



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

2/21/2023 10:00 AM
26 SOUTH B STREET, VIRGINIA CITY, NV

MEETING MINUTES

JAY CARMONA
CHAIRMAN

CLAY MITCHELL
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

ANNE LANGER
DISTRICT ATTORNEY

JIM HINDLE
CLERK & TREASURER

Roll Call: Commission Chairman Jay Carmona, Commission Vice-Chair Clay Mitchell, Commissioner Lance Gilman, County Manager Austin Osborne, Deputy District Attorney Keith Loomis, Sheriff Mike Cullen, Recorder Dru McPherson, Comptroller Jennifer McCain, IT Director James Deane, Fire Chief Jeremy Loncar, Public Works Director Jason Wierzbicki, Operations and Project Manager Mike Northan, Communications Director Becky Parsons, Business Development Manager Lara Mather, Community Relations Director Honey Menefee, Community Development Director Pete Renaud, Senior Center Director Stacy York

1. CALL TO ORDER REGULAR MEETING AT 10:00 AM

Commissioner Carmona called the meeting to order at 10:05

2. PLEDGE OF ALLEGIANCE

3. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of the Agenda for the Feb. 21, 2023, meeting.

Public Comment: None

County Manager Osborne asked that items 19-20 be continued to the March 7 meeting.

Motion: I, Commissioner Mitchell, move to approve the Feb. 7, 2023, agenda with noted change of moving item 20 to the March 7 meeting and elimination of item 19. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

4. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of the Minutes from the January 17, 2023, meeting.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the Jan. 17, 2023, minutes as presented. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

5. CONSENT AGENDA FOR POSSIBLE ACTION:

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

- A. Murray Company – Contractor / 18414 S. Santa Fe Ave. ~ Rancho Dominguez, CA
- B. Nate’s Concrete Service – Contractor / 121 W. Bell St. ~Winnemucca, NV
- C. Northstar Electric Inc.-Contractor/4640 S. Decatur Blvd. ~ Las Vegas, NV
- D. Powur PBC – Contractor / 2683 Via De La Valle Ste. 321G ~ Del Mar, CA
- E. Reno Solar – Contractor / 240 S. Rock Blvd. Ste 101 ~ Reno, NV
- F. Timberline Pools and Spas Inc. – Contractor / 1521 La Mirada St. ~ Carson City, NV

II Approval of claims in the amount of \$644,986.53.

III Justice Court Quarterly Report.

IV Tax Bill Correction MH002157 due to storage Mobile Home being removed from property without Assessor Office knowledge.

V Tax Bill correction for A-Z Truck Marine and RV account CM001281 \$25.97.

VI Tax Bill correction for Jacobson Warehouse CM001483 \$21.50. This business closed in January of 2018.

VII Tax Bill correction for Wabasha Leasing LLC CM000284 \$4,280.71. This was a duplicate billing.

VIII Tax Bill correction for Performance Plumbing CM001071 \$30.50. Company sold property and moved out of County.

IX Tax Bill correction for Laila Foods CM001461 \$846.00 due to selling business and new owners’ responsibility.

X Tax Bill correction for Jack Pollack/AR Investment MH002284 \$99.66 due to removal of Mobile Home without the Assessor Office knowledge.

XI Tax Bill correction for Fulcrum Biofuels Audit Account AD000058 \$23,227.32 due to being rebilled on account AD000048.

XII Tax Bill correction for Scratch Baking Queen CM000309 from \$35.30 to \$23.84.

XIII Tax Bill correction for Timothy Kelley MH000162 \$62.70 due to late filing of a personal exemption.

XIV Consideration and possible approval of an amendment to title and language for the Storey County Administrative Policies and Procedures, No. 218, "Children, Pets and Visitors in the Workplace". Changes are required to remove language for Non-Service Animals, amend language for Service Animals and amend the Policy Title to "Children, Visitors, and Service Animals in the Workplace".

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the Consent Agenda as presented.

Seconded by: Lance Gilman. **Vote:** Motion carried unanimously.

6. PUBLIC COMMENT (No Action)

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

Jason Weirzbicki, Public Works

- We are getting ready for the next round of storms, after fixing water main issues and sewer issues in Gold Hill.

Honey Menefee for Lara Mather, Business Development Officer

- She, along with County Commissioner Clay Mitchell attended the National Association of Counties meeting in Washington DC and met with staff for the Nevada delegation regarding appropriations.

Mike Bullain, EMS Director

- He is working on updating the Emergency Operations Plan, Evacuation Plan and Mass Care Plan. He is working with Zone Haven to evacuate people through social media.

Assessor Jana Seddon

- She is working on clearing the uncollectible and unsecured bills, such as those from companies that disappeared during COVID.

James Deane, IT Director

- He has completed upgrading all firewalls and data centers and is moving to Switch fiber lines instead of AT&T to save 30 percent in costs.

Nora Stefu, Director of the Historic Fourth Ward School

- Thanked the county that allowed the museum to install electric heaters and allow the museum to extend its season. It is planned to open in April.
- On Dec. 27 there was damage to the roof that was patched by Reymann Brothers and a structural engineer has been contracted to evaluate damage and create a structural report.
- Building renovation is going well.
- This season there will be an exhibit on 150 years of the Virginia City Water Company, a Victorian Tea Party and other events, which are posted on the museum's web site.

Clerk-Treasurer Jim Hindle

- Board of Equalization meets at 10 a.m. Feb. 22, and is available on Zoom.
- The fourth installment of property taxes is due March 6.
- The office is watching bills AB95, requiring candidates to submit petitions with a minimum number of signatures, and SB162, which would require polling places in the jail.

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

Commissioner Mitchell reported that his talks at the NACO conference included lands bills, zip codes, appropriations, and future projects.

Commissioner Carmona noted the passing of two Virginia City residents: Keith Barrow and Stephanie Collins. Ms. Collins was the owner of the Silver Dollar Saloon.

9. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval to submit the United States Department of Agriculture grant application for the Virginia City Fire Station 71 Rebuild Project. The estimated project total is \$6,000,000; the Federal grant award is \$3,750,000, with the county match estimated to be \$2,250,000 and not to exceed \$2,255,000.

Ms. Menefee said this is part of the federal 2023 appropriations grant.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the submittal of the United States Department of Agriculture grant application for the Virginia City Fire Station 71 Rebuild Project. The estimated project total is \$6,000,000; the Federal grant award is \$3,750,000, with the county match estimated to be \$2,250,000 and not to exceed \$2,255,000. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

- 10. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval to authorize county staff to pursue potential land acquisition to facilitate the construction of Fire Station 71 in Virginia City.

Ms. Menefee said this was in case land north of the fire station could be obtained without disrupting the fire service. She said an environmental review would have to be done. Fire Chief Jeremy Loncar said the item would be brought back to the board before purchase.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve county staff to pursue potential land acquisition to facilitate the construction of Fire Station 71 in Virginia City. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

- 11. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval to authorize county staff to proceed with a Request for Qualifications (RFQ) process to select an architectural firm and obtain an Environmental Report in compliance with the United States Department of Agriculture requirements for the Virginia City Fire Station 71 Rebuild funded in part by a Congressionally Directed Spending Grant.

Ms. Menefee said this is a notice of intent to solicit qualifications and is a part of required documents.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve and authorize county staff to proceed with a Request for Qualifications process to select an architectural firm and obtain an environmental report in compliance with the United States Department of Agriculture requirements for the Virginia City Fire Station 71 Rebuild funded in part by a Congressionally Directed Spending Grant. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

- 12. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval to submit the United States Department of Agriculture grant application for the Fairgrounds Upgrade Project. The estimated project total is \$820,000; the Federal grant award is \$615,000, with the county match estimated to be \$205,000 and not to exceed \$210,000.

Ms. Menefee said the grant has been given and the application is necessary to receive the funding.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the submittal of the United States Department of Agriculture grant application for the Fairgrounds Upgrade Project. The estimated project total is \$820,000; the Federal grant award is \$615,000, with the county match estimated to be \$205,000 and not to exceed \$210,000. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

13. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval to authorize county staff to proceed with a Request for Qualifications (RFQ) process to select an architectural firm to obtain an Environmental Report and a Preliminary Architectural Report in compliance with the requirements of the United States Department of Agriculture to complete the application for the Virginia City Fairgrounds Upgrade Project.

Ms. Menefee said this is a notice of intent to solicit qualifications and is a part of required documents.

Public Comment: None

Motion: I, Commissioner Mitchell, move to and authorize county staff to proceed with a Request for Qualifications (RFQ) process to select an architectural firm to obtain an Environmental Report and a Preliminary Architectural Report in compliance with the requirements of the United States Department of Agriculture to complete the application for the Virginia City Fairgrounds Upgrade Project. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

14. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval to submit the Transportation, Housing and Urban Development grant application for the Lockwood Senior Center Project. The estimated project total is \$5,000,000; the Federal grant award is \$2,500,000, with the county match estimated to be \$2,500,000 and not to exceed \$2,505,000.

Ms. Menefee said this is a notice of intent to solicit qualifications and is a part of required documents.

Public Comment: None

Motion: I (commissioner), move to approve the submittal of the United States Department of Agriculture grant application for the Lockwood Senior Center Project. The estimated project total is \$5,000,000; the Federal grant award is \$2,500,000, with the county match estimated

to be \$2,500,000 and not to exceed \$2,505,000. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

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

16. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of a Memorandum of Understanding (MOU) between the Storey County Fire Protection District and Tesla to allow Tesla EMS personnel to provide advanced life support on the property of 1 Electric Avenue in McCarren, Nevada

Fire Chief Jeremy Loncar said this MOU ensures that we align our practices with Tesla and give them early intervention at their company, which is very large, and it allows for quicker intervention.

Public Comment: None

Motion: I, Commissioner Mitchell, approve the Memorandum of Understanding (MOU) with the Storey County Fire Protection District and Tesla EMS to allow for advanced life support by Tesla staff at 1 Electric Avenue in TRIC, McCarren, Nevada and approve the Fire Chief to sign. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

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

18. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of proposal from Sierra Controls, LLC in an amount not to exceed \$80,000. This project is needed for the controls integration of the blowers, control valves, and reprogramming into the SCADA system.

Public Works Director Jason Wierzbicki said this project will give the county more control over every process, better alerting and alarming before issues develop.

Public Comment: None

Motion: I, Commissioner Mitchell move to approve the Public Works Director to sign the proposal from Sierra Controls in an amount not to exceed \$80,000.00 for controls integration work at the water filtration plant. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

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

- 22. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval for Storey County to enter into a contract with J-U-B Engineers, Inc., for development of a flood hazard mitigation plan for Long Valley Creek. This contract is being funded with a grant from the State of Nevada, Department of Emergency Management, with a 25% match by Storey County.

Planning Manager Kathy Canfield said the county received a grant from the state for studies along the creek. Staff recommends J-U-B engineering. She said Long Valley Creek is mapped for the flood plain and safety concerns have been identified. She said this item would allow for the creation of mitigation plans, and she was working with TRFMA, which did studies on Long Valley Creek. She hoped the county could use their efforts for a grant match.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve entering into a contract with J-U-B Engineering, Inc., for the development of a flood hazard mitigation plan for Long Valley Creek. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

- 23. DISCUSSION/FOR POSSIBLE ACTION:** Discussion and possible approval of master task order agreement for professional services agreement. The need for the new agreement exists because Farr/West Engineering has merged with and become part of DOWL. DOWL will be the new contracting party. The agreement sets out the parameters to which subsequent specific task orders for separate engineering projects will be subject.

County Manager Osborne said this item was needed because Farr/West Engineering had merged with DOWL, but they are the same people providing services to the county.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the Master Task Order Agreement for Professional services with DOWL and authorize the County Manager to sign. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

- 24. DISCUSSION/FOR POSSIBLE ACTION:** Discussion and possible action to approve Walmart Settlement Participation form. By this form Storey County releases any claims it may have in the ongoing opioid litigation proceedings against Walmart and its associated entities. If the settlement agreement is approved by 85% of the claimants or more, then the State of Nevada is expected to receive up to approximately \$37,000,000.00. This amount will be allocated in part to counties within the State of Nevada.

District Attorney Anne Langer introduced Mark Krueger, with the Attorney General's Bureau of Consumer Protection. Mr. Krueger said that this is a settlement the board approved several years ago. He said the actual amount the state will receive is \$32,231,057.17, and

Storey County will receive \$22,869.80. This is an ongoing settlement that we have had and requires Exhibit K, the actual form needs to be approved and completed. Storey has received \$221,645.75 to be used for abatement.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the Walmart Settlement Participation form and authorize the County Manager to sign. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

- 25. DISCUSSION/FOR POSSIBLE ACTION:** Possible acceptance of a proposal from Delta Fire Systems to replace the fire sprinkler riser valve in the V&T Freight Depot in an estimated amount of \$8,700.00 to prevent false alarms due to pressure changes in the water main.

Mike Northan, Operations and Projects Coordinator, said there had been several occurrences of false alarms from pressure changes in the main, which could lead to pipes freezing, and this replacement will prevent those occurrences.

Public Comment: None

Motion: I [county commissioner] move to accept the proposal from Delta Fire Systems to replace the fire sprinkler riser valve in the V&T Freight Depot for an estimated amount of \$8,700.00. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

- 26. DISCUSSION/FOR POSSIBLE ACTION:** Update, discussion, and provide direction to county staff and lobbyists regarding upcoming bills and legislation affecting Storey County including, but not limited to, the following, and other properly related matters: AB63 I80 Safety Corridors; SB81 Regional Orderly Growth; AB143 Lands Transfer Bill; AB47 OHV Bill; SB92 Sidewalk Vendors; and any legislative BDR, bill, resolution, or other action of the legislature causing post-SB1 tax abatement revenues from the existing Tesla Gigafactory to be canceled, diverted away from Storey County, postponed, or extended, and other bills as brought forth at the meeting.

County Manager Austin Osborne said the county staff was monitoring a number of bills, including AB63, the I-80 safety corridor bill, which the City of Fernley and Washoe County have asked to join. He said he was also monitoring AB47, an OHV bill, which provides for a trail next to a highway. Commissioner Mitchell expressed support because the bill allows local jurisdictions to establish trails. Mr. Osborne said AB143 is a lands transfer bill the county is supporting.

Mr. Osborne said he was also monitoring SB81 and AB240, which would add cities and legislatures as voting members to a group of counties that issue reports on regional planning.

He said this would create the foundation for a Regional Planning Commission or a Revenue Sharing Foundation, and nothing could be permitted in Storey County without it going through the regional process. Staff are trying to stop this from happening. Mr. Osborne said he was fine with cities and legislators attending these meetings, but not to be voting members and participate in the reports. Staff are opposing this with the help of consultants and the white paper. Commissioners Carmona, Gilman and Mitchell expressed opposition to this bill on the grounds of improper involvement of different levels of government and choke off economic development for the county. All decided to take a firm stance on the issue. Mr. Osborne said staff opposed SB81.

Mr. Osborne said an SB92 involving sidewalk vendors could cause issues on the boardwalk and create problems the county spent years trying to mitigate.

Mr. Osborne said that the county is watching any legislative BDR, bill, resolution or other action causing post-SB1 tax abatement revenues from the existing Tesla Gigafactory6 to be canceled, diverted away from Storey County, postponed or extended.

Public Comment: Kris Thompson said the intent of these people and Skip Daley was to get part of the Tesla money.

Motion: I, Commissioner Mitchell, move to direct county staff and lobbyists to represent Storey County on the bills that we have discussed, and to proceed according to the summary that the county manager just gave. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

27. DISCUSSION/FOR POSSIBLE ACTION: Discussion and possible consideration of the board's position and draft letter responding to the Nevada Governor's Office of Economic Development (GOED) requesting from Storey County a "Letter of Acknowledgement regarding Tesla, Inc.'s application to the Governor's Office of Economic Development for Sales & Use Tax Abatement, Modified Business Tax Abatement, Real and Personal Property Tax Abatement for their operations planned in Storey County." The tax abatements are subject to GOED approval per NRS 360.

County Manager Osborne said Tesla has requested abatements \$3.5 billion investment. This is in review at this point. This is separate from the abatement from 2014. Due to nondisclosure the county has not been made aware of the request, and he had communicated his objections to not including Storey County. The letter commissioners have would acknowledge receipt of a letter showing the company is applying for abatements. On March 2 GOED will hold a hearing to decide the application. He said then the BOC will hear a request to create an economic development diversification district, which would be the second Gigafactory, a portion of the existing property. That would be an approval of something actually happening, and then GOED would create a contract and a government services agreement that Tesla would offset any costs the county would incur. This is not an

approval, just a letter that indicates acknowledgement of the second Gigafactory but indicates the need of Storey County to obtain the taxes from the first Gigafactory.

Commissioner Gilman wanted to submit the letter and stay withing the process.

Commissioner Mitchell recommended withholding the letter since there was no assurance from GOED that Storey County would be represented in any talks on abatements. He was unhappy the county has not been at the table so far. Mr. Mitchell suggested holding a meeting and then modifying the letter, but District Attorney Anne Langer said the letter had to be sent by Monday, Feb. 27. The commissioners continued a long discussion, with Mr. Gilman, Ms. Langer, Mr. Osborne and Clerk & Treasurer Hindle supporting sending the letter by Feb. 21 in order for the County to be on record with its concerns at the upcoming meeting. Mr. Mitchell argued that the county deserved more consideration, he suggested waiting and he did not feel comfortable submitting the letter at this point. Commissioner Carmona suggested the letter be sent to meet the deadline, but that a special meeting be held to give guidance to Mr. Osborne to get our concerns out. Mr. Osborne said there were statements in the letter giving the county's perspective. Mr. Mitchell had no problem with the letter, just the process.

Mr. Gilman moved to approve the letter as written. Mr. Mitchell did not support the motion.

The commissioners debated holding a special meeting prior to the letter being sent or discussing the matter with the county manager. Ms. Langer objected to private conversations due to open meeting laws. Commissioner Carmona didn't think not sending the letter was a way of changing the process, but he did believe the process should be changed. The discussion then was to hold a special meeting on March 1. He suggested amending the verbiage in the letter with stronger language, seeking to be part of the process but getting it in on time.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the draft letter as recommended by county staff, with the amendments and changes summarized by County Manager Osborne during discussion, responding to a letter from the Nevada Governor's Office of Economic Development requesting from Storey County a letter acknowledging Tesla Inc.'s application to the Governor's Office of Economic Development for sales and use tax abatement modified business tax abatement, real and personal property tax abatement for their operations in Storey County. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

29. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of an upgrade to the Courthouse Camera System in the amount not to exceed \$40,000.00.

James Deane, IT director, said this was not a budget item as chips were not ready for this project.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the purchase of a Courthouse Camera System upgrade in the amount not to exceed \$40,000.00. **Seconded by:** Lance Gilman.

Vote: Motion carried unanimously.

28. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval authorizing the county manager to approve and sign a one-year contract between Storey County and RCG Economics for professional services related to potential legislation financially and otherwise affecting Storey County including, but not limited to, potential legislation affecting tax revenues, for a contract amount to be brought forth to the board meeting.

County Manager Austin Osborne said this item was a contract to aid fiscal forecasting and outputs analysis. This would take the white paper and the contractor would take that and go deeper into it and respond and testify before the Legislature if needed. It is budgeted for \$100,000.00. He said the contract was amended to include workers compensation and liability insurance. After discussion among Commissioner Mitchell, Ms. Langer and Mr. Osborne, the amount was set at \$52,500.00.

Public Comment: None

Motion: I, Commissioner Mitchell, move to authorize the county manager to approve and sign a one-year contract between Storey County and RCG Economics for professional services related to potential legislation financially and otherwise affecting Storey County including, but not limited to, potential legislation affecting tax revenues, for a contract amount of \$52,500.00 to include the amendment listed as Section 5 in the contract detailing workers compensation and general liability insurance, to include the amendment under Section 3-I to clarify that the consultant has and maintains a Storey County business license. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

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

A. England's Elite Pest Service – Out of County / 659 Washoe Dr. ~ Washoe Valley, NV

B. Herca Telecomm Services Inc. – Contractor / 18610 Beck St. ~ Perris, CA

C. Kodiak Roofing & Waterproofing Co. – Contractor / 8825 Washington Blvd. ~ Roseville, CA

Public Comment: None

Motion: I, Commissioner Mitchell move to approve the second readings for business licenses listed as A through C. **Seconded by:** Lance Gilman. **Vote:** Motion carried unanimously.

31. PUBLIC COMMENT (No Action):

- Lee Sterrett reminded the board and audience that they could comment on any legislation by going to a comment page on the Legislature's web site.


32. CORRESPONDENCE/NO ACTION:

Correspondence from Rick Lake regarding RFP for solid waste franchise agreement.

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

Commissioner Carmona adjourned the meeting at 1:17 p.m.

Respectfully submitted,



Jim Hindle
Clerk & Treasurer