

**STOREY COUNTY
COMMISSION MEETING
MINUTES**

TUESDAY, JUNE 20, 2006, 2:00 P.M.

COURTHOUSE, DISTRICT COURT ROOM, 26 SOUTH B STREET
VIRGINIA CITY, NEVADA

JOHN FLANAGAN, CHAIRMAN
GREG HESS, VICE CHAIRMAN
BOB KERSHAW, COMMISSIONER

HAROLD SWAFFORD
DISTRICT ATTORNEY

SHERIFF
JAMES G. MILLER

RECORDER/AUDITOR
MAGGIE LOWTHER

CLERK/TREASURER
DOREEN BACUS

The meeting was called to order at 2:03 p.m. by Chairman Flanagan.

PRESENT: Chairman Flanagan, Vice Chairman Kershaw, Commissioner Hess, Recorder/Auditor Maggie Lowther, District Attorney Swafford, Sheriff Miller, Dean Haymore, Gary Hames, Rich Bacus

ABSENT: Clerk/Treasurer Doreen Bacus

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT NONE

CONSENT AGENDA

(All matters listed under the consent agenda are considered routine, and may be acted upon by the Board of County Commissioners with one action, and without an extensive hearing. Any member of the Board or any citizen may request that an item be taken from the consent agenda, discussed, and acted upon separately during this meeting.)

APPROVAL OF AGENDA FOR JUNE 20, 2006.

Adjustments were made to the agenda by Chairman Flanagan as follows:

1. Second reading of Ordinance 01-201 changed to First reading.
2. Continue Mitchell's Hauling to July 5, 2006.

APPROVAL OF MINUTES FOR JUNE 6, 2006.

Minutes were corrected by deleting editorial comment for Yee, Mildred 2006-066 Boundary Line Adjustment/Record of Survey.

May 24, 2006 minutes continued to July 5, 2006.

-CORRESPONDENCE NONE

DISCUSSION/ACTION: MAP APPROVAL FOR MAPS TO BE RECORDED

Dean submitted the Boundary Line Adjustment/Record of Survey lot 53S, and Lot 227 submitted by Mildred Yee-2006-066 changing lot 53S-A being 65.4 acres and Lot 227 A being 35.78 acres. Dean informed the board the Planning Commission approved the map at their meeting of June 15, 2006.

PLANNING COMMISSION MINUTES OF JUNE 1, 2006

Minutes of the May 18, 2006 meeting were corrected on Special Use Permit #2006-059, page 2, first paragraph, line eight, the words, methanol and ethanol should be placed after the word alcohol. Page 3, paragraph two, added that the motion was voted on and carried.

YEE, MILDRED - 2006-066 Boundary Line Adjustment/Record of Survey - Lot 53S, Division of Land Map #40621 & Lot 227, Highland Ranches. Lot 53S-A being 65.4 +/- acres and 227-A being 35.78 +/- acres. Dean Haymore advised the board that this item needed to be continued for further adjustment.

It should be noted that Lot 53S is in the 40 acre parcels and that Lot 227 is in the 10 acre parcels, the tens have CC&R's and 40's do not.

THE NATURE CONSERVANCY - 2006-064 SPECIAL USE PERMIT - Application for river restoration work at McCarran Ranch. Mauricia Baca, Truckee river Project Manager, was present along with Mike Hazelwood. They gave an overview of the active restoration of the lower ten miles of the Truckee River and the ongoing repair.

Questions from the audience and the board reflected variable concerns from the planting of additional cotton woods, endangered/nonendangered species, Whitetop eradication and/or lack of eradication, meanders through the river, dust control, ten foot plastic fences to deter the deer, beaver eradication and questions regarding plans for a safe public access.

Baca stated that access is currently being limited to small groups as is too dangerous for the public at this time. She went on to state that they will keep the community informed as to the upcoming events and progress on all phases of the project.

Dean recommended approval with the following stipulations:

- 1) \$5,000,000.00 liability insurance that indemnifies Storey County
- 2) Letters from Union Pacific
- 3) No introduction/reintroduction of endangered species
- 4) Ongoing dust control
- 5) Provide necessary watering and ongoing maintenance for the alfalfa fields-Commissioner Hess asked for clarification, Dean explained they plan to dredge part of the river and place the excess dirt in mounds on the fields and he is requiring that they keep water on those fields to deter infestation of weeds and dust control.
- 6) Proper posting of signs prohibiting trucks and no trucks on the bridge
- 7) Agreement with Lance Gilman
- 8) No blocking-Commission Hess asked for clarification, Dean explained that they will need to keep

open access to Gilman's property.

Virgil Bucchianeri moved to approve with the above stipulations, seconded by Osborne and carried.

Prior to discussion on the Master Plan Amendment 2006-61 zone change -062 and zone change -063, Larry Prater made a motion that all three Painted Rock Partners LP items are consolidated for the purposes of hearing full testimony, seconded by Hammack and carried.

Master Plan Amendment from Forestry to Planned Unit Development on 2,010 acres owned by Tahoe Reno Industrial Park and 160 acres owned by Smith R. Trustees.

Zone Change 062 from Forestry to Planned Unit Development on 2010 acres owned by TRI.

Zone Change 063 from Forestry to Planned Unit Development on 160 acres owned by Smith R. Trustees.

Dan Mountsear and Mark VandenBerghe of Painted Rock Partners LP introduced themselves and gave a brief history of their company and introduced other presenters at the meeting, Civil Engineer George Georgeson, Architect and Land Planner Don Clark, Legal Counsel Mark Amodei and Marvin Titseau.

They went on to explain this will be an ultimate build out of thirty-five hundred homes from entry-level to estate, a starter home to be in the three hundred thousand-dollar range, with average density of about 2/3 of an acre. A revenue positive development that will support the Storey County economy and not just be a bedroom community. It will include a K-12 state of the art school, equestrian center, aquatic center, police and emergency services. More than one half the site will remain open space. Thirty-three acres have been dedicated to the school and existing taxpayers will not have to pay for the new services. The developers have met with Fire Chief Hames, Sheriff Miller and Superintendent of Schools Rob Slaby. An option is open for direct connect to TRI. They stated further, and the first phase is three to five years away.

Georgeson reminded the board. The issues before them are suitability of the site.

Amodei reminded the board with the development at the industrial park Storey County has become a major industrial player on the Pacific Rim and urged the board to make a responsible judgment, stating that the county needs to support the jobs they are creating.

Members of the audience expressed concerns regarding pull out by this developer and less-desirable developer wants to change the project. Lydia Hammack read aloud sections of the Storey County Code 17.56.095 and 17.56.050 relating to zone changes and noncomplying plans submitted and provisions for action by the board of commissioners.

Bret Tyler moved that the Painted Rock Partners' items are continued, seconded by Hammack and carried.

Dean commented that he wants to make sure that everyone is notified and that the applicants should know what the questions will be for the next meeting. It was evident from the ensuing discussion that the board members and residents still have many questions regarding sewage issues, environmental impact, water usage, etc.

This item will be placed first on the agenda and the next meeting will be at the Rainbow Bend Clubhouse on June 15, 2006 at 7:00 p.m.

FIRST READINGS BUSINESS LICENSE APPLICATIONS:

1. CIRCLE TECHNOLOGIES - Out of County
2. DIG FOR YOU - Contractor/Out of County
3. GUIDENBY, INC. - Contractor/Out of County
4. HARRIS REBAR CARSON CITY - Contractor/Out of County
5. K.G. WALTER'S CONSTRUCTION - Contractor/Out of County
6. LYNN'S COLLECTIBLES - General Business/Retail
7. R.L. MECHANICAL - Contractor/Out of County
8. RENO SPARKS PLUMBING, LLC - Contractor/Out of County
9. ROLL ENTERPRISES - Contractor/Out of County
10. SAUSAGE FACTORY - Out of County Vendor
11. SUTRO TUNNEL MINE TOURS - General Business License-Chairman Flanagan

advised Dean he needed to notify Pete Leonard of Sutro Tunnel regarding the license application with the name Sutro Tunnel Mine Tours.

DISCUSSION/ACTION SPECIAL EVENTS:

1. Virginia City Chamber of Commerce, represented by Karen Woodmansee, for 4th of July Spectacular, Parade C Street Noon on July 4, 2006, Concert from 2:00 P.M. to 9:30 P.M. Delta Parking lot, Opening Act Bobby Kettle, Features Act Comstock Cowboys, Clowns, Face Painters and Pinatas at various locations on C Street all day, Fireworks from E Street at dusk or 9-9:30 P.M.

END OF CONSENT AGENDA

Commissioner Kershaw moved to approve the consent agenda, seconded by Hess and carried.

STAFF REVIEW/COMMITTEE REPORTS

Rich Bacus reported that Six Mile Canyon Road will be finished today.

Dean reminded the board of the Open House to be held at Wal-Mart on August 1, 2006.

Rich reported that he had received a check for \$6,000. for weed abatement from the Carson Truckee Water Conservation Board.

Marilou reported that the insurance company has denied the claim by Mr. Jack Holloway for the sewer leak having determined that it was the County's fault but rather and act of God.

Sheriff Miller informed the board he will be stepping up enforcement of traffic laws on Highway 341 as well as county roadways.

Pat reported that he had the opportunity to come up Six Mile Canyon Road last Friday and that Rich and his crew deserves a big round of applause for a job well done.

DISCUSSION/ACTION: Change Commission meeting date from July 4, 2006 to July 5, 2006.

Commissioner Hess moved to change the regular Commission meeting from July 4, 2006 to July 5, 2006, seconded by Kershaw and carried.

DISCUSSION/ACTION: Termination of Lease between Storey County and Community Chest tennis court property at Miner's Park.

Shaun Griffin presented and read into the record, a letter from John B. Mulligan, Attorney for

Community Chest. In which he urged the Board to resolve any issues amicably and allow community Chest to proceed with its plans, based on his review of Nevada Law and the lease between Storey County and Community Chest.

Shaun Griffin presented and read into the record a letter he had written, urging the board to reconsider termination of the lease, and his willingness to entertain an amendment to the current lease to accommodate a minor expansion of the ball field but his unwillingness to abrogate this lease.

Cody Griffin, Debbie Griffin and Maxine Cirac all made statements in support of Community Chest and the Community Center being built at the location of the tennis courts as planned. They commented that to change the location at this point would violate grants that have been approved.

Comments regarding the expansion of the ballfield to accommodate a larger and tournament qualified field for the schools were made by the board and members of the audience. It was suggested that a ballfield be located at a different site. Bacus advised the board there will not be enough water to take care of a second ballfield.

Commissioner Kershaw moved to continue the present lease as it is contingent upon a new lease being approved within thirty days at which time the old lease will be terminated. Commissioner Hess stated that if the old lease is valid there is nothing for the board to do, if it is not valid it should be terminated and a new one written, he further stated that perhaps a pool cover is a mute point at this time.

Dean voiced his concerns with the one-quarter million-dollar cost to prepare the soil for construction, adding it may be more prudent to find another location for the Community Center.

Kershaw's motion was seconded by Hess and carried.

Commissioner Kershaw advised those present "we are going to work this out", and made a public commitment to get it done in thirty days.

At this time 3:00 p.m. a five minute break was called by Chairman Flanagan.

Meeting reconvened at 3:05 p.m. with all present as before.

DISCUSSION/ACTION: An interlocal contract between Storey County and Lyon County for animal services.

Sheriff Miller explained that the property the dog pound was located on has sold and the agreement with Lyon County will cost about the same as the lease on the property. Carson City will take dogs that are not compatible with Lyon County pound. Eventually Storey County will have to find a location for a dog pound.

Commissioner Kershaw moved to approve the agreement with Lyon County, seconded by Hess and carried.

DISCUSSION/ACTION: Request by Terri Jay to amend SCC 5.04.200 (E)(3) fortune telling license limited to one license per five thousand population.

Virgil Bucchianeri, representing the new owners of the present fortune telling business in Virginia City, opposed the removal of the one license per five thousand population from the County Ordinance. Virgil advised the board that he remembers when this matter was first discussed and that it was done to prevent a carnival like atmosphere on C Street in addition to complaints from the public regarding less than honest practices by the fortune tellers.

Terri Jay and Linda Grifall addressed the board in support of amending the ordinance to

remove the limit based on population. Ms. Jay assured the board that their operation is a very ethical service, adding that the psychic industry is a multi-million dollar industry across the U.S. and urged the board to consider amending the ordinance.

Commissioner Kershaw moved to look at the ordinance for possible amendment, seconded by Hess and carried.

DISCUSSION/ACTION: Requested by Dean Haymore, Bolander Block 92, Lots 1 & 2, "L" and Sutton Street, Virginia City.

Dean explained to the board that Mr. Bolander is planning on putting up a fence on property he bought in 2004, however, roads are not where they are suppose to be and property lines are not where they are suppose to be and the fence will close off access to existing roadways.

Mr. Bolander informed the board that there were no easements, roadways or right-of-ways shown on the property when he bought it.

District Attorney Swafford advised Mr. Bolander that Sutton and "L" Streets have been open and used where they are for the past fifty years, and would be prescriptive easements by their public use and when you buy property you inherit those rights. Harold further advised Mr. Bolander that this commission does not have the authority to address property issues of this type. Only a District Court Judge can make a decision regarding this.

Penny Kiechler addressed the board stating that they have lived at their residence for twenty-six years and told Mr. Bolander that when you buy property you get what you see.

Chris Kiechler produced a 1916 railroad map that showed the railroad right-of-way on what is now L Street.

Mr. Edmonds stated that he has a deed to his property that shows no easements for K & L or Sutton Streets.

Commissioner Hess stated that a lot of the problems here are with who ever sold this property and they should have some responsibility for the issues of these property owners.

Maggie stated these property owners are right to address these problems at this time, title companies are withdrawing in Storey County properties.

Harold again informed Mr. Bolander and the other property owners that this is a legal problem and needs to go to court, not to the board of commissioners.

Further statements were made by Penny Kiechler, Eric Pierson, Peppi Pierson, and Mr. Edmonds.

DISCUSSION/ACTION: Approval of Claims. Maggie presented the claims and advised the board that we have paid Greg Hess, Sr. three times and are in violation of employment laws. And reported included is the \$464,000 for the ambulances to be paid for in the next fiscal year, interest on Brush Trucks of \$17,303.34 to be wired. Payroll in the amount of \$180,058.58 and warrants in the amount of \$702,951.28 were approved upon motion duly made seconded and carried.

DISCUSSION/ACTION: Changed to First reading due to changes in the proposed ordinance. Second Reading of Ordinance #06-201 the Six Mile Canyon permit road ordinance.

Commissioner Hess moved to continue action on this ordinance until the insurance attorney

can give the board an opinion on the validity of the ordinance, and if the county will get sued, which they probably will, added Hess, seconded by Kershaw and carried.

Both Chairman Flanagan and Commissioner Kershaw voiced their support of opening Six Mile Canyon Road as soon as possible and work out the details of a toll road, enforcement problems, and fees later.

Residents of Mill Street in Virginia City objected to the reopening of the road without stringent traffic law enforcement on both the canyon and the grade. Residents of Mark Twain and Six Mile supported the opening of the road without a toll, adding that tourist traffic and visitors to residents in the area will be using the road all for the benefit of the merchants of Virginia City.

There was further discussion regarding speed bumps, giving the road to NDOT, and requesting funds from the Governor to maintain the road, as well as specific hours for a toll road.

Sheriff Miller advised the board they have applied for a grant from the Office of Traffic Safety for additional people to work traffic, and his department will be stepping up enforcement of traffic laws, however, he stated that if they are not prosecuted it does little good to write the tickets.

Commissioner Kershaw moved to open Six Mile Canyon on June 21, 2006 and continue to explore options for a toll road and/or agreement with Lyon County and the State for funding, seconded by Hess and carried.

DISCUSSION/ACTION: Resolution 06-219 Augment General \$1,515,068. Resolution 06-220 Augment Fire \$744,325. Resolution 06-221 Augment Jail Fund \$23,899. Resolution 6-222 Augment Equipment Acquisition \$29,470. Resolution 06-223 Augment Federal Grants \$170,907. Resolution 06-224 Augment Indigent Accident Fund \$5,609.

Marilou explained that these resolutions and augmentations are to clean up the 2005-06 budget.

Commissioner Hess moved to approve the above resolutions as listed, seconded by Kershaw and carried.

LICENSING BOARD:

***SECOND READINGS:**

1. WAL-MART STORES EAST, LP ALARM MONITORING (done in Arkansas)
2. Tuff Shed, Inc. - Contractor - Out of County
3. Willis Electric, Inc. - Contractor - Out of County
4. D & D Plumbing, Inc. - Contractor - Out of County
5. Roll Enterprises - Retail - Virginia City
6. QC Southwest, Inc. - Material Testing & Inspection Services - Out of County
7. Palm Readings - Change of Ownership within Family - Virginia City
8. Clarksville Refrigerated Lines (CRL) - Transportation - TRI
9. Silver Star Construction - Contractor - Out of County
10. Larry Walker - Assembly/Repair Historical & Reenactment Tools and Accouterments - Home.

The above business licenses were approved upon motion by Hess, seconded by Kershaw and carried.

11. Firdous Ahmad - Kashmir American Enterprises - Retail (Arts & Crafts)

12. Leonard's Airport Café' (Wal-Mart Food Service) - TRI

13. Horsin' Around – Woodworking - Virginia City

Licenses above were continued upon motion by Hess, seconded by Kershaw and carried.

PUBLIC COMMENT (none)

BOARD COMMENTS

Commissioner Kershaw reported on the Public Hearing held on May 24, 2006 regarding the bike trail, adding that it is not going away anytime soon. He suggested an advisory question on the ballot for the residents on the river to voice their opinion, as some of the people at the hearing were in favor of the trail and some were opposed.

He also reported that the Senior Center is looking great and should be ready for use by the end of summer.

The meeting was adjourned at the call of the chair at 4:10 p.m.

Respectfully submitted

By _____
Lorraine DuFresne
Clerk to the Board