



# STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, DEC. 6, 2022, 10:00 A.M.

DISTRICT COURTROOM

26 SOUTH B STREET, VIRGINIA CITY, NEVADA

## MEETING MINUTES

JAY CARMONA  
CHAIRMAN

CLAY MITCHELL  
VICE-CHAIRMAN

LANCE GILMAN  
COMMISSIONER

ANNE LANGER  
DISTRICT ATTORNEY

JIM HINDLE  
CLERK-TREASURER

**Roll Call:** Chairman Jay Carmona, Vice-Chairman Clay Mitchell, Commissioner Lance Gilman, Deputy Clerk/Treasurer Alicia Duke, District Attorney Anne Langer, Sheriff Gerald Antinoro, Fire Chief Jeremy Loncar, Projects Coordinator Mike Northan, Business Development Director Lara Mather, Stacy York, Senior Center Director, Mitzi Carter, Human Resources Director, Austin Osborne, County Manager, Keith Loomis, Deputy District Attorney, Comptroller Jennifer McCain

### **1. CALL TO ORDER REGULAR MEETING**

Meeting was called to order by Chairman Carmona at 10:02 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 Dec. 6, 2022, meeting.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the Dec. 6, 2022, agenda as presented. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

**4. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of the minutes for the Nov. 15, 2022, Regular Meeting.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the Nov. 15, 2022, minutes as presented. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

**5. CONSENT AGENDA FOR POSSIBLE ACTION**

I. For possible action, approval of business license first readings:

A. Bertani LLC – Contractor / 3125 Cantara Cir. ~ Sparks, NV

B. Bjorkman Construction Inc. – Contractor / 3112 Skye Terrace ~ Sparks, NV

C. Building Zone Industries LLC – Contractor / 1233 S. Old Hwy 91 ~  
Kanarraville, UT

D. CMC Steel Fabricators Inc. – General / 635 Denmark Dr. ~ Sparks, NV

E. Disruption Road Tour – Home Business / 1050 Delta Dr. ~ Reno, NV

F. Good’ Ol Boys – Home Business / 451 Canyon Way # 74 ~ Sparks, NV

G. Things & Things & Things LLC – General / 122 S. C St. ~ Virginia City, NV

H. Western Single Ply – Contractor / 3442 Neeham Rd. ~ N. Las Vegas, NV

II. 2023-24 NRS 361.300 Tax Roll Resolution

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.

**6. PUBLIC COMMENT (NO ACTION):** None

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

**Sheriff Gerald Antinoro**

Bear and mountain lions have been spotted in Virginia City and advised residents to not feed wildlife, including deer and horses, which attract the predators. Predators are more active at dusk and dawn.

**Mike Northan, Operations and Projects Coordinator**

The VCH Community Center and Lockwood Community Center projects are moving along.

Traffic light maintenance is being scheduled for lights at I80/USA Parkway and Electric/USA Parkway.

**Lara Mather, Business Development Director, Acting Emergency Management Director**

Met with Carson Health and Human Services officials on COVID response and are awaiting final report.

Working with WNDD for meetings and tours to focus on infrastructure with an emphasis on creation and retention of jobs.

Work on the business development section of the web site is continuing.

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**Jennifer McCain, Comptroller**

The county audit is on track and the tentative budget must be in by April 15.

The county holiday party is at 5:30, Dec. 16 at Piper's Opera House.

**James Deane, IT Director**

IT is working on problems with intermittent issues with the Wi-Fi.

IT is still working on improving the web site, removing older material and adding space for new.

### **Erik Schoen, Community Chest**

Community Chest provided 250 food baskets for Thanksgiving, in Storey and Lyon counties. Help came from the Comstock 109 Ladies, Eastern Star, the elementary and high schools. Working on a Christmas food distribution and Angel Trees. Volunteers are welcome.

### **Arika Perry, St. Mary's Art Center**

St. Mary's Art Center thanked the county for snow removal, assistance with the new theater, as well as helping with a fire suppression backflow problem.

### **Stacy York, Senior Center Director**

Thanked Public Works for snow removal and installation of the new oven.

Food pantry requests to the senior center have increased for all three locations, Virginia City, Lockwood and Mark Twain.

The center received a grant of \$270,000 for the Lockwood Senior Center, \$200,000 of which will go to building the food program, and \$70,000 will go to meals on wheels vehicle for Lockwood.

A Covid vaccination clinic will be held at the Virginia City Senior Center from 2-3 p.m. on Dec. 14.

### **Austin Osborne, County Manager**

There will be a legislative meeting on Dec. 20 to highlight AB63, the I80 bill, and AB240 on regional collaborations. This will go into the County's White Paper. Assemblyman P.K. O'Neill is sponsoring a lands bill that will benefit the County.

The county is still working on the solid waste issue, having completed town halls in each community. The county will continue public workshops on the issue.

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

Commissioner Mitchell praised Saturday's Christmas on the Comstock Parade and Fireworks. He also thanked Storey County paramedics for aiding one of his children who was ill.

Commissioners Mitchell and Carmona praised the Tesla Company for their event that commemorate the first delivery of their electric semi-truck from their assembly plant in Storey County.

Commissioner Carmona mourned the passing of Mitch Giberson of Virginia City, Larry Williamson of Gold Hill, Michael Leroy Hamlet of Lockwood and Thomas C. Hines of Virginia City. He also mentioned the passing of Judge Mills Lane of Reno.

- 9. DISCUSSION ONLY/NO POSSIBLE ACTION:** Public Hearing on possible adoption of Ordinance 22-323 amending provisions of the county code to reflect that provisions of the county code addressing traffic and parking regulation violations which have been punished as misdemeanors will be treated as civil infractions. This proposal is in accordance with changes made in the 2021 Nevada legislative session.

Deputy District Attorney Keith Loomis gave information on AB116 from the 2021 Legislative session, which changes some traffic and other violations from misdemeanors to civil infractions. He said with misdemeanors, which are criminal acts, defendants have the right to confront witnesses, be proven guilty beyond a reasonable doubt and to appeal, which is not possible with civil infractions. A major issue is the warrant process, which will not be used in civil infraction suits, costing less time and money from law enforcement, and falls harder on lower income communities. He said studies have shown that civil collection agencies bring in more funds from fines than the warrant process. Mr. Loomis also said it was not clear in the bill if counties were required to pass this or could they enact their own ordinances, along with other issues left unclear.

Commissioner Gilman suggested waiting until more clarity is available.

Commissioner Mitchell expressed concern whether a public hearing should be done given the open issues.

Public Comment: None

- 10. DISCUSSION ONLY/NO POSSIBLE ACTION:** Consideration and possible adoption of ordinance 22-323 adopting portions of the NRS which are defined as civil infractions and amending portions of the Storey County Code addressing traffic and parking regulation violations as civil infractions rather than misdemeanors. This proposal is in accordance with changes made in the 2021 Nevada legislative session.

Mr. Loomis suggested continuing to gather more information on how fines are going to be turned over to the county.

Public comment: None

Commissioner Mitchell expressed concerns over a shift in policing, and the impact on civil liberties for citizens, particularly limiting the right to confront an accuser. He proposed continuing the item. Commissioner Gilman agreed but asked if there was enough time. Commissioner Mitchell proposed that it be moved to Dec. 20, and if there is no more clarity, it can be continued again.

Mr. Loomis didn't know the timing in 2023 by which the state expected to have ordinance changes enacted.

**Motion:** I, Commissioner Mitchell, move to continue this item to the meeting on Dec. 20 for further discussion and review. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

**11. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of rental agreement with Nova Geotechnical and Inspection Service Northern Nevada, LLC (Nova) for the purpose of performing geological, geotechnical, environmental (Phase I and Phase II), engineering and related due diligence studies, analyses, surveys, and activities on the site of the Gooseberry Mine. It is believed that the evaluation is being done on behalf of Nova's client towards a possible acquisition of the site. The term of the agreement is for 180 days and for a rental amount of \$1,400.00.

Mr. Loomis said the title to the Gooseberry Mine is held in trust by the County Treasurer due to tax delinquency. Another owner could not be located. The company, Parris Resources, had declared bankruptcy in 2009. This action will rent out the site to Nova Geotechnical.

Tony Dimple, Nova Geotechnical said it is pretty standard, complicated by condition of property.

Public comment: None

**Motion:** I, Commissioner Mitchell, move to approve the rental agreement between the Storey County Treasurer and Nova for a site evaluation at the location of the Gooseberry Mine and specifically approve the rental amount of \$1,400 and authorize the Storey County Treasurer to sign it. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

**12. DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval of 2 mobile reader boards in the amount not to exceed \$44,000.00 that was previously approved in the yearly budget. Two quotes have been received. The lowest bid is for a total of \$37,070.00 through Wharton Concrete Forming Supply of Nevada.

Public Works Director Jason Wierzbicki said the department wanted four new reader boards, two this year and two next year. He said the company that provided existing

reader boards went out of business and the county can't get repair parts. The ones being purchased would be solar powered and with full warranties.

Public Comment: None

**Motion:** I, Commissioner Mitchell move to approve the purchase of 2 mobile reader boards in the amount not to exceed \$44,000. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

**13. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of a project to add piping and valves at the Hillside Tanks to increase our chlorine contact time for finished water treatment per NDEP in the amount not to exceed \$130,000.00. This is the first quote received of three requested.

Mr. Loomis said the county was not going through the Public Works public bid process because this is an emergency. He said if the waste issue isn't solved immediately the county could be in trouble with NDEP.

Mr. Wierzbicki said the county was in compliance with NDEP, and this contract is for the initial bid. He said the department was hoping to get two more bids. He said there was no direct threat to health and safety and never has been.

Mr. Loomis said this would be a vote on the contract and said the company should be included in the motion.

Mr. Wierzbicki said he would call the other companies and cancel their bids.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the Public Works Director to proceed with a project to add piping and valves at the Hillside Tanks to increase our chlorine contact time for finished water treatment per NDEP and to enter into a contract with **Resource Development Corp.** in the amount not to exceed \$130,000.00 to do said work. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

**14. RECESS TO CONVENE AS THE STOREY COUNTY HIGHWAY BOARD**

**15. DISCUSSION/NO POSSIBLE ACTION:** Report of Public Works on the status of the roads in Storey County.

Mr. Wierzbicki said the department was full steam ahead on engineering and design of Electric Avenue. He said they also installed horse signs on SR 341. He thanked his staff for clearance of snow. In response to a question from Commissioner Mitchell, he said his staff will work on a user-friendly way to let people know when roads will be resurfaced in the county.

County Manager Austin Osborne said Farr West did an analysis of the roads, and that all roads will be done.

Public Comment: None

**16. ADJOURN TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS**

**17. DISCUSSION ONLY/NO POSSIBLE ACTION:** Consideration and possible approval of determination that continuation of the infrastructure tax is necessary for continued funding of infrastructure projects and if that determination is made possible approval of setting a public hearing to consider a new infrastructure tax expenditure plan for 10:30 a.m. on December 20, 2022, at the Storey County courthouse at 26 S. B Street in Virginia City, Nevada. The existence of the public hearing must be advertised in the local paper once a week for two consecutive weeks.

Comptroller McCain said this item determines the necessity to keep the tax, a quarter of 1 percent, which was imposed in 2000. She said that prior to expiration the BOC would have to determine if continuation of tax is necessary, and if so, a Public hearing must be held. This expires January 2024. She said that although a few projects no longer need funding, others will, and there is a need to continue the tax. She asked that the public hearing be set for Dec. 20.

Public Comment: None

Commissioner Mitchell said that although he would like to let the tax sunset, there was still a lot of work in the county to do.

**Motion:** I, Commissioner Mitchell hereby move to make the determination that continuation of the infrastructure tax is necessary and further move to set Dec. 20, 2022 at 10:30 a.m. at the Storey County Courthouse at 26 South B St., Virginia City, NV as the date, place and time for a public hearing on the consideration and possible adoption of a new plan for the expenditure of infrastructure tax revenues. I further authorize the County Clerk to advertise the existence of the public hearing in the local newspaper once a week for two consecutive weeks. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

**18. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of first reading of Ordinance 22-322 regarding allocation of infrastructure tax revenues on infrastructure projects within the County pursuant to an adopted plan of expenditures.



Comptroller McCain said that we have several items that fit within NRS which can be funded with the infrastructure tax. She included sewer bond payments, water projects, road projects, the Lockwood substation and a community center. She said these are staff suggestions, but after the public hearing there may be others.

Deputy District Attorney Keith Loomis read the title of the ordinance into the record:

**TITLE: AN ORDINANCE AMENDING STOREY COUNTY CODE SECTION 3.12.012 UPDATING THE PLAN OF PROJECTS FOR THE PROCEEDS OF THE INFRASTRUCTURE TAX AND PROVIDING FOR OTHER PROPERTY RELATED MATTERS.**

Public comment: None

**Motion:** I, Commissioner Mitchell move to approve the first reading of the Ordinance 22-322 providing for the allocation of infrastructure tax revenue for infrastructure projects in Storey County. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

**19. DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval of the Memorandum of Understanding (MOU) to the collective bargaining agreement between Storey County and Storey County Employees' Association AFSCME Local 4041 to add fully 100% Health Insurance coverage to eligible dependents for the purpose of maintaining competitiveness in the region for employee attraction and retention.

Human Resources Director Mitzi Carter said this MOU resolved issues of retention of county personnel and is in alignment with what was done with the Sheriff's Office.

Commissioner Mitchell asked about the fiscal impact, and Comptroller McCain said the heavy impact came when this was changed in the beginning, between \$30,000 and \$50,000.

Public Comment: None

**Motion:** I, Commissioner Mitchell move to approve the MOU to add full health insurance coverage for dependents. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

**20. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of an agreement for Storey County Administrative Policies and Procedures, Number 701, "Health Insurance Coverage" to amend the county contribution for dependent health insurance coverage to 100% in accordance with similar action taken for other

employee groups and for the purpose of maintaining competitiveness in the region for employee attraction and retention.

Ms. Carter said this was the same as the previous item, which changes the language to agree with other policies for the purpose of staff retention, except for language dealing with employees' dependents who have other insurance.

Commissioner Mitchell asked if this helped elected officials.

County Manager Osborne said the intent of changing the policies was to compete with other areas providing higher level of benefits. We try to keep management and staff similar. Not all appointees are management. If an appointee's spouse is not covered elsewhere, one would have to pay the added premium for the spouse to be covered under the current plan.

Public Comment: None

**Motion:** I, Commissioner Mitchell move to approve amended health insurance coverage policy for dependents to 100 percent with the noted change retaining all the wording in the last paragraph under Section 2.5. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

**21. DISCUSSION/POSSIBLE ACTION:** Consideration and possible approval for Task Order 49 with Farr West Engineering, relating to B Street Water Main Replacement, in the amount of \$321,826.00.

Mr. Wierzbicki said this cost covers engineering and other services from Farr West Engineering. The project would replace about 3,360 feet of pipe along B Street and includes hydrants and service lines and replaces old lines. It is a little over \$800,000. It would be paid for out of American Rescue Plan Act funds, then out of county funds from the infrastructure tax.

Public comment: None

**Motion:** I, Commissioner Mitchell move to approve Task Order 49 with Farr West Engineering, relating to B Street Water Main Replacement, in the amount of \$321,826.00. **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote.

**22. DISCUSSION ONLY/NO POSSIBLE ACTION:** Discussion Only – Update on the application by Redwood Materials, Inc. to the Governor's Office of Economic Development (GOED) per NRS 360.880 for certain partial sales and use tax, real and personal property tax, state modified business tax, and for transferrable tax credits

per its proposed \$1 billion capital investment for their battery recycling property located at the Tahoe-Reno Industrial Center, Storey County, Nevada.

Mr. Osborne said this was an abatement project approved by the Governor's Office of Economic Development last week. Redwood Materials Inc. would be building \$1 billion in infrastructure in Storey County and they qualify for abatements of 75 percent for property tax for 10 years and 99 percent of sales tax for 15 years. Over 20 years this will provide \$38 million to the county and \$11 million to the Fire District. Sales tax will be \$6.3 million over 20 years and business license fees will be about \$4.2 million within a 10-year period. The county could see \$8.6 million, the Fire District \$2.8 million as  $\frac{3}{4}$  sales tax items are not abated, with about \$2.1 million for each fund.

Public Comment: None

**23. DISCUSSION/FOR POSSIBLE ACTION:** Discussion and possible action: Access and Utility Easement Agreement to Storey County to allow for a future roadway connection of Pittsburgh Avenue to Ireland Drive. The easement is located on APN 005-051-48 which is owned by the Tahoe-Reno Industrial Center, LLC and is located within the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada.

Commissioner Gilman recused himself as he has a pecuniary interest in TRI.

Planning Manager Kathy Canfield said this easement and utility easement would connect Ireland Drive and Pittsburgh Avenue. She said the applicant wants flexibility and there are two small properties that border it, so one solution is to move the access easement to the property line. It follows the effluent line and give a better flexibility to the developer. The county does not have concerns if there is a connection to Ireland Drive.

Public Comment – None

**Motion:** In accordance with the staff recommendation, I, Commissioner Mitchell move to approve the Access and Utility Easement Agreement to Storey County to allow for a future roadway connection of Pittsburgh Avenue to Ireland Drive. The easement is located on APN 005-051-48 which is owned by the Tahoe-Reno Industrial Center, LLC and is located within the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada. **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by 2-0 vote, with Commissioner Gilman abstaining.

**24. DISCUSSION/FOR POSSIBLE ACTION:** Discussion and possible action: Re-conveyance of ownership of approximately 700 linear feet of Electric Avenue to Tesla Inc, located adjacent to APNs 005-111-22, 005-091-42 and 005-012-05 within the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, including

adopting Resolution No. 2022-663, the Written Offer of Conveyance and the Deed of Re-conveyance.

Ms. Canfield said this request for reconveyance of 700 feet of Electric Avenue. Two property owners who abut this land, Tesla and Eagle CPT2 LLC. Usually half goes to one side and half to the other, but the companies have been in discussion and Eagle CPT2 is OK with Tesla getting all of the land subject to their agreement letter. Tesla will pay the cost and Eagle CPT2 will receive an easement for their driveway. This portion of the road has been part of the TRI Payback Agreement and staff has worked with the comptroller to calculate the amount the county had paid for this and Tesla will be required to repay the county. There is a resolution associated with this, Resolution 22-663, and in order to do the reconveyance the county needs to find it is in the county's best interest to do it. It alleviates the cost of upkeep for this road.

Chris Riley of Tesla said he appreciated working with Eagle and the county.

Public Comment: None

**Motion:** In accordance with the recommendation by staff, I, Commissioner Mitchell move to approve the re-conveyance of ownership of approximately 700 linear feet of Electric Avenue of which the exact dimensions will be confirmed with submittal a record of survey map, to Tesla Motors Inc, located adjacent to APNs 005-111-22, 005-091-42 and 005-012-05 within the Tahoe-Reno Industrial Center, McCarran, Storey County, Nevada, including adopting Resolution No. 2022-663, the Written Offer of Conveyance and the Deed of Re-conveyance. **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by 2-0 vote, with Commissioner Gilman abstaining.

**25. DISCUSSION/POSSIBLE ACTION:** Approval of second reading for a Home-Based Business License - Wakefield CMR, LLC. 1870 Harte Rd., Reno, NV 89521. Applicant is Karen Becker.

Sheriff Antinoro said that nothing has come up that would preclude them from having the license that they are seeking.

Public Comment: None

**Motion:** I, Commissioner Mitchell move to approve the second reading for a Home-Based Business License for Wakefield CMR, LLC. 1870 Harte Rd., Reno, NV 89521. Applicant is Karen Becker. **Seconded by:** Commissioner Carmona, **Vote:** Motion carried by 2-0 vote, with Commissioner Gilman abstaining.

**26. DISCUSSION ONLY/NO POSSIBLE ACTION:** For consideration and possible approval of business license second readings:

For consideration and possible approval of business license second readings:

- A. ArchMOdal – Contractor / 699 Hampshire Rd. #218 ~ Westlake Village, CA
- B. Aspen Electric – Contractor / 19 Glen Carran Cir. ~ Sparks, NV
- C. Earth Tech LLC – Professional / 681 Edison Way ~ Reno, NV
- D. Lugo Framing LLC – Contractor / 7761 Tulear St. ~ Reno, NV
- E. Palmetto Solar, LLC – Contractor / 997 Morrison Dr. #200 ~ Charleston, SC
- F. Picon FRP Inc. – Contractor / 20885 Redwood Rd. # 327 ~ Castro Valley, CA
- G. S Supply Chain Solutions Inc. – General / 2555 USA Parkway Ste. 100 ~ McCarran, NV

Public comment: None

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

**27. PUBLIC COMMENT (No Action):**

Kris Thompson praised the Mustang Ranch where they have an Angel Tree, and the women working at the brothel take the cards and go out and buy a gift for that child.

**28. ADJOURNMENT OF ALL ACTIVE AND RECESSED BOARDS ON THE AGENDA**

Chairman Carmona adjourned the meeting at 12:54 p.m.

Respectfully submitted,

By: \_\_\_\_\_

Jim Hindle, Clerk/Treasurer

  
