



# STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

10/3/2023 10:00 AM  
26 SOUTH B STREET, VIRGINIA CITY, NV

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## MEETING MINUTES

JAY CARMONA  
*CHAIRMAN*

CLAY MITCHELL  
*VICE-CHAIRMAN*

LANCE GILMAN  
*COMMISSIONER*

ANNE LANGER  
*DISTRICT ATTORNEY*

JIM HINDLE  
*CLERK-TREASURER*

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### **Roll Call**

√ Commission Chairman Jay Carmona, √ Commission Vice-Chair Clay Mitchell,  
√ Commissioner Lance Gilman, □ District Attorney Anne Langer, √ Clerk & Treasurer Jim Hindle,  
√ County Manager Austin Osborne, √ Deputy District Attorney Keith Loomis

□ Assessor Jana Seddon  
√ Justice of the Peace Eileen Herrington  
□ Recorder Dru McPherson  
√ Sheriff Mike Cullen  
√ Fire Chief Jeremy Loncar  
□ Comptroller Jennifer McCain  
□ Business Development Manager Lara Mather  
□ Community Development Director Pete Renaud  
√ Community Relations Director Honey Coughlin  
√ Emergency Management Director Adam Wilson

□ Human Resources Director Brandie Lopez  
√ IT Director James Deane  
√ Planning Manager Kathy Canfield  
√ Public Works Director Jason Wierzbicki  
√ Operations and Project Manager Mike Northan  
√ Senior Center Director Stacy York  
√ Tourism Director Todd Tuttle  
Other:

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Total Attendance: 45

In-Person: 22

Zoom: 23

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### **1. CALL TO ORDER REGULAR MEETING AT 10:00 A.M.**

Chairman Carmona called the meeting to order at 10:03 a.m.

### **2. PLEDGE OF ALLEGIANCE**

### 3. PUBLIC COMMENT (No Action)

### 4. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of the Agenda for the October 3, 2023, meeting.

County Manager Austin Osborne requested Item #20 under the Liquor Licensing Board be postponed until the next meeting on Oct. 17. Sheriff Mike Cullen said the applicant was out of town. Fire Chief Jeremy Loncar requested that Item #16 be postponed to another meeting.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve today's agenda with the modifications of continuing Items #16 and #20 and remove Items #15 and #19. as they are no longer needed.

**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. Artisan Wallcovering LLC – Contractor / 15796 Fawn Ln ~ Reno, NV
- B. Brahma Group Inc. – Contractor / 1132 S. 500 ~ W. Salt Lake City, UT
- C. Clark Pacific – Contractor / 710 Riverpoint Ct. Ste. 100 ~ West Sacramento, CA
- D. Delta Saloon Inc. (Parking Lot) – General / 19 & 39 S. C St. ~ Virginia City, NV
- E. DIRECTV, LLC – Out of County / 140 Grand St. Ste 300 ~ White Plains, NY
- F. Dunn Rite Inc. – Contractor / 5400 Winnemucca Ranch Rd. ~ Reno, NV
- G. New Rise Renewables Reno – General / 611 Peru Dr. ~ Sparks, NV
- H. Symbia Logistics – General / 655 Waltham Way ~ Sparks, NV
- I. Tacos La Patrona LLC – Food Truck / 1800 E. Williams St. Ste 2 ~ Carson City, NV
- J. The Nevada Wolf Shop #8365 – Out of County / 120 Mountain View Blvd ~ Basking Ridge, NJ
- K. Wild Horse – Home Based / 195 N. B St. #2 ~ Virginia City NV

II. Corrections due to late submittal of Exemption Renewal Forms (after 7/1/23).

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve today's Consent agenda as presented.

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

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

#### Sheriff Mike Cullen

- Sheriff Cullen reported that Street Vibrations were very successful, with 32 calls for service, 42 officer-initiated calls, 4 DUI arrests, and only 3 crashes, with minor injuries and no fatalities.

**Fire Chief Jeremy Loncar**

- The NVEnergy grant was in jeopardy of being canceled due to a PUC issue, but are working to find a solution.
- Evaluations have been sent out to staff and should be back by Nov. 11
- The district will be using helicopters to remove downed logs from fire-risk areas.
- Staffing for Adequate Fire and Emergency Response grant is closing out this month, but it may be possible to get another shot at it.

**Public Works Operations and Projects Coordinator Mike Northan**

- The Taylor Street engineering is almost complete.
- The Senior Center breezeway project will be completed this week.
- The Lockwood Substation is in place and should be open by mid-October.

**Grants Manager Honey Coughlin**

- Staff attended the Vegas Chamber Fly-in and gained new connections, where she could discuss the lead siphon water project and zip code issue with Congressional representatives also in attendance.
- The Community Project Grant is closed, and applications will be presented on Oct. 17.
- Officials met with USDA at the NACO conference in Elko and learned about different grants that are available.

**Grants Manager Honey Coughlin for St. Mary's Art Center Director Arika Perry**

- St. Mary's Art Center is showing the movie, "Godmonsters of American Flat" which was made in Virginia City in the 1970s. There will be several shows and times on the center's web site. Cost is \$10 or \$7 for seniors, children, and St. Mary's members. There is an art reception on Oct. 14, an Exquisite Corpse Exhibition.
- St. Mary's will hold 2-D and 3-D mixed media collage classes on Oct. 19, and a basket-weaving class in October.
- A Celebration of Life will be held for former board member Don Bailey on Oct. 21.

**Emergency Management Director Adam Wilson**

- There will be a mass communications test on Oct. 4.
- On Oct. 14 there will be a solar eclipse, and those viewing it are warned not to look directly at the sun, but wear protective eyewear.
- On Oct. 19 will be the Great American Shakeout, to practice earthquake preparation and reactions.

**Tourism Director Todd Tuttle**

- Street Vibrations was a big success.
- On Sept. 30, McAvoy Layne sold out his final show with rave reviews.

- Oct. 7-8 will be the Outhouse Races, with 20 participants competing. The first race is at 11 a.m. to start in front of the Turquoise Kiva and ends in front of the Bucket of Blood.
- Hauntober will have paranormal tours, pumpkin patch trains and holiday themed bingo. Many of the paranormal tours are sold out.
- On Oct. 10 will be the Merchant Mix and Mingle at 7 p.m. at Piper's Opera House.
- The VCTC is in the middle of creating an RFP for a new marketing manager.

Staff Reports stopped for time-sensitive public hearing.

**8. 10:30 a.m. PUBLIC HEARING:** Public hearing on the lease of a portion of the County complex at 1705 Peru Drive in the TRI Center for the benefit of the Nevada Highway Patrol pursuant to Resolution 23-704. The lease is proposed for an initial term of five years with no rental charge. Any objections to the proposed lease may be made at the hearing.

Deputy District Attorney Keith Loomis said this resolution was passed at the last hearing, and this was the opportunity for the public to comment on leasing space at the industrial park for the benefit of the Nevada Highway Patrol. It had been advertised in the local newspaper.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to close the public hearing on Resolution 23-704.  
**Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

The Public Hearing complete, the Commission returned to Staff Reports

#### **IT Director James Deane**

- The IT Dept. is working on continuity of operations with Emergency Management, improving the microwave system.

#### **Senior Services Director Stacy York**

- The Senior Center will host its Recourse fair Oct. 4 from noon to 6 p.m. at Piper's Opera House. There will be raffle prizes, bingo cards, vendors, and a flu and Covid vaccine clinic from 12 to 4 p.m.
- On Oct. 21, a craft fair and spaghetti feed will happen at the Lockwood Senior Center, with the craft fair from 10 a.m. to 2 p.m. and the spaghetti feed from 5 to 8 p.m.
- The Lasagna Cookoff will return Nov 3.
- The senior centers passed an Aging and Disability Services audit.
- Flu shots on Oct. 11 from 9 to 11 a.m. and Oct. 17 in Mark Twain.

**Planning Manager Kathy Canfield**

- There will be a meeting Oct 12 at 6 p.m. on the Virginia City/Six Mile Canyon drainage study done by Lumos & Associates at Piper's Opera House in cooperation with the Carson Water Subconservancy District.

**Justice Court Judge Eileen Herrington**

- Judge Herrington said in the difficulties created by the civil infraction rules put in by the state, regularly caused 8-10 hours of overtime. Now the state is dismissing the vendor and are going back to the case management system they had previously. Civil infraction payments have picked up.

**County Manager Austin Osborne**

- The county is looking for part-time plow drivers.
- The NEOGOV system will help enhance recruiting, and will send applicants a flyer on what it is like to live in Storey County.

**Clerk-Treasurer Jim Hindle**

- The final testing for the voter registration election management system is being done. The target date is March 1.
- Filing for candidates in the presidential preference primary in February just opened. Ballots will go out to Military/Overseas in December and local voters in January. Early voting starts the third week of January, and the election is on Feb. 6.
- The second installment of real property taxes was due Oct. 2.

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

- Commissioner Lance Gilman announced the addition of *tract*, a master-planned data center, to TRIC, and said this will be a great addition to the industrial park. He praised the county staff for making things easier for companies, and noted the high prices Tract paid for the 2,200 acres of land, which it bought from Blockchains.
- Commissioner Clay Mitchell attended Reno's Startup Week.
- Commissioner Jay Carmona attended the veteran's memorial event in Sparks. Commission Chairman Carmona said NACO officials praised the work of county staff.

**9. DISCUSSION/FOR POSSIBLE ACTION:** To approve a lease of a portion of the County complex located at 1705 Peru Drive in the TRI Center for the benefit and use of the Nevada Highway Patrol. The lease is proposed for an initial term of five years with no rental charge.

Mr. Loomis said this is the counterpart to the earlier public hearing. This is the actual lease. He said at one point there was a provision that the sheriff could direct who occupied the space. The Attorney General's Office said it was unacceptable. The new lease has language that says the tenant will negotiate space. There is a provision for termination with 90 days' notice. It is a 5-year lease, with no rent and an option for renewal. The County supplies utilities and NHP will supply Internet and phone service.

Commissioner Gilman said he was pleased to support the Highway Patrol, as NDOT is starting to improve the situation on Interstate 80. Commissioner Mitchell suggested charging rent if the county must jump through hoops.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve the lease of a portion of the County complex located at 1705 Peru Drive in the TRI Center for the benefit and use of the Nevada Highway Patrol for an initial term of five years and for no rental charge. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**10. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of the DOWL County GIS Contract renewal.

County Manager Austin Osborne, speaking for Assessor Jana Seddon, said this is the renewal of task order in an \$80,000 contract, and each department contributes \$5,000 worth of mapping. This is one of the task orders on a master services agreement.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve Task Order #56 under our professional services master task order agreement with DOWL, for the continuation of all departments to use DOWL for GIS services. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**11. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval for the Storey County Sheriff's Office to receive \$42,000 in grant funding from the State of Nevada Department of Public Safety's Office of Criminal Justice Assistance COVID Emergency Supplemental Funding Program (CESF), for the purchase of (4) virtual remote communications systems, and (1) Thermal scanner/metal detector.

Sheriff Mike Cullen said the grant was for virtual remote communication systems to be used in sheriff's substation and the jail, to reduce moving inmates around. It also will provide a thermal scanner/metal detector. He also said this is a reimbursement grant which will be paid out within five days. He said the Comptroller's Office told him funds are available.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to authorize the Storey County Sheriff's Office to receive \$42,000 in grant funding from the State of Nevada Department of Public Safety's Office of Criminal Justice Assistance COVID Emergency Supplemental Funding Driver

(CESF), for the purchase of (4) virtual remote communications systems, and (1) Thermal scanner/metal detector. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

- 12. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval of 2023-028 Special Use Permit request. The applicant requests a Special Use Permit to operate an outdoor establishment. The applicant proposes to offer Off Highway Vehicle (OHV) rides and guided tours. The tours will start at the applicant's property at 311 South E Street (APN 001-132-29) and will follow rights-of-way through Virginia City to connect to Storey County public land and land managed by the Bureau of Land Management surrounding the Virginia City Area.

Planning Manager Kathy Canfield said the tours will commence at applicant's property and then move to public lands either owned by Storey County or BLM-controlled land, with trails crossing two small pieces of private property. Ms. Canfield said parking will be on-site or within the right-of-way for E Street. If routes change, they will not be creating new trails and will not go as far as the Basalite Mine. Findings can be located on Page 67 of the packet on the county's website under Agendas: Board of Commissioners. This has been approved by the Planning Commission.

Public Comment: None

**Motion:** In accordance with the recommendation by the Planning Commission and staff, 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 Mitchell, move to approve Special Use Permit 2023-028 to operate an outdoor establishment. The applicant proposes to offer Off Highway Vehicle (OHV) rides and guided tours. The tours will start at the applicant's property at 311 South E Street (APN 001-132-29) and will follow rights-of-way through Virginia City to connect to Storey County public land and land managed by the Bureau of Land Management surrounding the Virginia City area. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

- 13. DISCUSSION/FOR POSSIBLE ACTION:** Review, receive public comment, and approve the draft of Storey County RFP (Request for Proposal) seeking a successor to the Storey County Solid Waste Collection Services Franchise Agreement, and other properly related matters.

Mr. Osborne introduced Joe Sloan from Sloan Vazquez and Associates, the consultant on the RFP, to discuss the proposed solid waste management agreement.

Mr. Sloan covered recycling options, fees, construction and demolition options, exclusivity, and length of contract. The draft RFP is on Page 82 of the BOC packet, located on the Storey County website under Agendas: Board of Commissioners.

Recycling: Mr. Sloan said commercial recycling options were a fee, or no fee, with recyclers charging individual customers. Mr. Sloan recommended allowing third party recycling with no fee. The commissioners supported the no-fee option.

Construction and Demolition Services: Mr. Sloan said Storey County now has exclusivity with C&D Services except when a company can hire a contractor who agrees to handle disposals. Mr. Sloan said he recommended it stay exclusive, with that caveat. The commissioners agreed.

Term of Agreement: Mr. Sloan said the term could be anywhere from 5 to 10 years. He recommended a longer term. The commissioners agreed to a 10-year term.

Performance Bond: Mr. Sloan recommended a \$500,000 performance bond. The commissioners agreed.

Franchise fee: Mr. Sloan said the franchise fee did not have to be decided immediately, but he recommended a 5 percent franchise fee and a 3 percent road maintenance fee. The commission decided on an 8 percent total franchise fee.

Other items discussed were new cart requirements and Sunday services in Virginia City.

**Public Comment:**

George Eddie Lorton said his company prefers competition and said the bidder should be able to charge a fee for recycling. He supported a 10-year term and performance bond. He was concerned that the incumbent controls the landfill and can price smaller companies out of the market. He also felt that any company should be able to compete for construction and disposal services.

Terry Bently of Nevada Recycling and Salvage supported allowing non-franchised recyclers to charge for services, which will create more recycling, and promote a more competitive market for recyclables.

Tillio Olcese of Olcese Waste Services, asked for time to hammer this out. He said free pickup was acceptable to him. He admitted that he would not want recyclers coming in if he were the franchisee.

A final note by County Manager Austin Osborne: the county had an interlocal agreement with the Lockwood GID, and whoever was awarded the franchise, that interlocal agreement would still stand.

**Motion:** in accordance with the recommendations by staff, and in light of the discussion we have had in this meeting, I, Commissioner Mitchell, move to approve the draft Storey County RFP, or Request for Proposal, seeking a successor to the Storey County Solid Waste



Collection Services Franchise Agreement, and other properly related matters, specifically direct staff and our contractor to include Option 1, under recycling services which is the no fee service option, Option 1 under the construction and demolition services, which is franchise construction and demolition services, a 10-year term in the RFP, and accompanying agreement, will retain and 8 percent franchise fee, and increase the performance bond requirement to 500,000. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**14. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval to change the Senior Center part-time kitchen aide position to a full-time position to handle the food demands of the kitchen operation at the same salary grade.

Senior Services Director Stacy York said there has been an increase in requests for meals on wheels, and the center is now providing school lunches, leading to an increase in the kitchen. Ms. York said she wanted to combine two part-time positions with possible augmentation down the road. She was working with Public Works to clean up the Mark Twain Center. Ms. York said last year 80 meals a day were provided to seniors, along with 40 frozen weekend meals. This year it has been 100 meals for seniors plus 70 frozen weekend meals. The plan is to combine 2 part-time positions with possible augmentation down the road. This will help staffing needs in the kitchen.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve move to approve the part-time Senior Center kitchen aide position to become a full-time kitchen aide position to handle the food demands in the kitchen at the same salary grade. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

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

**18. DISCUSSION/FOR POSSIBLE ACTION:** Report of Public Works Department regarding roads and highways in Storey County.

Public Works Director Jason Wierzbicki said that Electric Avenue was off to a great start; paving was halfway done. Tesla is paying \$2.7 million towards the cost. He also said the department was advertising for plow drivers, and the snowblower that had been ordered will be delivered at the end of January.

Mr. Wierzbicki also said his department was working on a drainage pipe on Cartwright Road in the Virginia City Highlands.

Public Comment: None

## **21. RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS**

**22. DISCUSSION/FOR POSSIBLE ACTION:** Per Commissioner Mitchell's request, discussion and possible consideration providing direction to county staff and the planning commission to consider reducing minimum square-foot requirements for single-family residential structures in the R1 Single-Family, E Estate, and/or CR Commercial-Residential zones to 400 square-feet or less throughout Storey County.

Commissioner Mitchell said he read the staff summary, saying I'm requesting that the board consider giving direction to county staff and the planning commission to explore possible amendments to the Storey County Zoning Ordinance regulating minimum residential square-footage requirements in response to the current costs of housing. Direction to proceed on zone text amendments will require public discussions and hearings by the planning commission, a recommendation by the planning commission, and final consideration by the board in accordance with NRS 278 (planning and zoning).

Mr. Mitchell said there was some action taken in late 2020 or early 2021 to reduce the size of residences, previously, in all zones, the minimum was 800 square feet for a one-bedroom, 1,000 square feet for two bedrooms and 1,200 square feet for three bedrooms. Mr. Mitchell said that action was taken in January 2021 to reduce that to 401 square feet with conditions and restrictions in portions of the Estate zone for the 40-acre areas. He said he wanted to expand the reduction of the minimum to other zones. He did not want to go below 401 square feet. He wanted to send it to the planning commission and have the planning department guide them. Mr. Mitchell said he was not suggesting lowering lot sizes or increasing density. It would open the option for people to go between 401 and 800 square feet.

Commissioner Carmona said in areas where there is a homeowner's association, those rules will trump anything done by code. He noted that the only areas this would impact would be Virginia City, Gold Hill, Mark Twain and possibly Painted Rock.

Commissioner Gilman said he supported sending the issue to the Planning Commission.

Public Comment:

Hugh Gallagher asked where the 800 square foot rule originated, and where does the Comstock Historic District stand on the issue?

County Manager Osborne said it was a carryover from the 1999 zoning ordinance.

Mr. Carmona said he thought there were smaller houses already. Mr. Mitchell said he didn't think the Historic Commission considered size, just appropriateness.

**Motion:** I, Commissioner Mitchell, motion to direct county staff and the planning commission to consider reducing minimum square-foot requirements for single-family residential structures in in the R1 Single-Family, E Estate, and/or CR Commercial-Residential zones to 401 square-feet. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

**23. DISCUSSION/FOR POSSIBLE ACTION:** Set date for hearing of the Virginia City Gaming LLC/Vincent Malfitano, business/liquor license revocation proceedings for the Bonanza Saloon located at 27 S. C Street in Virginia City, Storey County, Nevada.

Deputy District Attorney Keith Loomis said a complaint has been filed to revoke the license for Bonanza Saloon, and a motion and an answer have been filed. Under Storey County code, now that a complaint has been filed and answered, there needs to be a vote to set the date. This is to set up the date, and Mr. Loomis suggested Nov. 13, a Monday, to set up a special meeting. Witnesses could be called, and the hearing could take some time.

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to set the date of the hearing into the revocation of the Virginia City Gaming LLC/Vincent Malfitano, business/liquor license revocation proceedings for Monday, Nov. 13, 2023. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

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

- A. A & P Painting – Contractor / 10120 W. Flamingo Rd. Ste 4-264 ~ Las Vegas, NV
- B. Big Iron Inc. – Contractor / 425 Western Rd. Ste # 108 ~ Reno, NV
- C. Floor Tech Inc. – Contractor / 8850 Terabyte Ct. # D ~ Reno, NV
- D. FW Carson Co. – Contractor / 1064 Tahoe Blvd ~ Incline Village, NV
- E. Ironclad Builders LLC – Contractor / 425 Western Rd. Ste. # 108 ~Reno, NV
- F. Nicholson Roofing LLC – Contractor / 2100 Poole Way ~ Carson City, NV
- G. River City Plumbing – Contractor / 1070 Marietta Way ~ Sparks, NV
- H. TEDco Construction LLC – Contractor / 5514 Hurricane Ct.~ Sun Valley, NV
- I. Walker Cellular Inc. – Contractor / 150 Flocchini Cir. ~ Lincoln, CA\

Public Comment: None

**Motion:** I, Commissioner Mitchell, move to approve today's second readings of business licenses listed under Item 24 as A-I. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

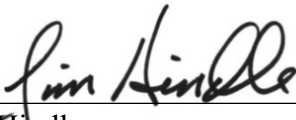
**25. PUBLIC COMMENT (No Action)**

None

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

Commission Chairman Jay Carmona adjourned the meeting at 12:56 p.m.

Respectfully submitted,



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Jim Hindle  
Clerk-Treasurer