documents to be agreed to which are being discussed and worked on. It is recommended to continue this item to October 2nd.

Public Comment:
None

Motion: I make a motion to move this item to October 2, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

15. DISCUSSION/POSSIBLE ACTION: Second reading of ordinance 18-290 concerning Storey County, Nevada, Special Assessment District No. 01 (Tahoe-Reno Industrial Center) and assessing the cost of local improvements against the assessable property benefited by the local improvements.

Commissioner Gilman recused himself due to a pecuniary interest.

Mr. Whitten said this is the same situation as the previous items. The actual language in the ordinance has not changed, however key documents integrated into this are still in review. This item is also recommended to be continued to October 2nd.

Public Comment:

None

Motion: move to approve this item to October 2, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

16. DISCUSSION ONLY (No Action): Carson Water Subconservancy District (CWSD) Director Ed James to provide input and receive comments from the Board of Storey County Commissioners regarding CWSD submitting an amicus brief opposing the use of the public trust doctrine to be applied to water rights already adjudicated and settled under the doctrine of prior appropriation.

Ed James, Director of Carson Water Subconservancy District discussed the public trust doctrine and the impact it would have on Nevada law. CWSD has been asked to participate in an amicus brief regarding the public trust doctrine dealing with the prior appropriation of water rights. Comments from the various counties will be provided to the CWSD Board prior to submission of the brief. This case is currently being heard before the 9th Circuit Court of Appeals.

Mr. James reviewed the background of the case and questions being raised by the Court. He explained the public trust doctrine and the concerns and effects if use of the public trust doctrine was approved. Mr. James discussed the situation at Walker Lake.

Based on the concerns expressed, CWSD will be filing an amicus brief opposing the use of the public trust doctrine.

Chair McBride asked Mr. James what he is asking from this Board.

Mr. James said the County may want their attorney to look at this and/or may want to file its own amicus brief or join with other counties. This is something that should be considered - if it goes through it could affect the Truckee River and groundwater rights.

Commissioner Gilman asked if the State Water Master had taken a position.

Mr. James: Not at this point. But they may be discussing this internally looking at concerns.

Commissioner Gilman: What about the Federal Water Master? TMWA?

Mr. James: They (Federal Water Master) have not taken a position and does not know where TMWA stands. Lyon County is participating and Carson/Truckee Irrigation District is filing an amicus brief. Douglas County is considering it. This presentation will be given to Churchill County and Carson City.

Vice Chairman McGuffey: Will bring this up at the next NACO meeting.

Mr. Loomis said this is more of a legislative solution - is this being pursued through legislation?

Mr. James: Right now, this is before the Courts and depending on the ruling, something may go to the Legislature. There are already programs in place. If this was a situation where they could use the public trust, that program would be thrown out. This is a "taking", and if so, who will end up paying for it?

Public Comment:
None

17. DISCUSSION/POSSIBLE ACTION: A presentation of a Flood Insurance Assessment for Storey County. The base information has been provided by FEMA to give an overview of the flood insurance coverage present in the County. This presentation is a part of the information prepared by Storey County for the Community Rating System (CRS) audit conducted by FEMA.

Planner Kathy Canfield explained this item is brought to the Board as part of the FEMA audit. There are 214 (insurance) policies, most located in the Lockwood area. These are only policies in effect through the NFIP (National Flood Insurance Program) located in the Flood Hazard Areas. Ms. Canfield reviewed the policies.

Vice Chairman McGuffey: Asked if someone purchasing a home is advised if they need flood insurance? Surprised there is only 214 policies - there are over 800 homes in the area.

Ms. Canfield: Lenders will normally advise the need for flood insurance if the property is in a flood hazard area. The FEMA representative has been very helpful in reviewing this (audit) information. The whole area is not in the flood plain. There could be one policy covering more than one building. The audit talks about discounts received with the different ratings. Storey County is currently rated "8" meaning the people included are getting an average \$51 rebate per year. Rebates are higher for lower ratings.

Mr. Whitten thanked and complimented Ms. Canfield. The community rating system and the audit is a huge undertaking with high quality staff work.

Ms. Canfield commented that belonging to this program also helps the community -not just those in the flood plain - with any flooding disasters, in that we are eligible for some disaster relief funds.

Public Comment:
None

18. DISCUSSION/POSSIBLE ACTION: Action on Bill No. 102, first reading of Ordinance No. 18-293, an ordinance amending chapter 15.04 Buildings and Construction to adopt the 2018 International Codes for Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical, the 2018 Uniform Codes for Mechanical and Plumbing, and the 2017 National Electric Code, the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and providing for other properly related matters.

Deputy District Attorney Loomis said this a periodic update adopting new Codes developed by the International Code Commission.

Gary Hames explained we are on the same process and schedule as the State, who has agreed to skip every other code iteration. Mr. Hames reviewed the process. After first reading, this goes out for a 30 day public review period. It is proposed that companies can submit under the previous (2012) ordinance or the revised 2018 as some companies have been in planning stages for the last year or so.

Mr. Hames discussed a few of the changes.

Chairman McBride: In the past, every code was not adopted as some may have been problematic.

Mr. Hames said that was primarily in the Fire Code residential fire sprinkler sections. It is again proposed not to adopt that section.

The amendments have been sent out to all licensed contractors and design professionals in the County for suggestion. Most of them have set on technical committees and provided input. This was vetted through and heard by the Builders Association of Northern Nevada.

Mr. Loomis read the title: Ordinance No. 18-293, an ordinance amending chapter 15.04 Buildings and Construction to adopt the 2018 International Codes for Building, Residential, Existing Building, Energy Conservation, Fuel Gas, Mechanical, the 2018 Uniform Codes for Mechanical and Plumbing, and the 2017 National Electric Code, the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and providing for other properly related matters.

Vice Chairman McGuffey: Do “old” and “new” have to comply?

Mr. Hames replied if it was a remodel with substantial improvements, or change to residential or commercial building - yes, the most current codes and amendments must be complied with.

Motion: I make a motion to approve first reading of Ordinance No. 18-293, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

19. RECESS TO CONVENE AS THE 474 FIRE PROTECTION DISTRICT BOARD

Chairman McBride called for recess at 11:44 A.M.

Meeting reconvened at 11:56 A.M. as the 474 Fire Protection District Board

20. DISCUSSION/POSSIBLE ACTION: Action on Bill No. 103, first reading of Ordinance No. 18-294, an ordinance amending chapter 15.04 Buildings and Construction to adopt the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and providing for other properly related matters.

Mr. Loomis said this is same as the previous item but applies to the Fire Code Provisions.

Fire Marshal Martin Azevedo asked if there were any questions. None.

Mr. Loomis read the title: Ordinance No. 18-294, an ordinance amending chapter 15.04 Buildings and Construction to adopt the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, the 2017 National Fire Protection Association Standards (NFPA) and the 2018 Northern Nevada Amendments, and providing for other properly related matters.

Public Comment:
None

Motion: I make a motion to approve the first reading of Ordinance No. 18-294, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

21. ADJOURN TO RECONVENE AS THE BOARD OF COUNTY COMMISSIONERS

22. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of interlocal agreement with NDOT regarding maintenance and repairs of traffic signal at Electric Avenue and State Route 439.

Mr. Loomis said this agreement with NDOT is for maintenance and repairs of the referenced traffic signal. Currently, Carson City is contracted for the maintenance/repairs. Carson City will bill the County - in turn, the County will bill NDOT.

Public Comment:
None

Motion: I, Commissioner Jack McGuffey, move to approve interlocal agreement between Storey County and NDOT regarding maintenance and repairs of traffic signal at Electric Avenue and SR 439 and approve the Public Works Director to sign, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

23. DISCUSSION/POSSIBLE ACTION: Board of County Commissioners (board) to appoint two members of the board to serve on the Storey County Regional Transportation Commission (RTC) in accordance with Storey County Codes 2.44 and 3.80. The term will be until December 31 of the next even numbered year, that being 2020.

Mr. Osborne indicated that at the last meeting the Board approved an Ordinance establishing the Storey County Regional Transportation Commission (RTC). This is the first action in putting the Commission together. There will be three members - two Board Commissioners, and one "community at large" member. There will be a posting for the third Commissioner. Two terms will be concurrent, one will be alternating.

Public Comment:
Sam Toll: What is the function of this Board?

Chairman McBride: Since this is the beginning of the Board, this probably cannot be answered yet.

Mr. Toll said he has heard talk of a light-rail system being planned from Sparks to the industrial park.

Chair McBride: Let's hold off until the Board is formed.

Motion: I, Commissioner Gilman, nominate Commissioner Marshall McBride to serve on the Storey County Regional Transportation Commission as Commissioner No.1, for a term lasting until

December 31, 2020, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Vice Chairman McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

Motion: I, Commissioner Jack McGuffey, nominate Commissioner Lance Gilman to serve on the Storey County Regional Transportation Commission as Commissioner No.2, for a term lasting until December 31, 2020, **Action:** Approve, **Moved by:** Commissioner Gilman, **Seconded by:** Vice Chairman McGuffey, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

Mr. Osborne: Staff will proceed with posting per policy for the third Commissioner. Anyone in Storey County that is eligible would be able to apply - it does not have to be from any particular precinct or district.

24. DISCUSSION/POSSIBLE ACTION: Abandonment Request 2018-032, a request to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment would be approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.

Chairman McBride will abstain from voting as the applicant is a family member.

Planner Kathy Canfield reviewed the description of this property and the area requested to be abandoned - which has been landscaped and fenced since the mid-80's. This area is not paved and is not used as an access way. County departments were contacted and expressed no concerns in needing the area as a roadway. Neighbors did not object. At the Planning Commission, one community member had an objection. If the abandonment is approved, it is recommended that a public utility easement still remain in the area, including the abandoned portion.

Vice Chairman McGuffey asked for clarification on the photos of the area in question and where K Street would go through if it ever went through.

Ms. Canfield: The area is steep and to put in a road would require significant engineering.

Public Comment:

Nick Lazzarino: Suggested the road be abandoned. The homeowner has utilized the property for a number of years making significant improvements to the property and is not usable for anything else.

Sam Toll: Submitted a letter opposing the motion which is in the packet. This effort benefits a single person at the expense of future use for citizens. There is no financial transaction, a give-away, setting a dangerous precedent. Mr. Toll questioned the width of the abandonment and whether or not there would be enough right-of-way left if the County ever wanted to put the road through.

Ms. Canfield said with the abandonment, there would be 44 feet of right-of-way left. The County's minimum (road) width requirement is 24 feet.

Mr. Toll: Reviewed a similar situation on Sutton Street. This sets a dangerous precedent allowing others the footing to do the same thing. Mr. Toll recommends that this not be approved.

Nicole Barde: Why isn't (applicant) paying for this? How does this serve the best interests of residents? Who gives away land where it's worth something - assess it to get value.

Vice Chairman McGuffey asked if this becomes the property of the owner? Will there be additional tax? I understand this is pretty much unusable land.

County Manager Whitten believes this will put it back on the tax roll - going from public to private ownership.

Ms. Barde commented that she would have to pay if she went into a neighbor's lot-why give public land to a private person. The land given to TRI had a token \$10 payment.

Chairman McBride: The County has historically abandoned streets with no money exchanged. Some of the old streets were unusable and would never be utilized. It was better for the County to abandon them and put them on the tax rolls. Chair McBride reviewed many properties that were abandoned with the same process. The K Street property map shows the street going through - in 90 years it has not gone through. With the 44 feet the street could still go through - it would be an awkward, very steep street. Chair McBride reviewed locations of other houses on K Street.

Ms. Barde: Where in our ordinance, the Master Plan, is there authorization giving it away without compensation. Where is the authority as a Board to give land away - no money.

Commissioner Gilman: When this was heard at the Planning Commission, it was understood the (owner) was allowed to use the property for years - plant it and improve it. This was not a surprise. The Planning Commission voted to approve it.

Ms. Barde: Still asking the question - where is the authority to give away land? In an ordinance, NRS, or a Master Plan? Understands abandonment - but how are we authorized to give away public land?

Mr. Loomis: NRS 278.480 has a provision for abandonment or vacating a street. Subsection 7 states, "in the event of a partial vacation of a street where the vacated portion is separated from the property in which it was acquired by the un-vacated portion of it, the governing body may sell the vacated portion upon such terms and conditions as it deems desirable, and in the best interests of the city or county". It is discretionary whether or not an abandoned piece of property will be sold or given away.

Mr. Whitten: Having ordered many appraisals and having knowledge of the area, as a layman and owning land in Storey County - the cost of an appraisal would far exceed the value of property being given up.

Austin Osborne as said on many applications in the past, Virginia City is very unique. Unlike the Highlands where roads were intentionally, and with logic, set out - in Virginia City that wasn't the case. A lot of the roads were platted and never developed or otherwise. Whether an abandonment or variance, the findings have looked at the uniqueness of the community in the above regard, to support things that may not be supported in other communities. Mr. Osborne requests this finding to be included.

Ms. Canfield read the Findings:

The following Findings of Fact are the minimum to be cited for a recommendation of approval or approval with conditions. The following Findings are evident with regard to the requested Abandonment when the recommended conditions in Section 4 are applied. At a minimum, an approval or conditional approval must be based on the following Findings:

This approval is to abandon a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05.

The Abandonment complies with NRS 278.480 relating to Abandonment of a street or easement.

The Abandonment complies with all Federal, State, and County regulations pertaining to vacation or abandonment of streets or easements, including NRS 278.240.

The Abandonment will not impose substantial adverse impacts or safety hazards on the abutting properties or the surrounding vicinity.

The Abandonment will not cause the public to be materially injured by the proposed abandonment.

The conditions of approval for the requested Abandonment do not conflict with the minimum requirements in Storey County Code Chapters 17.12.090, General Provision - Access and Right-of-Ways, or any other Federal, State, or County regulations.

Motion: In accordance with the recommendation by staff and the Planning Commission, the Findings under section 3.A of the Staff Report, and in compliance with all Conditions of Approval, I Commissioner Jack McGuffey, hereby move to approve the abandonment of a portion of K Street right-of-way, located within Virginia City. The right-of-way abandonment is approximately 16-feet wide by approximately 140 linear feet south of the Union Street right-of-way. The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 25 South K Street, the southeast corner of Union and K Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Number (APN) 001-243-05, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

Mr. Osborne commented if the (Board) finds his previous statement to be useful as a finding, he recommends it be included in the motion as a finding.

Mr. Osborne: In this case, the Commission would also find:

"Under the unique circumstances of the Virginia City community, in which case this road was never developed, or known to have been developed, and under the topographic and other geographic situation of the area being abandoned, this will be another reason to abandon this portion of the roadway and right-of-way".

25. DISCUSSION/POSSIBLE ACTION: Approval of business license second readings:

- A. CHEEK CONSTRUCTION, LLC / Contractor - 3303 Reno Hwy ~ Fallon, NV
- B. LASCO PROCESS SYSTEMS, LLC / Contractor - 18601 LBJ Fwy ~ Mesquite, TX
- C. MCA MECHANICAL, INC / Contractor - 2190 Fish Springs Rd ~ Gardnerville, NV
- D. MOBILE TRUCK WASH LLC / General - 75 Bank St #8 ~ Sparks, NV
- E. FTM CORPORATION / Contractor - 460 N. Geneva Rd ~ Lindon, UT
- F. VERDI ENERGY INC / General - 2104 Lytham Ct ~ Wilmington, NC
- G. ROTO-ROOTER / Contractor - 200 B Coney Island Dr ~ Sparks, NV
- H. KINETIC SAFETY LLC, DBA: 3M SAFETY TRAINING / General - 3M Center Bldg. ~ St Paul, MN

On behalf of Community Development, County Manager Whitten, recommends approval of all items A. through H.

Public Comment:
None

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

26. PUBLIC COMMENT (No Action)

Sam Toll: Urged the Commissioners to include Public Comment at the beginning and end of meeting. Has been at other public meetings where the public can speak at a reasonable time.

Mr. Toll provided feedback regarding the Special Assessment District - the pipeline is important to future growth. However, the Tax Increment Area will divert \$61 million of future tax revenue which would otherwise be enjoyed by the residents. Mr. Toll has gone door-to-door in Mark Twain and not one person is excited about the use/diversion of future tax revenue to reimburse these global companies. The notion that this is a good idea is not shared by the residents in Mark Twain.

Mr. Whitten: Once again, we're being informed of people's feelings when there is a certain level of miscommunication. For the record, the County and this Commission, did not approve the Special Assessment District today- it was continued. Also, for the record, there was no action other than accepting public input on assessing the costs of the local improvements against the assessable property. The only accurate statement is we did not do anything with the Tax Increment Area.

27. ADJOURNMENT

Chairman McBride adjourned the meeting at 12:36 P.M.

Respectfully submitted,

By: _____
Vanessa Stephens Clerk-Treasurer