



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS SPECIAL MEETING

WEDNESDAY, NOV. 2, 2022, 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MEETING MINUTES

JAY CARMONA
CHAIRMAN

ANNE LANGER
DISTRICT ATTORNEY

CLAY MITCHELL
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

JIM HINDLE
CLERK-TREASURER

Roll Call: Chairman Jay Carmona, Vice-Chairman Clay Mitchell, Commissioner Lance Gilman, Clerk/Treasurer Jim Hindle, District Attorney Anne Langer, Communications Director Becky Parsons, Sheriff Gerald Antinoro, Chief Deputy Tony Dosen, Fire Chief Jeremy Loncar, Projects Coordinator Mike Northan, Business Development Director Lara Mather, Community Relations Director Honey Menefee, Senior Center Director Stacy York, Jeannie Green - Human Resources, County Manager Austin Osborne, Deputy District Attorney Keith Loomis, Comptroller Jennifer McCain, Justice Eileen Herrington, George Robison - Director of the Truckee River Flood Management Authority, Erin Warnock - State Floodplain Manager.

1. CALL TO ORDER REGULAR MEETING

Meeting was called to order by Chairman Carmona at 10:04 a.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Carmona led those present in the Pledge of Allegiance.

3. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of the agenda for the Nov. 2, 2022, meeting.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve today's Agenda as presented.

Seconded by: Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

4. CONSENT AGENDA FOR POSSIBLE ACTION

- I For possible action, approval of business license first readings:
 - A. B Street Boardinghouse – Home Business / 116 N B St. ~ Virginia City, NV
 - B. Infinity Painting & Decorating Inc. – Contractor / 625 Spice Island Dr. Ste. G Sparks, NV
 - C. Lima Land LLC – Out of County / 4007 Paramount Blvd Unit 109 Lakewood, CA
 - D. NV Concrete Construction Inc. – Contractor / 3570 Barron Way Ste. D Reno, NV
 - E. Pilot Travel Centers LLC – Contractor / 5508 Lonas Dr. ~ Knoxville, TN
 - F. Sterling Electric Inc. – Contractor / 102 Mountain View Dr. ~ Fernley, NV
 - G. Virginia City Bed & Breakfast -General / 226 N. B St. ~ Virginia City, NV
- II. First reading for approval of a home-based Business License - Wakefield CMR LLC
- III Approval of claims in the amount of \$1,226,796.59

Commissioner Mitchell asked why Item II was separated from the other first readings. He didn't see any indication it was a special or privileged license. County Manager Osborne said there was no indication it was a special license, that the sheriff was in attendance and that the commission could just leave it for first reading and follow up with Community Development for second reading. Commissioner Mitchell said that he could accept that, but in the future if there is some reason to put it in staff reports.

Public Comment: None

Motion: I, Commissioner Mitchell move to approve the Consent Agenda as presented.
Seconded by: Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

- 5. **PUBLIC COMMENT (NO ACTION):** Virginia City Highlands resident Nicole Barde, who said she also represented Mary Lou Wilson and Larry Huddleston, expressed concern about contaminated ash from the Stericycle Inc., a medical waste disposal company at the Tahoe Reno Industrial Center. She said they were storing and disposing hazardous ash which NDEP said could be toxic and that it should only be disposed of in a landfill that accepts toxic waste. She said she contacted the company and was told it is like what you have in the fireplace, but Ms. Barde alleges that is not true and she hopes county building inspectors are working with NDEP to investigate.

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

Jeremy Loncar, Fire Chief

- As of Nov. 1, burn permits will be issued at no cost by the Storey County Fire District. Burning is not permitted in the Virginia City Highlands, Lockwood or Virginia City proper. Residents of those communities should call the fire district for the U-Call We-Haul trailers.

Jason Wierzbicki, Public Works Director

Mike Northan, Operations and Projects Coordinator

- Work is continuing on Station 72 in the Virginia City Highlands.
- The Lockwood Community Center has three draft concepts, after which plans will be created.

Lara Mather, Acting Emergency Management Director and Business Development Director

- Emergency Management is still working with the Desert Research Institute on wildland smoke sensors but have run into an issue on where data can be stored so it will be available to the public.
- Ms. Mather attended a small business resource fair and will create a page of resources to be placed on the county web site, for local businesses to access.

Honey Menefee, Community Development Director

- Nov. 7 through Nov. 11 is Operation Greenlight for veterans. The Courthouse will be lit green, and residents and businesses can light their buildings green to show support for veterans.

James Deane, IT Director

- IT Department is still working on the new county web site, as well as a cloud project for the Comptroller's Office and Recorder's Office and upgrading Internet for the Senior Center.

Pete Renaud, Community Development Director

- The Community Development Department will walk the boardwalk for a repair inspection and have new flyers for businesses.

Stacy York, Senior Center Director

- The Edna Rosso blood drive will take place at the Virginia City Senior Center on Thursday, Nov. 3 from 11 a.m. to 4 p.m. Covid boosters will be offered Nov. 3 from 9 a.m. to 10 a.m. Nov. 9 is the Resource Fair at the Mark Twain Community Center from noon to 6 p.m. Flu shot and Covid boosters will be done at the same time and the senior center has rides available. Flu and Covid shots will be held in Lockwood from 9 to 11 a.m. at the Lockwood Senior Center, and in the Virginia City Highlands at the fire station Nov. 17, 9 to 11 a.m.

Keith Loomis, Assistant District Attorney

- Update on the Nevada Energy case, Judge Wilson entered an order authorizing NVEnergy to go ahead and occupy the property and begin their construction prior to the eminent domain action being completed. Massachusetts Land Acquisition is filing a writ with the Supreme Court to challenge that.

Austin Osborne, County Manager

- An offer was made to a candidate for the Human Resources Director position. The county worked with DETR and there was no cost, so \$15,000 will be returned to the general fund.

Jim Hindle, Clerk-Treasurer

- Early voting is in process. Storey County residents can vote through Friday in Virginia City. Election Day is Tuesday, Nov. 8. Mail-in ballots do not have to be presented if you choose to vote in person but should be kept under the voter's control until after the election. Paper ballots must be postmarked by 5 p.m. Nov. 8, but have until Saturday, Nov. 12 to arrive at the Clerk-Treasurer's office. Also, The Clerk-Treasurer's Office cannot release results on November 8th until polls throughout the state are closed.

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

Commissioner Mitchell said that a swing dance with lessons will be at the Fourth Ward School on Friday evening, Nov. 11. Get tickets at fourthwardschool.org and click on the events tab.

8. DISCUSSION/FOR POSSIBLE ACTION: Consideration and approval of, and authorizing the board chair to sign a memorandum of understanding between Storey County and the Comstock Cemetery Foundation (CCF) establishing terms, conditions, and responsibilities for modern burials within, and to promote preservation, protection, and management of the Silver Terrace Cemeteries including approximately 65 acres of historic cemetery lands located in Virginia City, and the Gold Hill Cemetery located in Gold Hill, Storey County, Nevada, and other properly related matters.

County Manager Osborne said this MOU was for a very complex situation, covering conflicts on burials, historic preservation and other things, along with disputes over land ownership and mining rights. He introduced guests from the Comstock Cemetery Foundation, Judy Allen, Jim Clark and Cal Dillon. He said in addition, funding and space for modern burials leading to expansion needs of the cemeteries, led to many discussions over several years. Discussions involved Storey County, the CCF, Hugh Roy Marshall, Con Virginia Mining, Candace Wheeler, and BOC of CCF, and all the county department heads. He said the challenge was to maintain and expand the cemeteries and assure restoration and preservation on land with countless issues including overlapping mining claims and ownerships. The MOU is for 99 years and includes a blanket lease on the property from Con Virginia Mining. The agreement will include the Gold Hill cemetery and can apply to another cemetery in Gold Hill, as well as the new Catholic Cemetery and Jewish Cemetery. Mr. Osborne said 2 mining claims must be surveyed at a cost of \$36,000, which will be done by Lumos and Associates.

James Clark of Virginia City, a 12-year member of the cemetery board who represents the Masonic section, said he was doubtful when this began 3 years ago, but now says this is a benefit to the foundation. He praised Mr. Osborne for answering questions completely. The CCF board voted unanimously to approve the MOU. Students at the high school already won a contest to name the new section "Silver Fields".

Public Comment: None

Motion: I, Commissioner Mitchell move to approve the Memorandum of Understanding and authorize the board to sign the MOU between Storey County and the Comstock Cemetery Foundation, establishing terms, conditions and responsibilities for modern burials within and to promote preservation, protection and management of the Silver Terrace Cemeteries including approximately 65 acres of the historic cemetery located in Virginia City and the Gold Hill Cemetery located in Gold Hill, Storey County NV, and other properly related matters. The MOU becoming effective is contingent on certain required lease agreements and actions between the parties. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

- 9. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval: George Robison, Executive Director of the Truckee River Flood Management Authority (TRFMA) has requested a letter of support from Storey County regarding TRFMA's efforts on remapping the Truckee River floodplain along the Storey County boundary.

Planning Manager Kathy Canfield introduced George Robison, executive director of the Truckee River Flood Management Authority, who is requesting a letter of support for re-mapping the Truckee River from West Reno to Wadsworth. The Planning Department did provide a draft letter of support. She noted that she and Commissioner

Gilman serve on the TRFMA Technical Advisory Committee. She said: FEMA likes to have letters of support to indicate commitment to programs; the Planning Department supported this action; and that, she agreed that FEMA maps are inaccurate.

Mr. Robison said the Truckee River Flood Management Authority had an agreement with Reno, Sparks and Washoe County, and the re-mapping project started in 2019, since the FEMA maps went back to 1984, and some to the 1970s. He said the topography is off because in some places the river is out of alignment with its old course. The re-mapping will use the most up-to-date terrain and modeling techniques.

Public Comment: None

Motion: I, Commissioner Mitchell move to submit a letter of support for the re-mapping effort by the Truckee River Flood Management Authority for the Truckee River between West Reno and Wadsworth, NV, to the Federal Emergency Management Agency. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

10. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of Storey County Proclamation for Flood Awareness Week, November 13 – 19, 2022.

Ms. Canfield said the county has participated the past four years, with the state's efforts to provide flood information to the public through NevadaFloods.org. There are events in Carson City and at Hillside Elementary School in Lockwood. This helps with the county's national flood insurance program community rating systems.

Erin. Warnock, the State Floodplain Manager, thanked the county for their support. Proclamation was read. Photos were taken.

Public comment: None

Motion: I, Commissioner Mitchell move to approve Storey County proclamation for recognizing Flood Awareness Week Nov. 13-19, 2022. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

11. DISCUSSION/FOR POSSIBLE ACTION: First quarter budget to actual review for fiscal year 2022-2023.

Comptroller McCain said all revenues were at the expected level or better for the first quarter review because ad valorem receipts comes in heavier in the first few quarters. She said the county was at 40 percent of revenue with 25 percent of the year done The General Fund's licensing and permits are at 75 percent collected, with reclassification expected and some released to the fire district. She said expenses were at 20 percent,

including transfers. She said some salaries and benefits were overbudget in the departments that operate 24/7, but that should even out as the fiscal year progresses. She also said two unbudgeted expenses came up and the budget will be adjusted. A broad range of costs are expected to go up through the year because of the economic environment. The county will watch these markets and associated costs to determine mitigation actions. She said all numbers will be on the Comptrollers page of the county Web site next week.

Public comment – no

12. DISCUSSION/POSSIBLE ACTION: Consideration and possible first reading of Ordinance 22-323. An ordinance incorporating civil infractions under the Nevada Revised Statutes as violations of the Storey County Code (SCC), reducing certain existing provisions of the SCC as they affect traffic and parking regulations from misdemeanors to civil infractions. The purpose of this ordinance is to implement some of the provisions of AB 116 from the 2021 Legislative Session which reduced numerous misdemeanors to civil infractions.

Mr. Loomis said that a result of AB 116 passing in the last Legislative Session, a lot of the state misdemeanor violations, particularly traffic violations, have been changed from misdemeanors to civil infractions, particularly traffic offenses with a maximum punishment of a \$500 fine.

Judge Eileen Herrington of the Storey County Justice Court said the primary change is traffic misdemeanors to civil infractions. She said judges have worked closely with state Dept of Public Safety in creating Nevada Offense Codes (NOC codes) that identify every violation in every county. DPS notified the Court that they had created NOC codes and that the county would have to amend its ordinance to reflect adoption of the civil infractions. NOC codes are unique to each county so there are hundreds and hundreds of NOC codes. She said fines will go to the county with the adoption of the ordinance, otherwise they would revert to the state. The County cannot change what the state considers a civil infraction to a misdemeanor.

Commissioner Mitchell questioned what would be considered a misdemeanor and what a civil infraction.

Judge Herrington said most traffic and parking violations will be amended to a civil infraction, except for using a handicapped space unlawfully. Misdemeanors would also continue to be charged for no driver's license or expired registration. If people don't pay the civil infraction fine, it will go to collections, rather than have a judge issue a warrant. She has been attending weekly meetings, but thinks her office is ready to handle the change. She will have training in December and will give a recap in January.

Commissioner Mitchell asked for examples. Judge Herrington said following too closely would be a misdemeanor but passing in a no-passing area would become civil. Failing to stop for a flagger will remain a misdemeanor. She said they don't follow the demerits. She has provided a draft schedule. She said without this ordinance, those NOC codes prepared for our county would not be activated.

Commissioner Carmona asked if he became a habitual speeder, the worst thing that could happen is it could ruin my credit? Judge Herrington said there is a section in the bill that if over a 3- or 5-year period you get more than 5 violations that were four demerit points or more, that would be a combination of civil violations and misdemeanor and the DMV would suspend your license, which, if you drive with that suspended license, it becomes a criminal offense. She said there are many cases where a person stopped for speeding has no driver's license or insurance, some would be civil infraction, and some would be misdemeanor. Up to 29 mph over the speed limit would become a civil infraction. If there is also a DUI, the DA could treat it as a criminal matter. Having no insurance is still a misdemeanor.

Public Comment – no

Commissioner Gilman asked if writing these citations would complicate the lives of officers?

Judge Herrington - they have a computer device and when they input the info, that will generate a civil infraction with all instructions on how to approach that civil infraction. Then get another long ticket for misdemeanor infraction. It is going to complicate things. We have been attending weekly meetings to address how this will come to our office.

Commissioner Gilman asked if the sheriff's offices have been involved in the meetings, and Judge Herrington said they had been involved in the training.

Sheriff Gerald Antinoro said they have been working on this since the legislation past, the software vendors will update the handheld computers. It will be a difficulty, but anytime you have a change you will have difficulties. The whole process is a bad process, with the legislature turning these into civil infractions. We are as ready as we can be.

Mr. Loomis read the title into the record.

Commissioner Mitchell asked if the county took a position in testimony on this bill when in from of the Legislature, and Judge Herrington said she believes we did.

Public comment: None

Motion: Under duress, I, Commissioner Mitchell move to approve the first reading of Ordinance #22-323, an ordinance addressing infractions authorizing the setting of a public hearing on the ordinance and authorizing publication of a notice regarding the hearing. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

13. RECESS TO CONVENE AS THE STOREY COUNTY FIRE PROTECTION DISTRICT BOARD

14. DISCUSSION ONLY/NO POSSIBLE ACTION: First quarter budget to actual review for the Fire District fiscal year 22-23

Comptroller McCain said revenues for the Fire District Budget were coming in at 34 percent of the budgeted amount in the first quarter. She said that did not include Mutual Aid transfer or business license fees. She said ad valorem was trending at 42 percent. Ms. McCain said expenses were at 26 percent usage and does not include transfers out. Salaries are at about 29 percent due to overtime, a necessary overage. Service and supplies at 10 percent usage. Some line items are higher because of one-time purchases. Mutual Aid at 42 percent, which is not uncommon because fire season was in the beginning of the fiscal year.

Commissioner Mitchell asked if the license and permit amount is higher than expected, and Ms. McCain said that was due to permit revenue, and she was unsure if it is a first-quarter issue.

Fire Chief Loncar said there were an increased number of buildings. He said they looked at very old data and used that moving forward because we knew it was a conservative number.

Public comment: None

15. DISCUSSION/POSSIBLE ACTION Consideration and possible approval of a Memorandum of Understanding between the Storey County Fire Protection District and Storey County Fire Fighters' Association Local 4227 as it pertains to Article 40 Incentive pay to exclude fitness from the maximum incentives within the 2019-2023 Collective Bargaining Agreement.

Chief Loncar said the purpose of this item was to fix the language. In three areas the firefighters could get incentives, but the fourth area was added, but the rule still had a cap of 4. This is just a language issue. He said the document will be execute as Nov 2, 2022.

Motion: I, Fire Commissioner Mitchell, move to approve Memorandum of Understanding with the Storey County Firefighters Association Local 4227, outlining changes regarding Article 40 to identify that Category 4 Fitness, is not included within the maximum incentive as stated in Article 40, Section 2. I further move that we modify the agreement to reflect today's date. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

16. RECESS TO CONVENE AS THE STOREY COUNTY HIGHWAY BOARD

17. DISCUSSION ONLY/NO POSSIBLE ACTION: Report of Public Works department regarding roads and highways in Storey County.

Public Works Director Jason Wierzbicki said the crew is just about finished with Six Mile Canyon Road. Electric Avenue is still in engineering. The core samples are back from what was the existing road.

18. RECESS TO CONVENE AS THE STOREY COUNTY WATER AND SEWER BOARD

19. DISCUSSION ONLY/NO POSSIBLE ACTION: First quarter review for the Water and Sewer Funds for fiscal year 22-23.

Comptroller McCain said that for the Water and Sewer budget, both revenues are trending at or above 25 percent for the first quarter. Charges for service in water is 30 percent and for sewer is 28 percent. This is revenue from ratepayers. This is what is expected to pay for daily operations from this fund. Infrastructure fund was intended to pay the USDA bonds, so that will happen after infrastructure ordinance is passed. Expenses are also trending very well. Salaries and benefits were affected by AFSCME contract in June and budgets were completed before the agreement.

Public comment: None

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

21. DISCUSSION ONLY/NO POSSIBLE ACTION: Quarterly report by County Manager on matters of the county including, but not limited to, plans and programs, staffing and resources, capital improvements, community engagement, and other matters of county importance

County Manager Osborne said the strategic plan is moving forward and there would be the final public workshop soon in Virginia City at Piper's Opera House. We will bring an overall draft to the board in January.

The Capital Improvement Plan update is happening again, and department heads are adding or amending things, which the Comptroller is using for budget preparation and the Commissioner's Office is using in integration with the white paper, as well as 2024 expenses to address deferred maintenance.

The White paper's fiscal analysis is almost complete. We will bring it to the board for consideration and public information and hopefully, adoption. This will be important in the 2023 Legislative Session, when regional impacts are discussed. The best thing is all data is published information, and the numbers are already there from the experts.

The Solid Waste Management Franchise RFP process. So far, we have tentative town halls schedule for Nov. 16, 17 and 18 in Virginia City, TRI and Mark Twain. Will have an outreach to Lockwood, which has its own agreement with Waste Management.

Human resources director position is filled, and the new director will begin on Nov. 14. We are still interviewing for Emergency Management Director. We are recruiting VCTC Director as there is an item on the agenda.

We are still working on countywide broadband connections.

There is about 8 million square feet of construction going on at TRI, and roughly 50 building permits going on in Virginia City and the Highlands.

Public comment: None

22. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval authorizing the County Manager to approve and sign a contract for up to \$20,000 for a recruitment agency (headhunter) to help the county and Virginia City Tourism Commission build an applicant pool of highly qualified candidates to potentially fill the VCTC Director vacancy, subject to the recruitment agency being chosen from the attached list of agencies having pre-negotiated rates with POOL/PACT, subject to contract review and approval by the District Attorney's Office, and with the signed and approved contract being brought back to the board at the next available meeting for review. This request may help the agencies enhance diversity and qualifications in the currently growing applicant pool.

County Manager Osborne said there is a vacancy for tourism director and applications have been received, however he would like to spread a wider net by working with DETR as well as headhunters and advertising nationwide. Funds are still available for the headhunter, which would charge 15 percent of the salaries of the director. Using headhunters recommended by POOL/PACT.

Public Comment: None

Motion: I, Commissioner Mitchell, move to authorize the county manager to approve and sign a contract for up to \$20,000 for a recruiting agency or headhunter to help the county and the Virginia City Tourism Commission build an applicant pool of highly qualified candidates to potentially fill the VCTC Director vacancy subject for the recruitment agency being chosen from the attached list of agencies having pre-negotiated rates with POOL/PACT subject to contract approval by the District Attorney's office and with the signed and approved contract being brought back to the board for the next available meeting for review. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

23. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of antifreeze retrofit to a new code compliant antifreeze in the fire sprinkler systems at the Jail and the Gold Hill Depot. This project, due to time constraints and code deadline has already been completed for a grand total of \$14,500.00.

Public Works Director Wierzbicki said a new code required the county to get rid of old antifreeze in the fire sprinkler systems in the jail and the Gold Hill Depot. He said the department went ahead with the retrofit to comply with code.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the antifreeze retrofit of the jail and the Gold Hill Depot to a new code compliant antifreeze for a combined total of \$14,500. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

24. DISCUSSION/FOR POSSIBLE ACTION: For consideration and possible approval of business license second readings:

- A. Duke MFG, LLC – Contractor / PO Box 6663 Ft. Smith ~ AR
- B. Essex Brownell LLC – General / 2555 USA Parkway Ste. 101 ~ Sparks, NV
- C. Integrity Cabling Systems Inc. – Contractor / 31566 Railroad Canyon Rd. Ste. 2 Canyon Lake, CA
- D. Joe Daddy Screens – Home Business / 119 Tom Sawyer Way ~ Dayton, NV
- E. Novo Logistics – General / 727 Milan ~ Sparks, NV

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the second readings of business licenses A through E. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

25. PUBLIC COMMENT (No Action): None

26. CORRESPONDENCE/NO ACTION:

- I Letter of support for Travel Nevada 3D Project Application Arts and Heritage Trail creating a joint effort by developing marketing, a trail map, and virtual and marked trails connecting Virginia City to Carson City and the Carson Valley for tourism and recreational purposes.
- II Letter responding to request for member of Storey County to join Comstock Foundation in their efforts to earn the Travel Nevada 3D Grant for Destination Development Project.

County Manager Osborne said there was one additional piece of correspondence from John Herrington to allow Clampers of Julia C Bulette to install a historic plaque that is currently inside the Visitor's Center. This plaque was originally produced by Ron Walsh by Julia C. Bulette Humbug back in 1992. The Clampers would like to install the plaque on the outside of the south wall of the Crystal Bar near the C Street edge.

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

Chairman Carmona adjourned the meeting at 12:17 p.m.

Respectfully submitted,

By: _____
Jim Hindle, Clerk-Treasurer.