

STOREY COUNTY COMMISSION MEETING

TUESDAY, February 6, 2007 2:00 P.M.

STOREY COUNTY DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

JOHN FLANAGAN
CHAIRMAN

HAROLD SWAFFORD
DISTRICT ATTORNEY

GREG "BUM" HESS
VICE-CHAIRMAN

JAMES G. MILLER
SHERIFF

BOB KERSHAW
CHAIRMAN

LORRAINE DUFRESNE
CLERK-TREASURER

SARAH S. JENSEN
RECORDER-AUDITOR

Call to Order: 2:03 pm

Board and Staff Present:

John Flanagan, Commission Chairma n
Marilou Walling, Administrative Officer
Sarah S. Jensen, Recorder-Auditor
Pat Whitten, Director of Administration and Budgets
Dean Haymore, Building Department Administrator

Greg "Bum" Hess, Commissioner
Harold Swafford, District Attorney
Undersheriff Bruce Larson
Mike Nevin, Public Works Director

Pledge of Allegiance

Public Comment:

1. Shaun Griffin and Art Hannifen from the Community Center provided an update on their accomplishments planned for the next four months. They stated tha t Senator Reid's staff was invited to attend, but could not be present at this time.

Chairman Flanagan commented that the Community Center will only be getting 85% of the funding they requested from the Legislature. Mr. Griffin said this was news to him but he had no facts on that as of yet. Mr. Hannifen presented an update on the plans that were distributed. The plans do not include a cover over the swimming pool. Commissioner Hess asked if the structure would be three stories. Mr. Hannifen said it would be one story with lower level storage and possibly a mezzanine.

It was stated that there were three options: 1) excavation of the site, 2) normal foundation with driven piers, 3) continuous trenches filled with slurry. It is hoped that option 3 will be feasible, as it is the least expensive. It will depend on the soil. Chairman Flanagan asked if the plans had been provided to the Historic Commission.

They have not. Dean Haymore, Building Department Administrator, stated that the concerns of the Department Heads were sent to Commissioners via email.

2. Barbara Bowers addressed the Commission regarding a road and two lots on Union Street. Commissioner Hess stated that the road is between 15 and 18 feet on their property and that the County can still move it. Ms. Bowers stated that the area needs to be surveyed and that Union Street is supposed to be 32 feet wide. Public Works Director, Mike Nevin, said the County does not want the road to be on private property. Ms. Bowers asked if the County would like to purchase the property so they can make the roads as wide as they would like. Commissioner Hess said the road needs to be moved. Mr. Nevin said it needs to be surveyed. Commissioner Hess requested that the item be placed on the next Commission agenda. Mr. Nevin mentioned that there should be some leeway on the water and sewer requirements if that were the case. Commissioner Hess asked when the water had to be paid. Ms. Bowers and Mr. Nevin answered that the deadline was Friday. The Commissioners agreed that the deadline needed to be extended.

CONSENT AGENDA

***DISCUSSION/ACTION:** Approval for maps to be recorded

PURSEL, Loren M & Sue A 2006-075 Parcel Map – Lot 11A1, BLK ‘G’ of the Virginia City Highlands to Lots 11A1A and 11A1B, BLK ‘G’ of the Virginia City Highlands.

***DISCUSSION/ACTION: Approval of Planning Minutes– December 7, 2006**

2007-020 Parcel Map – STOREY COUNTY PROPERTIES, LLC– Creating parcels for future sales:

Parcel 1 = 351.54± ac being a portion of Sec 1, Sec 2 and Sec 12, T18N R21 E; and Parcel 2 = 1822.33± ac being all of sec 36 T19N R21E and portions of Sec 1, Sec 2 and Sec 12, T18N R21E.

After further discussion by the Planning Commissioners and questions from Dennis Miller, Larry Prater made a motion to approve. Lee Letts seconded and following Chairman Walling’s request for further discussion, all voted aye and the motion carried.

2007-024 Special Use Permit - RENO LAND & CATTLE CO. (River View Commerce Center) _Request for reduced parcel area from 1 acre minimum to accommodate one building being 30,000 sq. ft. ± that can be divided into (6) 5,000 sq ft ± bays. Each bay would be allowed to own a portion of the building, parking and yard (i.e. industrial condominiums).

Austin Osborne made a motion to approve with the stipulations that a) this is a case-by-case basis; b) that the owner set up the legal requirements for common area maintenance; and c) each ownership will be taxed separately. Lee Letts seconded the motion. With no further discussion, all voted aye and the motion carried.

***DISCUSSION/ACTION: Approval of Planning Minutes- January 18, 2007**

2007-025 Boundary Line Adjustment- DelCarlo, Wm & Aglaee– From portions of Lots 10, 11 & 12 Block 176 Rng D to portions of Lots 11, 12 & 13 Block 176 Range D and Staples, Brett C.– Portions of Lots 13, 12, 11 & 10, Blk 176 Rng D.

Virgil Bucchianeri made a motion to approve. Larry Prater seconded. With no added discussion or stipulations, all voted aye and the motion to recommend approval to the County Commissioners was carried.

2007-031 Boundary Line Adjustment- WESTERN 102 RANCH LTD, PARTNERSHIP- 2588 & 2633 Waltham Way McCarran, NV

PCL 2007-14 & PCL 2007-15 - To reconfigure subject lots for the sale of one of the parcels to a new owner.

Brett Tyler made a motion to approve. Austin Osborne seconded. Brett Tyler requested an amendment to his motion that this item be heard at the February 4th County Commissioners Meeting. Austin Osborne seconded the amended motion. With no added discussion or stipulations, all voted aye and the amended motion to recommend approval to the County Commissioners was carried.

LICENSING BOARD FIRST READINGS:

1. **GREAT BASIN GUARDIANSHIP SERVICE**– Home Business / Court Appointed Guardianship
140 South ‘Q’ Street– Virginia City NV
2. **FERRELL CONSTRUCTION.** – contractor / Out of County
745 Hwy 95a, Fernley
3. **BOB BENKOVICH, LLC.** – Home Business / Computer-Based Financial Services
2105 Silverado Rd, VCH
4. **WE’LL GET THAT PARTY PLANNING** – General / Catering
5051 S Virginia Street, Reno.
5. **LUCKY CONCRETE, INC**– Contractor / Out of County
2255 Byars Lane, Sparks.
6. **MOUNTAIN MILLWORKS, LLC**– Home Business Office / Contractor
1910 Castlepeak Road, VCH
7. **MARLA R. GOOD**– Massage / Therapy - Mobile
260 Como Lane, Dayton
8. **THIESSEN CONSTRUCTION**– Contractor / Out of County
5250 Canton Drive, Reno
9. **ABC PAINTING & DECORATING**– Contractor / Out of County
1366 Dortmund Drive, Sparks
10. **BRAMCO CONSTRUCTION CORP.**– Professional / Civil Engineering & Design
500 Damonte Ranch Pky, Ste 1056, Reno NV
11. **INTERSTATE PLUMBING & AIR CONDITIONING**– Contractor / Out of County
1380 Greg Street, Reno
12. **TEC 1, INC.**– Contractor / Out of County
500 Damonte Ranch Pky, Reno

END OF CONSENT AGENDA

Commissioner Hess made a motion to approve the items on the Consent Agenda. The motion was seconded by Chairman Flanagan. There was no discussion and the motion passed.

***DISCUSSION/ACTION: Staff Review/Committee Reports**

1. Public Works Director Nevin presented some informational items to the Commission. He stated that at St Mary's Art Center the fire suppression line was completed, some tree stumps were removed, grading was done on the north side and additional work will be done on the road in the spring. Nevin stated that he and the Fire Chief had formed a partnership between the two agencies to get a vehicle for TRI and that ground was broken for the water tank on February 5. He mentioned that a change order opting for rock instead of a concrete wall resulted in a \$22,000 savings to the County. Chairman Flanagan expressed his appreciation for the Public Works Department getting the Arts Center taken care of.
2. Fire Chief Gary Hanes stated that his department was having the same trouble as Public Works with dealing with frozen water.
3. Recorder-Auditor Sarah Jensen informed the Board that her office is now in compliance with NRS 239B, resulting in an unbudgeted expenditure of \$5,000. She also mentioned that she had to create a part-time position to assist with bringing the office into compliance and keeping it that way. The position is 19 hours with no benefits. Ms. Jensen stated that 'non-compliance' penalties in January alone resulted in the generation of \$1,880, and that could possibly offset the part-time employee's wages.

Chairman Flanagan asked how long the Recorder-Auditor's office would need to have this position. Ms. Jensen replied that it would be a permanent part-time position unless there are changes made to the redaction law.

4. Administrative Officer Marilou Walling addressed the Board concerning a 40 year loan from USDA. Ms. Walling pointed out that the loan is down to \$92,000 and the Water Department has over 1 million dollars in their budget. Ms. Walling informed the Board that the County will save over \$20,000 if the loan is paid off by January 2008. Chairman Flanagan asked if there were any other big items upcoming in January. Mr. Nevin mentioned that they are planning to replace a line to the Cabin in the Sky. Ms. Walling said AB198 and CDBG money may be used for that project. Mr. Nevin emphasized the importance of keeping the fund fairly stable in case things come up. Ms. Walling agreed. Commissioners Flanagan and Hess said this should be addressed in the next budget cycle.
5. Director of Administration and Budgets, Pat Whitten, mentioned that there are still problems with "the bridge that never goes away". He asked that this item be put on the February 20 agenda and stated he will respond to DOT that it will be placed on that agenda to determine ownership.

6. Mr. Whitten informed the Commission that there are 1176 BDRs at the Legislature, of which 76 have become Assembly Bills and 68 have become Senate Bills. He is receiving 30-40 emails a day regarding Legislative issues. He would like to have an ongoing item "Legislative Updates" placed on the Commissioners' agendas for discussion and possible action during the Legislative Session.
7. Undersheriff Bruce Larson informed the Board that the Sheriff's Office has been dealing with incidents involving animals in traps in the Highlands area. The Department of Wildlife oversees all animal related issues and the Sheriff's Office has turned this over to them. Commissioner Hess asked if these were new traps and the undersheriff stated that they are and they have leads on who is placing them.
8. Building Department Administrator, Dean Haymore, stated that the insurance company has authorized testing and monitoring at the jail and at the Senior Center. The insurance company will be involved. There has been discussion about moving the Hafed bridge and relocating access. Sierra Pacific has applied for a special use permit and requested that public meetings be held. Mr. Haymore said three property owners do not agree with this he will not process a special use permit unless he receives a court order from a judge to do so.
9. Mr. Haymore updated the Board on plans to remap flood plains. He is ready to sign a partnership agreement to do so and asked the Board's permission for that. He stated if this action was not taken Storey County could not get FEMA assistance in the case of a flood.

Mr. Haymore said he is working with a company that is planning to locate a 1 million square foot facility in Storey County. He mentioned that with the growth in the TRI area they will be needing a fire house and services on site down there soon. Eight thousand new jobs are expected in that area by the end of next year.

***DISCUSSION/ACTION:** Approval of Claims

The following claims were reported: Warrants (not including the School District) - \$193,348.22, Payroll # 2 - \$306,282.92, Total Warrants/Payroll - \$499,631.14. Recorder-Auditor Jensen mentioned that repairs to a personal vehicle, in the amount of \$3,217.73, were included in these claims and she would like Commission clarification on the policy, since this expenditure was over \$2,500 and she was not in office during the time the expense was incurred. Commissioner Hess asked if it was legal to do this. Mr. Whitten stated that the bill had been outstanding for some time and that it be approved, contingent upon approval from legal counsel. Commissioner Hess moved to approve the claims, contingent upon approval from legal counsel to pay for the repairs to the personal vehicle. Commissioner Flanagan seconded the motion and it passed.

***DISCUSSION/ACTION:** Nature Conservancy, Mickey Hazelwood, updates regarding the McCarran Ranch Restoration Project

Mickey Hazelwood provided the Board with information on a project that was proposed in June of last year. (A copy of the presentation is attached as an addendum to these minutes.) Commissioner Hess asked Mr. Hazelwood how much the water usage is changed when trees are cut down along the river. Mr. Hazelwood stated that he did not have those figures, but could obtain them if the Board so wished. He said

the Division of Water Resources had determined that this project was restoring the area to the conditions that existed when the water rights were established. Therefore the Division did not have any issues with the changes to the water consumption .

***DISCUSSION/ACTION:** Carol Johnson, request for rebate of property taxes

Carol Johnson addressed the Board stating that she had been overcharged on her property taxes for several years. She says her house has been sized wrong on the tax roll and wanted to know what will be done from here. She requested a refund of taxes for all the years for which she has overpaid.

Assessor, Kathy Weeks, said she had given a letter to Ms. Walling including a copy of the Nevada Revised Statutes that address this issue. Ms. Weeks says the statute only provides for refunds for three years - the current year and the two years prior to that. She has confirmed this with the Carson City Assessor and the Washoe County Assessor. She also reminded the Board that the current year's taxes had already been adjusted.

Ms. Johnson stated that NRS 393.95 provides for a credit or refund with interest at 6% per year. Commissioner Hess requested information from District Attorney Swafford. Mr. Swafford said that prior to the mention of specific statutes, he would have suggested that the statute of limitations had run. However, he will research this issue and provide an opinion to the Board regarding possible refunds and interest on said refunds. Chairman Flanagan requested information on what amount of money might be involved. Ms. Weeks replied that it would take a lot of time to determine that, due to complicated computations resulting from AB489.

Ms. Weeks also mentioned that the size of the home was determined using the Dealer's Report of Sale. Ms. Johnson felt that the error should have been caught when deeds were recorded and reappraisals were performed. Ms. Weeks said the appraisals were conducted by her office every 5 years and deeds do not contain house sizes. Commissioner Hess requested that the Board get an opinion from the District Attorney regarding how far back refunds might be able to be paid and how much interest might be able to be paid. He stated "We will get an opinion from Harold and will follow statute." Ms. Johnson said she would "have to do what I have to do". Ms. Walling asked if Treasurer Lorraine DuFresne had any say in this and Ms. Weeks said she did not. A motion was made by Commissioner Hess to have the District Attorney's office provide an opinion on how far back they can go with refunds and interest. The motion was seconded by Chairman Flanagan and passed.

***DISCUSSION/ACTION:** Fire Chief Gary Hames 2006 Storey County Fire Department Annual Report

Fire Chief Hames provided the Commission with the Fire Department's 2006 Annual Report. A copy of that report is an addendum to these minutes. Chief Hames mentioned that the Department's call volume had increased over 14% in 2006 which is a smaller increase than in recent years. The Fire Department responded to over 1,500 incidents in 2006, as opposed to approximately 750 incidents 3 years ago.

Chief Hames discussed a partnership agreement with Public Works involving sharing the use of a vehicle. He also mentioned that 3 year into ALS they now have paramedic

staffing in the Highlands and the Lockwood area. He said that the insurance company requires three years of training records on all staff members. This is putting a burden on the Department, but should result in a reduction in insurance costs. However, he won't have the details until July.

Chief Hames said 42 new fire hydrants have been installed in Storey County. Each requires service at least two times per year. The Fire Department is also mandated to annually inspect every commercial building in the county. This requires approximately 1200 manpower hours per year.

The Fire Department has partnered with the Highlands Property Owners' Associations to help acquire and install street signs in the Highlands area. This will help them when responding to incidents in those areas. Also, in a fire prevention effort they assisted in handing out over 1,200 fire prevention brochures in 2006 and participated in fuel reduction projects and are implementing a "customer comment card" program. Chief Hames said last year was a very busy fire season and outlined some of the larger incidents and stated that there has been over 1.3 million square feet of new construction.

Chief Hames said he and Mr. Whitten have met with the BLM and US Forest Service and the Division of Forestry regarding division of responsibilities. Mr. Hames said that he did not believe it would be in the County's best interest to cost share on these incidents. Commissioner Hess said the County would be happy to debate this issue with those entities, should they desire to do so. Mr. Whitten mentioned that the Board of Commissioners is the 473 Fire District Board and they do have that authority.

***DISCUSSION/ACTION:** 1/4 of one (1) percent infrastructure tax

Mr. Whitten addressed the Board concerning the 1/4 of one (1) percent infrastructure tax that had previously been imposed on sales in Storey County. The original tax was tied to several projects between the schools and the County. Mr. Whitten said the November sales tax collection was abnormally large and some of the projects were close to being finished. He said the County is at a crossroads and some decisions need to be made. He also mentioned that this tax is not a tax that is borne by Storey County residents. Rather, it is mostly collected from tourists and construction projects. Mr. Whitten suggested that the Board consider retaining and renewing this tax rate and prepare a list of new projects for which the tax will be used. He suggested that some of the projects that might be considered would be: Participation in the Flood Protection discussed at the Rainbow Bend meeting in January, a sewer plant, construction of a new county complex or an addition to the current courthouse, payback of TRI monies.

Mr. Whitten said he would like to do further research regarding whether or not the School District has to be involved in the 1/4 infrastructure tax or if they need to be involved. Chairman Flanagan asked if a resolution or ordinance was necessary at this time. Mr. Whitten stated that he will determine the parameters of the statute then this can be acted on reasonably quickly. He requested that this item be included on the next Commission agenda. Commissioner Hess said it might be wise to check into purchasing land for expansion and that perhaps ad valorem taxes from the TRI area could fund this. There was some discussion about the modulars currently being used and how they are not intended or feasible for long term use. Mr. Whitten requested that

this item be placed on the agenda for the first meeting in March, after he discusses it with the School District.

***DISCUSSION/ACTION:** Comstock Chronicle, newspaper of record

Ms. Walling said she had put this item on the agenda as she had received reports that the Comstock Chronicle would no longer be publishing legal advertisements and that the Sparks Tribune would no longer handle the Chronicle. Alexandria Musser said she and Stephen Musser had purchased the Chronicle and had just signed the paperwork on February 1. She said the fee structure for public notices would remain the same, and provided a listing of those fees. Mr. Haymore stated that he had received an application from the Mussers for this business. Ms. Musser said the Sparks Tribune will continue to publish the Chronicle through February and perhaps through March. Ms. Walling asked if the paper would be produced in Storey County. Mr. Musser said he had filed a change of address with Kathy at the Building Department and a DBA had also been filed. He said the FAX number would be the same number as before. Ms. Musser said the contact information for the Chronicle will be published in the newspaper and the rates will remain the same. Commissioner Hess moved to take no action, the motion was seconded by Chairman Flanagan and passed.

***DISCUSSION/ACTION:** Request from the Storey County Sheriff's office for approval of the following Parades:

St. Patrick's Day Parade	March 17, 2007
Mad Hatter's Parade	April 7, 2007
Celebration of Hero's Parade	May 26, 2007
4 th of July Parade	July 4, 2007
Labor Day Parade	September 3, 2007
Camel Race Parade	September 8, 2007
Veteran's Day Parade	November 11, 2007
Christmas Parade	December 1, 2007

Karen Woodmansee stated that the Chamber of Commerce had submitted requests for the following parades: St. Patrick's Day Parade, March 17, 2007, Mad Hatter's (Easter) Parade, April 7, Celebration of Heroes Parade, May 26, 4th of July Parade, July 4, Labor Day Parade, September 3, Camel Race Parade, September 8, Veterans Day Parade, November 11, Christmas Parade, December 1. Ms. Woodmansee stated that she would like to change the start time of the Mad Hatter's Parade to noon, instead of the 1pm start she had requested. She also said she is working on a request for a Halloween Parade, to be held on October 31. Mr. Whitten requested that the Chamber coordinate the Mad Hatters Parade with the Easter Egg Hunt, as there have been some issues in the past when the two conflicted. Ms. Woodmansee said the Chamber moved the Mad Hatters Parade to Saturday instead of Sunday, in order to avoid the conflict. Commissioner Hess made a motion to approve the Parades with the addition of a Grand Prix Parade if one is established. Chairman Flanagan seconded and the motion carried.

Discussion ensued regarding a possible Grand Prix Parade and a Parade during "Thunder on the Comstock". Mr. Whitten said someone should take the lead and organize the "Thunder on the Comstock" event. Ms. Woodmansee said the Chamber has traditionally provided for port-a-potties and garbage cans during this event. Ms. Walling said she was told by Maggie Lowther that the Chamber used to provide

funding for overtime of County Sheriff's Deputies for this event. She estimated the cost to be between 10 and 20 thousand dollars. Chairman Hess stated that some local business owners were receptive to the idea of assisting with the payment of overtime. Mr. Whitten reiterated that the "Thunder" event needs direction and coordination.

***DISCUSSION/ACTION:** Request from the Storey County Sheriff's office for approval of the following Special Events:

Mt. Oyster Fry	May 5, 2007
ICS Chili Cook-off	March 17, 2007
Chillin' & Grillin' on the Comstock	August 18, 2007

Approval for the following special events was requested: Mt. Oyster Fry, March 17, ICS Chili Cook-off, May 5, Chillin' & Grillin' on the Comstock, August 18.

Commissioner Hess moved to approve the special events with changes to the date of the Oyster Fry to March 17 and the Chili Cook-off to May 5. Chairman Flanagan seconded the motion and it passed.

LICENSING BOARD

*SECOND READINGS:

1. **VIRGINIA CITY NEWS.com** – Home Business / Computer BLOG
154 South 'A' Street – Virginia City NV
2. **CROWN POINTE, INC.** – General / Taking over the Sawdust Corner Restaurant
2 North 'C' Street, Virginia City NV (*in the Delta Saloon & Casino*)
3. **ADVANCED Communication Technology Services** – Home Business / Contractor-Install network cabling and fiber.
382 Rue del la Rouge, Rainbow Bend
Buildings & Dwellings Heating and Air, Inc. – Contractor / Heat, Air, Ventilation & Refrigeration Installation.
2465 Sutro Street, Reno NV
4. **SLIDE MOUNTAIN ENTERPRISES, Inc.** – Home Business / Contractor
415 Wildhorse Canyon Dr, McCarran NV Excavating, grading, etc.
5. **GARDEN SHOP NURSERY – Landscaping Division, Inc.** – Contractor / Landscaping
1978 Frazer Avenue, Sparks NV
6. **B. T. MANCINI CO, Inc.** – Contractor / Floor Finishing
4750 Longley Lane #201, Reno NV
7. **RL ENGINEERING** – Professional / Civil Engineering , Design & Consulting
675 Fairview Dr #223, Carson City NV
8. **SOLAR SYSTEMS WEATHERIZATION** – Contractor / C-3A Carpentry; Remodeling & Repairs; C-3C Insulation & Weather Stripping
122 Industrial Park Rd, Ste 208, Henderson NV
9. **TEC ENGINEERING CONSULTANTS** – Professional / Civil Engineering & Design
500 Damonte Ranch Pky, Ste 1056, Reno NV
10. **HARDER MECHANICAL CONTRACTORS, INC.** – Steel Erection & Industrial Machinery

2148 NE Martin Luther King Jr. Blvd, Portland OR

Mr. Haymore recommended approval of the licenses listed, with the a correction to the number sequence of the list to include **Buildings & Dwellings Heating and Air, Inc.**

Mr. Haymore also submitted TRI maps #2007-34 (Hodge), #2007-39 (River Canyon Enterprises), # 2007-035 (Trammel/Crow Revised), #2007-036 (Denmark Row). Commissioner Hess moved to approve the licenses. Chairman Flanagan seconded the motion and it carried.

Public Comment:

1. Mr. Nevin said staff will review drawings regarding sewage and emergency provisions. An estimate will be provided for the cost of a valve and standpipe.
2. Ms. Johnson addressed the Board again, stating that she had complained about her taxes for years to both Commissioner Hess and Assessor Weeks and nothin g was done.

Board Comment:

There was none.

Adjournment:

The Board adjourned at 3:40 p.m. at the call of the Chairman.

Respectfully Submitted by:

Belle Bundy
Deputy Clerk-Treasurer