



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

DECEMBER 4, 2018 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN
ATTORNEY

ANNE LANGER
DISTRICT

JACK MC GUFFEY
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER
TREASURER

VANESSA STEPHENS
CLERK-

ROLL CALL: Chairman McBride, Vice-Chairman McGuffey, Commissioner Gilman, County Manager Pat Whitten, Clerk/Treasurer Vanessa Stephens, District Attorney Anne Langer, Deputy District Attorney Keith Loomis, Comptroller Hugh Gallagher, Deputy Clerk/Treasurer Sarah Burnet, Administrative Officer/Planning Director Austin Osborne, Sheriff Gerald Antinoro, Community Development Director Cherie Nevin, Planner Kathy Canfield, Tourism Director Deny Dotson, Fire Chief Jeff Nevin, Public Works Director Jason Weizrbicki, Community Development Building Inspector Pete Renaud.

1. CALL TO ORDER 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 December 4, 2018.

Public Comment:

Nicole Barde, Storey County resident : At the previous meeting, she was told the Cooperative Agreement would be part of the agenda packet for today's meeting. Citizens need to review this prior to the item. It was not in the packet for this meeting nor was the agreement on reimbursement. Copies were provided this morning. How can the Commission vote on this without reviewing the documents. Since these were not available for public review prior to the meeting, it is requested that the item(s) be pushed out until the public has opportunity to examine the agreements.

Deputy District attorney Keith Loomis: Open Meeting Law states items available for review to Commissioners must be available to the public at the same time. The Clerk's office did not receive the Cooperative Agreement and Reimbursement Agreement until this morning. Those documents have now been provided and the Board will have them at the same time as the public. This complies with Open Meeting Law requirements. It is up to the Board whether or not they want to proceed.

Bond Counsel indicates approval of the Cooperative Agreement is not required at this point in order to proceed with the TIA (Tax Increment Area). It is the choice of the Board.

Ryan Henry from Sherman and Howard, County bond counsel: The Creation Ordinance creates the TIA, orders the undertaking, and creates the tax increment account. His perspective is the Reimbursement and Cooperative Agreements are separate and apart from the Creation Ordinance - not dependent on each other. The agreements were given to the public at the same as the Board. He concurs with Mr. Loomis, it is up to the Board.

Chair McBride: This is a legitimate argument, that people have not had time to review these documents.

County Manager Whitten indicated time is not of the essence with these two documents and recommends continuing the items.

Stephanie Ferlock, Storey County resident: Commented on the pipeline and its effect on everyone....

Chairman McBride advised this is public comment regarding the Agenda only.

Motion: Approve Agenda for December 4, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

4. DISCUSSION ONLY/POSSIBLE ACTION: Approval of Minutes for October 29, 2018.

Public Comment:

None

Motion: I make a motion to approve Minutes for October 29, 2018, **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 business license first readings:

- A. SUGARLOAF MOUNTAIN MOTEL & MARKET - General / 430 S. "C" St ~ Virginia City, NV
- B. NOMNIVORE LLC - General / 222 E. 8th Ave ~ Reno, NV
- C. FIVES CINETIC CORP - General / 23400 Halstead Rd ~ Farmington Hills, MI
- D. DEBELL WINDOW SYSTEMS, INC - Contractor / 2600 S. Virginia St ~ Reno, NV
- E. BIGHORN SERVICES, LLC - General / 560 Juniper St ~ Elko, NV
- F. STRATOSPHERE QUALITY LLC - General / 12024 Exit Five Pkwy ~ Fishers, IN
- G. ANDREWS HARDING, AIA ARCHITECT - General / 111 East 14th St ~ Elmira Heights, NY
- H. ERM-WEST, INC - General / 1277 Treat Blvd ~ Walnut Creek, CA
- I. SMX, LLC - General / 860 W. Evergreen ~ Chicago, IL
- J. A-1 QUALITY CARE, LLC - Contractor / 12 Sunset Way #206 ~ Henderson, NV
- K. MANWEB SERVICES INC - Contractor / 11800 Exit Five Pkwy ~ Fishers, IN
- L. LOOKOUT TRENDZ - Home / 368 Wagon Wheel Way ~ Dayton, NV
- M. JHI ENGINEERING, INC - General / 018 SW. Boundary Ct Ste 200 ~ Portland, OR
- N. AMBER'S PET FRIENDLY GROOMING - General / 269 Edith Lane ~ Dayton, NV
- O. MICHAEL THOMAS SCHMOKER - Home / 4590 Tybo Rd ~ Reno, NV
- P. HARGROVE SERVICES CORPORATION - General / 20 S. Royal St ~ Mobile, AL
- Q. CBIZ RISK & ADVISORY SERVICES, LLC - General / 6050 Oak Tree Blvd ~ Cleveland, OH
- R. PANASONIC SOLUTION TECHNOLOGIES CO., LTD - General / Tokyo, JP

S. SUEZ WTS ANALYTICAL INSTRUMENTS, INC - General / 6060 Spine Rd ~ Boulder, CO
T. ALLIED MODULAR BUILDING SYSTEMS, INC - General / 642 W. Nicolas Ave ~ Orange, CA
U. TRUCKEE TAHOE LUMBER COMPANY - General / 10242 Church St ~ Truckee, CA

II. For possible action, update update to Storey County Administrative Policies and Procedures including Policy 205A Reasonable Accommodation for Victims of Domestic Violence and Policy 206A Vehicle Operators Drug and Alcohol Policy, and amend or replace corresponding forms for Policy 206A including Forms 206A F1, F2, F3, F4, F5, and F6.

III. For possible action, update to Storey County Administrative Policies and Procedures including Policy 205A Reasonable Accommodation for Victims of Domestic Violence and Policy 206A Vehicle Operators Drug and Alcohol Policy, and amend or replace corresponding forms for Policy 206A including Forms 206A F1, F2, F3, F4, F5, and F6

IV. For possible action, update to Storey County Administrative Policies and Procedures including Policy 1001 Disciplinary Action and Appeals, adding Policy 1000 Investigations of Alleged Misconduct; and adding and amending corresponding forms including for verbal warning, written reprimand, last-chance-agreement, and complaints.

V. For possible action, update to Storey County Administrative Policies and Procedures including Policy 302 Source of Candidates, Open Recruitment, Promotion, Transfer, and Eligible List to Vacancy Positions; Policy 303 Job Announcements; and Policy 304 Applications, Eligibility of Reduction of Applicants.

VI. For possible action, approval of payroll claims in the amount of \$633,702.44 and accounts payable in the amount of \$1,110,153.66.

Public Comment:
None

Motion: I make a motion to approve the Consent Agenda, **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 - No Public Comment): Committee/Staff Reports

Mike Nevin , 5 Mile Waterline Project Manager:

- Water has started flowing through the new pipeline. Everything went better than expected.
- Flow through the pipeline is much better at the Five Mile tank as the pipe had to be reconstructed having been crushed, thereby restricted, during a fire in the 70's.
- The project is 90% complete - ahead of schedule
- Fencing will be done sometime in January.
- Almost three miles of pipe was put in.
- Waiting for an appointment with BLM to do an on-site review of the area.

Elaine Spencer, General Manager V&T Railroad:

- The 2018 season revenues ended above last year.
- There has been great turnout for the Polar Express and days have been added Christmas week.
- Plans for next year will be presented to the Board in March.

Ms. Spencer presented Commissioner Jack McGuffey with a plaque in recognition of years of service on the V&T Railway Commission.

Commissioner McGuffey presented the Railway Commission and Elaine Spencer with a plaque regarding the Assembly Bill creating the V&T into law.

Deny Dotson, Tourism Director:

- Thank you to the merchants, residents, and businesses for their participation and decorating for the Christmas season.
- VCTC is working on the 2019 event calendar with some changes and new additions.

Mike Northan, Operations/ Project Manager:

- The Black & Howell building's un-stable issues have been abated and debris cleared. The area has been fenced.
- No problems have been reported with the latest precipitation events.

Pete Renaud, Building Inspector:

- Presented the following information from Community Development:
 1. 154 Construction documents reviewed;
 2. 230 permits issued;
 3. 99 Business licenses processed;
 4. 1,087 Construction-building inspections;
 5. 236 annual fire inspections completed.
- AT&T is currently in the process of installing equipment on the Vista Tower.
- A tower has also been installed on USA Parkway.

Jeff Nevin, Fire Chief:

- Storey County Fire provided assistance in the recent fire in Paradise, California - sending personnel and equipment. Three strike teams from this region were sent to fight this fire.
- Open burn season has started in Mark Twain and Painted Rock.
- The fuel reduction project continues.

Keith Loomis, Deputy District Attorney:

- An opinion has been received from the Attorney General's Office regarding an Open Meeting Law complaint filed by Tonya Brown in June stating there was no Open Meeting Law violation.

Pat Whitten, County Manager:

- With the continuance of items today, a Special Meeting will most likely be held on December 18th.
- The first BOC meeting in January will be Monday, January 7th. Elected and newly-elected officials will take oath of office, and committee assignments will be done.
- The second meeting is January 15th.
- The County Christmas party is Friday, December 10th at 5 PM at Pipers Opera House. All are welcome.

7. BOARD COMMENT (No Action - No Public Comment) None

8. DISCUSSION/POSSIBLE ACTION: Discussion and consideration to approve Resolution 18-520 honoring Mark Osmer and Carol Maley, with the Virginia City RV Park, as the 2018 Storey County business of the year.

VCTC Director Deny Dotson presented Mr. Osmer and Ms. Maley, owners of the Virginia City RV Park, with the annual Storey County Business of the Year award. Mr. Dotson read reviews from social media which have all been excellent and very complimentary.

Mr. Dotson read Resolution 18-520:

A Resolution honoring Mark Osmer and Carol Maley with the Virginia City RV Park, as the 2018 Storey County Business of the Year.

Whereas this award will be given to a Storey County business or organization that has shown significant contributions towards the economic stability in Storey County;

Whereas Mark Osmer and Carol Maley with the Virginia City RV Park have shown extraordinary entrepreneurship, market innovation, strong community relations and contributions towards fulfilling a needed service in Virginia City;

Therefore let it be known to all present, that the Board of County Commissioners of Storey County do hereby resolve to commend and honor Mark Osmer and Carol Maley with the Virginia City RV Park for their continued exemplary service to the people of Storey County.

Motion: I make a motion to approve Resolution 18-520 honoring Mark Osmer and Carol Maley, with the Virginia City RV Park, as the 2018 Storey County business of the year, **Action:** Approve,

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

9. DISCUSSION/POSSIBLE ACTION: For possible action, consideration and possible action on second reading of ordinance no. 18-299 creating the Tahoe-Reno Industrial Center Tax Increment Area pursuant to Nevada Revised Statutes Chapter 278C; considering all complaints, protests, objections and comments to the Area and the undertaking, ordering an undertaking relating to the tax increment area; creating the tax increment account for the undertaking; and ratifying action taken by County officers toward the undertaking and the tax increment area.

Commissioner Gilman recused himself from discussion and vote on items 9, 10, 11, 12.

County Manager Whitten said items 10, 11, and 12 will be continued to December 18, 2018.

Ryan Henry from Sherman & Howard, bond counsel to the County reviewed the title of this item. This is the second reading of Ordinance No. 18-299.

Public Comment:

Stephanie Ferdock, Storey County resident : There are people who do not want this on the back of Storey County taxpayers. She is concerned about taxes going up and feels (the Board) should reconsider voting on this now and give people a chance to review this.

Chairman McBride said there has been a lot of misinformation - the developer (TRI) is going to pay to have pipeline built. The major companies are going to reimburse the developer. Once it is built out, those companies will be reimbursed the amount of money paid for this pipeline from the increased taxes. This will not fall on Storey County residents. There is no plan to raise taxes.

Vice Chairman McGuffey commented this is an investment in the County for another tax base - a tax base paid by those using the water system.

Judy Cohen, business owner and Storey County resident : Ms. Cohen expressed her opposition to the use of County funds for this pipeline. She asked the Board to look at this and reconsider. She commented about paying for water and sewer improvements in Virginia City.

Chairman McBride explained that when water/sewer improvements are necessary for Virginia City and Gold Hill, funds are borrowed from USDA and have to be paid back. Funds do not come out of the General Fund, only rate payers of those areas pay for it - no one else.

The base for the TRI pipeline does not stay forever. Based on analysis, this will be paid off in 9 years. Once the pipeline is paid off, the taxes will come back into Storey County. Your property tax rate has not gone up in 10 years. The taxes have gone up - a good thing indicating the value of property has risen. When property values went down, so did taxes.

Nicole Barde, Storey County resident commented this is tax money being moved to billion dollar corporations and most of them received abatements and incentives to come to TRI. The County is giving money to a private developer for something that is a developer expense. Ms. Barde asked not to divert taxes out of TRI from the General Fund to give to corporations that do not need it.

Chairman McBride commented the abatements in place were devised by the Governor, the office of Economic Development - not the County. He explained this is a tool (the TIA) put in place by the Legislature and approved by the Interim Finance Committee. Without the pipeline, it has been reported these companies might not build out so the tax revenues would not be seen. This is a potential for growth.

County Manager Whitten said the State is a 50/50 partner in this - we are taking revenues that would not have been received otherwise.

Mike Riley, Storey County resident discussed the use of effluent water, which is good. Mr. Riley said Storey County carrying the "tools" is wrong and since this affects all of the surrounding counties, why don't they all "chip in".

Scott Jolcover, Storey County taxpayer, said he totally supports this (TIA).

Kris Thompson, TRI Project Manager explained that 98% of the land in TRI owned by tech companies has not been built out. The water from the pipeline will allow them to build out. The (TIA) reimbursement package is an incentive to do this. Mr. Thompson reviewed how the companies participate. The water from the pipeline will add to job growth in TRI.

Corrado DeGasparis, Comstock Mining, discussed the idea of this agreement and the public/private concept and support of the TIA.

Mr. Whitten read an article regarding Tesla building its newest model at the gigafactory - an indication of how (the County) is incentivizing companies.

Comptroller Hugh Gallagher discussed how this item has been reviewed by various agencies. This is about (the County's) financial independence - as he sees it, and feels this is a very good project for a bright future and concurs with staff findings. The County is not the only one giving incentives, incentives have been given forever. After the recession, the Governor's office provided tools to benefit jobs in Nevada.

Clay Mitchell, Storey County resident commented that most people are in favor of what's being done, but not how. Most people support using reclaimed water for economic development. He discussed how residents pay for infrastructure (water and sewer) without any tax reimbursement while the County is paying for infrastructure improvements for corporations. It seems this is a trade of

present benefit for future potential. The residents are looking at when does this benefit the County as a whole, not just those involved in these issues.

Sam Toll, Gold Hill resident: Asked for clarification that TRI, not Roger Norman, is paying for the pipeline.

Keith Loomis, Deputy District Attorney: TRICenter is responsible for the pipeline.

Mr. Toll: Mr. Thompson's comment that companies would not develop without the pipeline funding would not happen. Blockchains opted out indicating they would pay for the pipeline without reimbursement. The companies have huge investments in TRIC and they will continue their business whether or not the County develops out there. He reiterated what Mr. Mitchell said - the water bills for County residents have increased several times to pay for improvements. Why should the companies who can afford it come to the County to shoulder the burden? The TIA is bad for the taxpayers.

County Manager Whitten: Staff recommends approval of second reading of Ordinance 18-299 creating the Tax Increment Area pursuant to NRS 278c.

Motion: I, Commissioner Jack McGuffey, make a motion to approve on second reading, Ordinance No. 18-299, creating the Tahoe Reno Industrial Center Tax Increment Area pursuant to Nevada Revised Statute, chapter 278c, ordering an undertaking relating to the tax increment area; creating the tax increment account for the undertaking; and ratifying action taken by County officers toward the undertaking and the tax increment area, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

10. DISCUSSION/POSSIBLE ACTION: Consideration and possible action on a resolution no. 18-522 approving the cooperative agreement between the County and TRI General Improvement District relating to the Tahoe-Reno Industrial Center Tax Increment Area subject to minor changes, if any, as are approved by the County Manager.

Chairman McBride: Staff recommendation is to continue this item to December 18, 2018.

Public Comment:
None

Motion: I make a motion to continue item 10 to December 18, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

11. DISCUSSION/POSSIBLE ACTION: Consideration and possible action on resolution no. 18-521 approving the reimbursement agreement among the County and all owners of property in the Tahoe-Reno Industrial Center Tax Increment Area subject to minor changes, if any, as are approved by the County Manager.

Chairman McBride: Staff recommendation is to continue this item to December 18, 2018.

Public Comment:
None

Motion: I make a motion to continue item 11 to December 18, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

12. DISCUSSION/POSSIBLE ACTION: Consideration and possible action on a resolution no. 18-523 making certain determinations regarding excess tax increment revenues distributed into the funds of the respective taxing agencies under Nevada Revised Statutes ("NRS") 278C.250 in connection with the Tahoe-Reno Industrial Center Tax Increment Area.

Chairman McBride: Staff recommendation is to continue this item to December 18, 2018.

Public Comment:
None

Motion: I make a motion to continue item 12 to December 18, 2018, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2)

13. DISCUSSION/POSSIBLE ACTION: Adoption of 2018 Carson River Watershed Regional Floodplain Management Plan by Carson Water Subconservancy District (CWSD).

Ed James, General Manager, Carson Water Subconservancy District, introduced Debbie Neddenriep, Water Resource Specialist, to present this item.

Ms. Neddenriep reviewed the background of the Carson Water Subconservancy District and the need to reduce flood hazards. The ultimate outcome is to increase safety in a cost effective manner by preserving the floodplain. CWSD partnered with FEMA and since received funding to assist the County to fund studies. The County has been allowed to "drive" a study.

Ms. Neddenriep explained how the study works and suggestive actions.

Vice Chairman McGuffey asked if the Flood Zone Map (Mark Twain) recently generated by CWSD was a good map.

Ms. Neddenriep said yes. CWSD received a FEMA grant with Lyon and Storey Counties participating in the Mark Twain area.

Austin Osborne commented there is added detail to this map, but it is not ready yet.

Public Comment:

Sam Toll: Fear of flooding, as experienced in the past, has been expressed by residents of Mark Twain. This is a great step in helping alleviate concerns of the residents. The County should do some outreach to the citizens in that area to let them know this is important to the County.

Austin Osborne said there has been quite a bit of outreach in the Mark Twain community and a lot of participation. Residents have met with engineers working on the study. Residents presented maps and photographs. Staff supports this program - it is one more document to accompany the Master Plan and to contribute to improving our CRS flood rating, insurance ratings and to continue studies in this and other areas in the County.

Motion: Based on the recommendation by staff, I, Commissioner Jack McGuffey, motion to approve adoption of 2018 Carson River Watershed Regional Floodplain Management Plan by Carson Water Subconservancy District (CWSD), **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

14. DISCUSSION/POSSIBLE ACTION: Approve purchase of property from Virginia City Ventures Inc. of a parcel of real property identified as Lots 6, 7, and 8 of Block 210 Range H in Virginia City Nevada for the price of \$41,000.00

Deputy District Attorney Keith Loomis presented this item and described this property located in the vicinity of the fairgrounds. The proposal is to purchase this property along with those in the following three agenda items. Appraisal of these properties has been completed with this property being appraised at \$41,000.

Commissioner Gilman requested some background regarding these purchases.

Tourism Directory Deny Dotson discussed events leading up to the development of the fairground property. The purchase of additional property will help alleviate some of the parking and traffic congestion.

Commissioner Gilman believes the VCTC has done a great job growing tourism and applauds what is being done.

Chairman McBride said moving events to the fairgrounds has been a success and supports this request.

Public Comment:

Sam Toll agreed that purchase of this property will benefit the County and the merchants on C Street. Where is the money coming from for this purchase?

Comptroller Hugh Gallagher explained payment will be out of "cap projects fund" with a lease agreement to the VCTC recommended. The total price for all properties is about \$590,000.

Motion: I, Commissioner Jack McGuffey, move to approve the agreement for purchase of real property from Virginia City Ventures, Inc. located within Block 210 of Range H in Virginia City, Nevada, for the price of \$41,000, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

15. DISCUSSION/POSSIBLE ACTION: Approve purchase of property from Virginia City Holdings LLC of parcels of real property identified as Lots 6 - 16 and the south half of Lot 5 Block 180, Lots 3 - 17 Block 181; Lots 1- 6 Block 200; and Lots 1-6 Block 201 all within Range H, Virginia City, Nevada and bearing Assessor Parcel Numbers 001-135-07; 001-136-01; 001-173-01 and 001-176-01 (the Property) for the price of \$445,000.00

Mr. Loomis explained this is another property being used at the fairgrounds identified for purchase. The property has been appraised at \$445,000.00.

Public Comment:

Clay Mitchell : Asked about the zoning for these parcels, as well as the others. Is the proposed use appropriate for industrial?

Austin Osborne: The properties in that area are predominately industrial. There are mixed uses in the area which will be looked at individually. The Master Plan addresses the use of various zoning areas.

Motion: As recommended by staff, I, Commissioner Jack McGuffey, move to approve the agreement for purchase of property from Virginia City Holdings LLC, for the price of \$445,000.00, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

16. DISCUSSION/POSSIBLE ACTION: Approve purchase of property from Richard Correll of parcels of real property identified as all of Lots 2, 3, 4, and 5, in Block 210, Range H of Virginia City, Nevada, (the Property) for the price of \$83,333.00 and the conveyance of lot 6 Block 210, Range H Virginia City, Nevada.

Mr. Loomis explained these are also lots in the area of the fairgrounds appraised at \$97,000. Mr. Loomis reviewed the agreement for this purchase, which includes a trade for property, for the price of \$83,333.00.

Public Comment:
None

Motion: I, Commissioner Jack McGuffey, move to approve the agreement for the purchase of from Richard Correll for the price of \$83,333.00 and conveyance of lot 6, Block 210, Range H, Virginia City, Nevada, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

17. DISCUSSION/POSSIBLE ACTION: Approve purchase of property from Mark Charlton of parcels of real property identified as all of Lot 1, in Block 210, Range H of Virginia City, Nevada (the Property) for the price of \$21,000.00 and \$2,000.00 for a metal shed located on the Property.

Mr. Loomis: This is the fourth property to be acquired for the fairgrounds. The appraisal is \$21,000 for the property and \$2,000 for the shed.

Public Comment:

Kris Thompson : Complimented the Board for these items, a great economic development expenditure showing support for small businesses.

Motion: I, Commissioner Jack McGuffey, move to approve the agreement for purchase of the property from Mark Charlton for the price of \$21,000.00 and for the purchase of a metal shed located on the property for an additional \$2,000.00, **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 12:01 P.M.
Meeting reconvened at 12:15 P.M.

18. DISCUSSION/POSSIBLE ACTION: Special Use Permit 2018-053, request by the applicant to allow for construction of a single family residence and accessory structures on a 19.8 acre vacant

property located in the Forestry zone east of Virginia City in Six Mile Canyon. The subject property is **a portion of the West ½ of the Northwest ¼ of Section 25, Township 17 North, Range 21 East, Six Mile Canyon, Storey County, Nevada** and having Assessor's Parcel Number 004-321-40. Planner Kathy Canfield explained that any construction in a forestry zone requires a Special Use Permit. This request is for a single family residence with accessory structures. The Planning Commission recommended approval.

Mr. Osborne said this request is legally non-conforming - normally it would have to be on 40 acres.

Public Comment:
None

Ms. Canfield read the findings of fact:

(1) This approval is for Special Use Permit 2018-053, a request by the applicant to allow for construction of a single family residence and accessory structures on a 19.8 acre vacant property **located in the Forestry zoning district along Six Mile Canyon Road. The subject property is a portion of the West ½ of the Northwest ¼ of Section 25, Township 17 North, Range 21 East, Six Mile Canyon, Storey County, Nevada** and having Assessor's Parcel Number 004-321-40.

(2) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Resources **designated 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 Special Use Permit complies with the general purpose, goals, objectives, and standards of the county master plan, the zoning ordinance and any other plan, program, map or ordinance adopted, or under consideration pursuant to the official notice by the county.**

(3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.

(4) The Special Use Permit will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either 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, this title, and any other plans, 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.

(5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.

(6) The Special Use Permit, with the recommended conditions of approval, complies with the requirements of Chapters 17.03.150 - Special Use Permit, 17.12 - General Provisions, and 17.32 **Forestry Zone.**

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 Special Use Permit 2018-053, a request by the applicant to allow for construction of

a single family residence and accessory structures on a 19.8 acre vacant property located in the Forestry zoning district along Six Mile Canyon Road. The subject property is a portion of the West ½ of the Northwest ¼ of Section 25, Township 17 North, Range 21 East, Six Mile Canyon, Storey County, Nevada and having Assessor's Parcel Number 004-321-40, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

19. DISCUSSION/POSSIBLE ACTION: Applicant requests to abandon a portion of unimproved F Street right-of-way, located within Virginia City. The right-of-way abandonment would be approximately 50-feet by 65-feet, located between Lot 5, Block 227 and Lot 5, Block 228 of Virginia City. The project also includes the dedication of an existing travelled way identified as F Street (although not currently located in the F Street right-of-way). The right-of-way abandonment is located adjacent to vacant parcels owned by the applicant at 660 S. F Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 001-121-02 and 001-124-08.

Ms. Canfield described the proposed abandonment and showed slides of the property and surrounding area. There are no improvements in this area and there have been previous abandonments in the same area. The County is requesting applicant to dedicate an easement to the existing roadway. The Planning Commission recommended approval.

Public Comment:

Sam Toll: The portion of the mountainside being abandoned is not part of the road, and the property is being combined into one lot.

Ms. Canfield: Yes.

Ms. Canfield read the findings of fact:

(1) This approval is to abandon a portion of unimproved F Street right-of-way, located within Virginia City. The right-of-way abandonment would be approximately 50-feet by 65-feet, located between Lot 5, Block 227 and Lot 5, Block 228 of Virginia City. The project also includes the dedication of an existing travel way identified as F Street (although not located in the F Street right-of-way). The right-of-way abandonment is located adjacent to a vacant parcels owned by the applicant at 660 S. F Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 001-121-02 and 001-124-08.

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

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

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

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

(6) 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 an abandonment of a portion of unimproved F Street right-of-way, located within Virginia City. The right-of-way abandonment would be approximately 50-feet by 65-feet, located between Lot 5, Block 227 and Lot 5, Block 228 of Virginia City. The project also includes the dedication of an existing travel way identified as F Street (although not located in the F Street right-of-way). The right-of-way abandonment is located adjacent to a vacant parcel owned by the applicant at 660 S. F Street, Virginia City, Storey County, Nevada and borders Assessor's Parcel Numbers (APNs) 001-121-02 and 001-124-08, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

20. DISCUSSION/POSSIBLE ACTION: Bill No. 109, the second reading of Ordinance No. 18-298, an ordinance amending Storey County Code chapter 15.04 Building and Construction, to adopt the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code, and the 2018 Northern Nevada Amendments to the 2018 International Wildland Urban Interface Code, amending section 15.04.080 Fire District requirements, and providing for other properly related matters.

Outside Counsel Robert Morris presented this item to conclude the County's efforts to adopt the 2018 Northern Nevada to the 2018 International Wildland-Urban Interface Code and amendments. There have been no changes since the first reading.

Public Comment:
None

Motion: I move to approve second reading of Bill No. 109, the second reading of Ordinance No. 18-298, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

21. RECESS TO CALL TO ORDER THE FIRE DISTRICT BOARD

22. DISCUSSION/POSSIBLE ACTION: Resolution No. 18-518 adopting regulations consistent with Ordinance 18-298 amending Storey County Code chapter 15.04 Buildings and Construction, to adopt the 2018 International Fire Code, the 2018 International Wildland Urban Interface Code and the 2018 Northern Nevada Amendments to the 2018 International Wildland-Urban Interface Code.

Outside Counsel Robert Morris presented this item basically adopting the same sections of the Ordinance adopted in the previous item - it is easier as a Resolution so the Fire District does not have to do separate ordinances.

Public Comment:
None

Motion: I move to approve Resolution No. 18-518, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

23. RECESS THE STOREY COUNTY FIRE PROTECTION BOARD AND RECONVENE THE BOARD OF COUNTY COMMISSIONERS

24. DISCUSSION/POSSIBLE ACTION: Amendment of Resolution 18-519 to provide a new date for a public hearing on objections to the proposed lease of a portion of the County Complex located at 1705 Peru Drive to the Nevada Highway Patrol for no rent and to allow the County Manager to license

temporary use of the facility to the Nevada Highway Patrol pending a final determination on the approval/disapproval of the lease.

Mr. Loomis: At a previous meeting, this item was heard giving notice that the County is going to lease a portion of its building on Peru Drive to the Highway Patrol for no rent. This item is required to be published with notice of a hearing. This item was not published requiring a new date for a hearing. This item will be published and put on the January 7th agenda. This amendment authorizes the County Manager to license the Highway Patrol with temporary use of the facility until approval or disapproval of the lease.

Public Comment:

None

Motion: I, Commissioner Jack McGuffey, hereby move to amend Resolution 18-519 to provide a new date for a public hearing on objections to the proposed lease to the 7th day of January 2019 and to authorize County Manager to license temporary use of the facility to the Nevada Highway Patrol until a final determination is made on the lease and authorize the Chairman to sign, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

25. DISCUSSION/POSSIBLE ACTION: Special Use Permit Amendment 2000-222-A-6-2018 by applicant Scott Jolcover representing Comstock Mining, LLC. The applicant requests an amendment to Special Use Permit (SUP) Number 2000-222-A- 5 to modify Condition 1.2 from an affective period of 10 years to 20 years for surface and underground mining, processing, and ancillary uses in accordance with Storey County Code 17.92; the amendment also includes modifying Condition 8.5 regarding contributions toward historic preservation projects. The subject properties of the SUP are located in American Flat and Gold Hill approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 MDBM, Storey County, Nevada.

Ms. Canfield said this is an application to modify two conditions of a previous permit. One to change the effective period from 10 to 20 years - new expiration date would be September 2, 2034. This is allowed by zoning code. The second is to modify Condition 8.5 that historic preservation efforts take place in Storey County only. There are no other changes to the permit. The Planning Commission recommended approval.

Public Comment:

Sam Toll: Why is this change necessary?

Planning Director Austin Osborne explained it took a lot of staff and community time to put this (original) permit together. A benefit of the expiration date change, is to keep the structure in place without having to re-negotiate when the permit expires in six years.

Mr. Toll commented despite efforts mining operations have ceased. Comstock Mining has continued to lose money. Comstock Mining does have a large investment and land holdings. This could be revisited when the SUP expires. There is concern about the condition and preservation of historic buildings in the area.

Kris Thompson discussed the Planning Commissions review and approval of this request and commented that nothing changes in enforcement procedures from the original permit. The Planning Commission saw no downside to this extension.

Corrado DeGasperis , President/CEO Comstock Mining explained that this permit has many conditions regarding historic consideration and mining. Almost \$1 million has gone into historical restoration. Mr. DeGasperis reviewed the many restoration projects completed and awards received for the work. More restorations are in the works. Mr. DeGasperis discussed the investment in the mining and future economic feasibility.

Ms. Canfield read the findings of fact:

(1) This approval is for Special Use Permit Amendment 2000-222-A-6-2018, a request by applicant Scott Jolcover **representing Comstock Mining, LLC. The applicant requests an** amendment to Special Use Permit (SUP) Number 2000-222-A- 5 to modify Condition 1.2 from an affective period of 10 years to 20 years for surface and underground mining, processing, and ancillary uses in accordance with Storey County Code 17.92; the amendment also includes modifying Condition 8.5 regarding contributions toward historic preservation projects. The subject properties of the SUP are located in American Flat and Gold Hill approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 MDBM, Storey County, Nevada.

(2) **The Amended Special Use Permit 2000-222-A-6-2018 conforms to the 2016 Storey County Master Plan for the Gold Hill planning area in which the subject property is located.**

(3) Granting of the Amended Special Use Permit 2000-222-A-6-2018 altering the permit expiration and the historic preservation area conditions, with the conditions of approval listed in 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.**

(No #4)

(5) The Amended Special Use Permit 2000-222-A-6-2018 altering the permit expiration and the historic preservation area conditions 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.**

(6) The conditions under the Amended Special Use Permit 2000-222-A-6-2018 altering the permit expiration and the historic preservation area conditions do not conflict with the minimum requirements in the Storey County Zoning Ordinance.

(7) 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).

(8) 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.

(9) 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.

Vice Chairman McGuffey thanked the mining company for being a good neighbor and for the historic preservations being done, as well as taking care of the sinkhole and construction of the new road.

Motion: In accordance with the recommendation by staff and the Planning Commission, the findings of fact under Section 6.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 Special Use Permit amendment No. 2000-222-A-6-2018 an amendment to Special Use Permit (SUP) Number 2000-222-A- 5 to modify Condition 1.2 from an affective period of 10 years to 20 years for surface and underground mining, processing, and ancillary uses in accordance with Storey County Code 17.92; and modifying Condition 8.5 regarding contributions toward historic preservation projects. The subject properties of the SUP are located in American Flat and Gold Hill approximately in Township 16 North, Range 20 East, Sections 1 and 12; and Township 16 North, Range 21 East, Sections 4, 5, 6, 7, 8, and 9 MDBM, Storey County, Nevada, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

26. DISCUSSION/POSSIBLE ACTION: ITEM WITHDRAWN - 2018-045 Zone Map Amendment of a request by applicant Storey County, and property owners Virginia City Ventures Inc. for APN 001-172-01, Lots 6-8 of Block 210, at 575 South H Street; Richard Correll for APN 001-172-03, Lots 2-5 of Block 210, at 535 South H Street; and Mark Charlton for APN 001-172-04, Lot 1 of Block 210, at 515 South H Street, all located in Virginia City, Storey County, Nevada, and, to amend the zoning designation of said parcels which are located within portions of Sections 29 and 30, Township 17 North, Range 21 East, MDBM, from (I2) Heavy Industrial to (CR) Commercial Residential. The 2016 Storey County Master Plan map for this area designates these properties as a transition zone from Industrial to Mixed-Use Commercial Residential.

Chairman McBride called for recess at 1:06 P.M.
Meeting reconvened at 1:18 P.M.

27. DISCUSSION/POSSIBLE ACTION: Annual review and evaluation of the performance of Pat Whitten, County Manager. The board may, without further notice, take administrative action against Pat Whitten, County Manager, if the board determines that such administrative action is awarded after considering the character, alleged misconduct, professional competence, or physical or mental health of the person. At the end of the annual performance evaluation, the board may modify existing goals and objectives of the county manager's job; determine whether to provide a merit increase, bonus, or other compensation adjustment; and/or take adverse administrative action up to and including termination.

District Attorney Anne Langer said Mr. Whitten has signed a notice of waiver to have counsel present.

Austin Osborne: A process for evaluation of the County Manager was developed and made part of the County Manager's job description. The current evaluation will be for the period of January 2018 to the current date. Mr. Osborne reviewed the job evaluation worksheet given to each Commissioner. Mr. Osborne explained each section of the evaluation form and said there will be a short discussion after each section is reviewed.

Commissioner Gilman said he would like to hear from Department heads who work directly with Mr. Whitten. Mr. Whitten got the County through many hard times over the years and to evaluate for the last year only does not seem right. Rating him over the last 20 years - he is an incredible individual. Rating him for the last 12 months is foolish.

Vice Chairman McGuffey commented that he has been around the Courthouse a long time, and has heard nothing negative about Mr. Whitten.

Chairman McBride explained the process came about because a new County Manager will be coming in this year and he feels the Commission should do this so there is a record that it has been done and that the effort in developing this evaluation is not disregarded.

Mr. Osborne: A few Department heads are here to speak regarding Mr. Whitten.

Chairman McBride said reviewing the list and saying yay or nay is good. There is no scorecard.

Commissioner Gilman discussed the growth in the County under Mr. Whitten's leadership.

Vice Chairman McGuffey reviewed the evaluation form with positive comments regarding Mr. Whitten. He said Mr. Whitten is well-respected by many other counties.

Chairman McBride reviewed the items on the evaluation form and Mr. Whitten's performance and said Mr. Whitten is always the leader.

The Commissioners continued reviewing and discussing each section of the evaluation form, commenting on each item. Most comments were very positive. The Commissioners discussed Mr. Whitten's accomplishments and said he is excellent in leadership, management, public service, and in many other fields. They said he always treats everyone fairly.

Mr. Osborne asked each Commissioner to give an "overall" summary of the County Manager's performance.

Commissioner Gilman: This is someone with a 20 year track record of accomplishments, doing everything for the County, and being very successful at it.

Vice Chairman McGuffey: Gives Mr. Whitten mostly "distinguished" ratings, with a few excellent.

Chairman McBride: Has a very "hands on" relationship with Mr. Whitten, and bases his evaluation on the last six years - not just the last year. He is on the job "24-7". He is a very good, fiscally responsible manager, and a man of high character. He's at the top of the class - between excellent and distinguished.

VCTC Directory Deny Dotson commented Mr. Whitten has been an exceptional boss and is the perfect example of what a leader should be.

Community Relations Director Cherie Nevin said she has a great working relationship with Mr. Whitten, who allows her to be innovative and look "outside of the box". She feels very fortunate and it is a pleasure to work with him.

Public Works Director Jason Wierzbicki commented that Mr. Whitten has been extremely supportive of the direction Public Works is going and has been a great boss.

Comptroller Hugh Gallagher said Mr. Whitten brought unique skills to the County. Looking at 2008, 2009, and 2010 - counties were going under. Storey County, under Mr. Whitten's leadership, was not. He has been on top of all "cap" projects through all districts, including the economic development of one of the largest industrial centers in the country.

Concurring comments were received from Fire Chief Jeff Nevin, Community Development Director Gary Hames, and Communications Director Dave Ballard.

Mr. Osborne says he shares everyone's comments as well. Mr. Whitten is certainly a great leader.

Mr. Osborne moved on to discuss County Manager's salary and/or bonuses expressly listed in the job description. He reviewed staff recommendation outlining a potential salary bonus based on positive evaluation and on a comp study of managers in the region. A bonus has been recommended rather than a compensation adjustment which would require adjustments to the county, a bonus would not. The amount recommended is \$61,000. It would be effective June 30, 2019.

Commissioner Gilman asked about the criteria used to determine this amount. This amount is what he would have received if he had not been "capped out"?

Mr. Osborne said that is correct. A portion would be salary - would be what he would have earned in PERS for that time.

Commissioner Gilman commented this is not actually a bonus, but to "bring him whole". He feels this should be looked at as a bonus and recommends an amount of \$100,000. He understands the justification of the \$61,000 but feels the additional amount is a well-earned bonus as (Mr. Whitten) has led us to where we are.

Mr. Osborne said the process allows the Board to provide something different, as you have provided in your discussion of the County Manager.

Commissioner Gilman feels the amount is justified based on the (evaluation) comments and a job well done. He does not know if Mr. Whitten is going to retire or not, but as far as he is concerned, it is earned.

Vice Chairman McGuffey agrees with Commissioner Gilman.

Chairman McBride said the numbers to make Mr. Whitten "whole" are the same as his calculations.

Public Comment:

Nicole Barde said she agreed with Mr. Whitten's accomplishments and what he has done for Storey County. He "pulled the team together" and pointed the County in the right direction. Ms. Barde, while on the Senior Center Board, worked with Pat and he helped keep the Center open and feeding people. She has thanked him publicly.

Ms. Barde commented that there was a misappropriation given out by Mr. Whitten last year, without Board knowledge or approval, in the amount of \$217,000. What were the consequences for this misappropriation? You (the Board) are sitting here proposing to award the misappropriation. Ms. Barde has no argument with the \$61,000 and asked for an explanation of the misappropriation.

Chairman McBride said (the Board) did not like the process but there is no indication whatsoever that there was misappropriation of funds.

Ms. Barde asked if it was approved. If not, isn't that misappropriation?

Chairman McBride commented this matter was not going to be "rehashed", it was discussed at length during a Commission meeting. What was done had been common practice through his office for several years. This Board was not aware of this. His office did things, with Board approval, prior to this Board - he continued doing the same thing as before.

Kris Thompson apologized to Mr. Whitten for having to sit through the previous comments. Decisions cannot be made perfectly. Singling out a previous decision and to ignore the body of work is a travesty. Mr. Thompson spoke about the "ugly" times during the recession and how Mr. Whitten shepherded the County through.

Clay Mitchell commented with a process now in place, it will be easier for future managers. Does the bonus, as the one suggested, affect retirement compensation?

Mr. Osborne said there are options - make a deposit into PERS, provide in cash, or into a deferred comp or his own choice of retirement plan.

Mr. Mitchell asked if PERS compensation, after retirement, based on last year's salary? Would this potentially increase the retirement in addition to the amount given?

Mr. Osborne: PERS retirement is based on the average of the last 36 months of service. This is discretionary.

District Attorney Anne Langer said there are different ways to handle this under subsection 3, Performance Evaluation of Job. An increase in salary can be considered, or deferred comp can be given, or a bonus. Deferred comp or bonus are separate from, and not added into, salary - and not calculated into the years or 36 months.

Mr. Osborne: A bonus is the only thing on the table as expressed by the Commissioners. The job description does say it could be a salary increase, or a bonus, or whatever the Commissioners want.

Sam Toll offered his review of Mr. Whitten, stating he is extremely professional, with clear leadership, directing the County in a positive, effective manner. He concurs with what has been said.

Mr. Toll discussed this evaluation process indicating that it would have taken ten minutes if the Board had reviewed the questionnaire prior to this meeting. Mr. Toll suggested tabling whatever funds are going to be given to Mr. Whitten and make it a retirement bonus at the time of retirement.

Mr. Toll congratulated Mr. Whitten on what he has done for the County.

Mr. Osborne clarified this is a retirement bonus, effective June 30, 2019. If he stays longer, it is still effective on that date.

Chairman McBride called for a recess at 2:53 P.M.

Meeting reconvened at 3:04 P.M.

Mr. Osborne stated that if the \$100,000 is decided on, it will not work for deferred comp. Mr. Whitten may want to put this into something different. A portion can be put into deferred comp with the balance as a cash bonus.

Chairman McBride said how this takes place isn't the Board's decision, it's Pat's.

Mr. Osborne indicated the finding would be changed to not go into a retirement program. Providing a simple bonus remains simple. It should not matter to the Board where Mr. Whitten puts it.

Chairman McBride commented that he is totally in favor of the original number of \$61,000 - making Mr. Whitten whole for the steps missed with the County and the subsequent PERS he would be entitled to. It has been his position in the past that he does not like bonuses for retiring government employees and has rejected this before.

There was discussion by the Board, Mr. Osborne, and District Attorney Langer regarding the wording of the motion.

Mr. Osborne read the findings:

1. Performance Evaluation. This performance evaluation of County Manager Pat Whitten occurred on 12/4/18 by the Board of Storey County Commissioners (board) and was conducted according to Section 3 of the County Manager job description dated and approved by the board on 2/20/18 (amended). The performance evaluation is for the period beginning on 1/01/18 and ending on 12/04/18.
2. Job Description. Section 3 of the County Manager job description states that the board "may consider an increase in salary, including a merit increase consistent with the amount given unclassified personnel and a possible performance based bonus."
3. Grade and Step. The board hereby maintains the County Manager classification at grade 157 in accordance with Resolution 18-488 adopted by the board on 07/03/18, and it maintains the incumbent County Manager at his current step 10 of grade 157, which is the top step in the grade range.
4. Performance Bonus. The board hereby provides a performance bonus based to incumbent County Manager Pat Whitten. The performance based bonus is in the amount of \$61,000.00. This amount will be provided to incumbent County Manager Pat Whitten on 06/30/19 in the form of a deposit to Pat Whitten's Nevada Public Employees' Deferred Compensation Program (retirement savings program for employees of the State of Nevada and local government employers) or another retirement investment account of Pat Whitten's preference. The performance bonus is conditioned upon Pat Whitten retiring from Storey County employment on or later than 06/30/19. This performance based bonus applies only to Pat Whitten and not to any other person, including any person serving as County Manager at the effective date of this performance bonus.
5. Study Findings. The amount of salary and bonus provided to County Manager Pat Whitten is supported by the findings from a 2018 study of the incumbent's compensation study for similar classifications in other Nevada counties of relative staff size and organizational makeup to Storey County.
6. NRS Notice. On 10/29/18 County Manager Pat Whitten was provided via in-person delivery a Notice of Waiver advising him pursuant to NRS 241.033 and NRS 241.023 that he has the right to be informed, in writing, 5 business days in advance of the board meeting this character, professional competence, alleged misconduct, performance, or health may be considered at the meeting, and other properly related matters, and Pat Whitten on said date and in writing, waived his rights to receive the required notice.

Motion: In accordance with the unanimous, distinguished performance of County Manager Pat Whitten from January 1, 2018 to December 4, 2018, as determined during this performance evaluation, and in accordance with the findings of fact stated above and other findings deemed appropriate by the Board, I, Commissioner Jack McGuffey, hereby motion to accept the performance evaluation of County Manager Pat Whitten given by this Board, and to provide Pat Whitten with a performance based bonus in the amount of \$100,000 to be effective 6/30/19, conditioned upon Pat Whitten retiring from Storey County employment on or after that date, **Action:** Approve, **Moved by:** Vice Chairman McGuffey, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2, Chairman McBride voting nay)

28. DISCUSSION/POSSIBLE ACTION: Approval of Business Licenses, second readings:

- A. OMBOLI INTERIORS INC - Contractor / 4200 Rewana Way ~ Reno, NV
- B. ADKORE STAFFING GROUP LLC - General / 4200 W. 115th St ~ Legwood, KS
- C. MICHAEL CLAY CORPORATION - Contractor / 410 E. Minor ~ Winnemucca, NV
- D. PICKETT, KELM & ASSOCIATES - General / 4100 Duval Rd ~ Austin, TX
- E. FISHER SAND & GRAVEL, dba: ARIZONA DRILL&B-Contractor/1302 W. Drivers Way~Tempe, AZ
- F. DANNY WAYNEHAM, dba: SAWDUDE DESIGNS - General / 1130 Harmony ~ WMCA, NV
- G. PROGRESS WIRELESS - Contractor / 2133 Donald Dr #3 ~ Moraga, CA
- H. HOLDER CONSTRUCTION - Contractor / 3300 Riverwood Pkwy ~ Atlanta, GA
- I. ATLAS COPCO RENTAL LLC - General / 2306 South Battleground Rd ~ La Port, TX
- J. CHIKO AIRTEC CO., LTD - General / 2-27-24 Hakushima ~ Osaka, Japan
- K. COLIN GORDON ASSOCIATES - General / 150 North Hill Dr ~ Brisbane, CA
- L. ALPINE LOCK AND KEY, INC - General / 811 Ryland St ~ Reno, NV
- M. SOUTH STAR RISK CONSULTING, LLC - General / 1059 Redfish St ~ Bayou Vista, TX
- N. ENGINEERED TOOLING SYSTEMS - General / 2780 Courier NW ~ Grand Rapids, MI
- O. WEIGL CONCRETE, LLC - Contractor / 3550 Barron Way ~ Reno, NV
- P. PROSPECT PEAK LLC - Contractor / 177 Walnut Dr ~ Fernley, NV
- Q. NEESER CONSTRUCTION - Contractor / 455 US Hwy 395 N ~ Washoe Valley, NV
- R. MTEX INNOVATIVE SOLUTIONS GMBH - General / 7 Kirchstrafe ~ Roansburg, Germany
- S. TYRES INTERNATIONAL INC - General / 4637 Allen Rd ~ Stow, OH
- T. RYAN SESSIONS, dba: HANDYMAN SERVICE - Home Business / 7770 Opal Bluff Dr ~ Reno, NV

On behalf of Community Development, Mr. Whitten requested approval of all Items A. through T.

Public Comment:
None

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

29. PUBLIC COMMENT (No Action)

Sam Toll: Once again requests that the County Commissioners move Public Comment to the beginning of the meeting.

Mr. Toll commented despite signatures collected opposing the use of public funds for billion dollar companies, you continue to not take constituents into account. Mr. Toll discussed the drop in taxable sales for the County in the last several months. Benefits are not being seen in Storey County. Giving away revenues is giving away the future for children.

30. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA

Chairman McBride adjourned the meeting at 3:24 P.M.

Respectfully submitted,

By: _____
Vanessa Stephens Clerk-Treasurer