



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

TUESDAY, FEBRUARY 4, 2020 10:00 A.M.

DISTRICT COURTROOM
26 SOUTH B STREET, VIRGINIA CITY, NEVADA

MINUTES

MARSHALL MCBRIDE
CHAIRMAN
ATTORNEY

ANNE LANGER
DISTRICT

JAY CARMONA
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER
TREASURER

VANESSA STEPHENS
CLERK-

ROLL CALL: Chairman McBride, Vice Chairman Carmona, Commissioner Gilman, County Manager Austin Osborne, Deputy District Attorney Keith Loomis, Clerk/Treasurer Vanessa Stephens, Sheriff Gerald Antinoro, Tourism Director Deny Dotson, Public Works Director Jason Weizrbicki, Fire Chief Jeff Nevin, Labor Relations Jeanne Greene, Operations and Project Coordinator Mike Northan, Fire Marshal Martin Azevedo, Planner Kathy Canfield, Interim Comptroller Jennifer McCain, Recorder Marney Hansen-Martinez, and Human Resources/Administrative Officer Jen Chapman.

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

Meeting was called to order by Chairman McBride at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE

Chairman McBride led those present in the Pledge of Allegiance.

3. DISCUSSION/POSSIBLE ACTION: Approval of Agenda for February 4, 2020.

Public Comment: None

Motion: I move to approve the Agenda for February 4, 2020, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

4. DISCUSSION/POSSIBLE ACTION: Approval of the Minutes for December 17, 2019

Public Comment: None

Motion: I move to approve the Minutes for December 17, 2019, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

5. DISCUSSION/POSSIBLE ACTION: Approval of the Minutes for January 7, 2020

Public Comment: None

Motion: I move to approve the Minutes for January 7, 2020, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

6. CONSENT AGENDA:

- I. For possible action, approval of claims in the amount of \$1,405,062.67
- II. For possible action, approval of business license first readings:
 - A. Blue Cross of Idaho Health Serv Inc. - General / 3000 E Pine Ave. ~ Meridian, ID
 - B. Day Wireless Systems - General / 4700 SE International Way ~ Milwaukie, OR
 - C. Fortis Construction Group, Inc. - Contractor / 1705 SW Taylor St. Ste. 200 ~ Portland, OR
 - D. RADCO Communications, LLC - Contractor / 450 US Hwy 395 N. ~ Carson City, NV
 - E. The Virginia City Vault LLC - General / 145 S. C St. Ste. A ~ Virginia City, NV
 - F. Virginia City Escape Room - General / 184 S. C St. ~ Virginia City, NV
 - G. Calamco - General / 1776 W. March Lane 420 ~ Stockton, CA
- III. For possible action, approval to appoint Senior Planner Kathy Canfield to serve as Storey County's representative on the Carson Water Subconservancy District (CWSD).

Public Comment: None

Motion: I move to approve today's Consent Agenda, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

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

Sheriff Antinoro :

- Along with School Districts and Sheriff Offices across the State, the Storey County Sheriff's Office is pursuing a grant from the Bureau of Justice Assistance for school safety programs and training. Storey County will be the lead.

Operations/Project Coordinator Mike Northan :

- Braces have been taken down on the Delta Saloon and Union Street is open.
- The Divide Building project is being re-designed in order to control costs. There are discussions about doing some of the project "in house".
- Plans for the Virginia Highlands Community Center are almost complete.
- The training building next to the fire station sustained wind damage, exposing significant dry rot in the structural sheathing. Ideas on what to do with that building are being put together.
- A structural assessment will be done at the Depot. There are a few known issues which will be addressed along with any new issues found. Roof and fire sprinkler quotes are coming in.
- The interior walls have been repaired at the Visitor's Center. There is still a little water in the wall cavity- this will be addressed by Public Works along with sealing of the exterior wall.
- Visitor's Center floors are being refinished on February 11, 12, and 13.

Fire Marshal Martin Az evedo:

- Work on the Delta is going well.
- The Fulcrum project is also moving along. A walk-around was completed along with the Fire Chief and they should be on-line this year.
- AUECC in TRI is also going. Final life safety write-offs will probably be done in March or April.

Tourism Director Deny Dotson :

- Thank you to Commissioner Gilman for guidance and support of the VCTC the last few years.
- Welcome to Commissioner Carmona to the VCTC Board.
- A special workshop - open to the public - will be held on February 13th at the Conference Center. The major item of discussion will be marketing initiatives for 2020.
- During the three days of the floor refinishing, the Visitor's Center will be closed. Administration offices will be open.

Recorder Marney Hansen-Martinez :

- Work continues on two imaging projects, including historic records. This includes indexing of thousands of records

HR Director/Administrative Officer Jen Chapman :

- Lara Mather has been hired as Community Services Director.

Fire Chief Jeff Nevin :

- There was a recent fire near Peavine Mountain - reminder to everyone that fire season is year-long, be extra vigilant with outdoor activities. Even with snow, the wind pushes through the grasses.
- A meeting will be held Monday in the Highlands to discuss seasonal fire prevention.
- The Fire District is in the process of hiring a fireman. Testing and interviews will be at the end of the month.

Planner Kathy Canfield :

- This Friday, along with the State Department of Water Resources, flood training will be done at Hillside Elementary School. Hands-on exhibits will be brought to the Lockwood Senior Center - public is welcome. These activities help with the community rating system insurance program with FEMA.

Interim Comptroller Jennifer McCain :

- The final budget audit has been received and turned in to Taxation. It will be on-line this week.
- Moving ahead with budget season. Contact (the Comptroller's Office) with any suggestions or changes.

County Manager Austin Osborne :

- Reported on the current status of Tesla payments:
 - Between July and now, negotiations have rescheduled the invoices. Quarterly invoices were being paid at the end rather than the beginning of the quarter. Quarter two (Q2) was re-labeled quarter one. This has all been adjusted and accounted for.
 - There has been regular contact with Chris Riley (Tesla), who has been totally cooperative in getting all invoices that need to be paid - in and confirmed ready to go.
 - Q2 and Q3 will be ready next week and Q4 will be back on track.
 - Everything is being reverted back to the base language of the GSA. All payments will now occur per quarter as the GSA states, with no modifications.
 - Updates of where payments are will be given regularly at Commission meetings - as well as brief summary of Tesla negotiations for the next round. The current contract is not null and void - after 2018 it goes to another rate for negotiations to occur. Our team is looking at fire, staffing, and other items that would be negotiated in the next agreement.

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

Vice Chairman Carmona:

- Next Monday a local arborist will be at the Highlands meeting to go over basics of tree trimming. Fire Marshal Azevedo will also be there along with Don Snyder from the Fire Department.

Chairman McBride:

- Today the old Federal Mint in Carson City is celebrating their Sesquientennial. They are casting silver commemorative medallions out of the old press for purchase.
- Attended an EDawn meeting where there were a number of major developers, school board members, as well as others. The tremendous amount of development was a topic of discussion, including huge residential projects and complexes.
- Also attended a Shared Federal Framework conference where we are able to let our neighbors know what our interests are. It was very informative.
- Along with Commissioner Carmona, also attended an EDawn luncheon. The growth around us is phenomenal.

9. DISCUSSION/POSSIBLE ACTION: Consideration and possible approval of Resolution 20-564 authorizing refund of excess funds paid for community development permits in the amount of \$71,266.97.

Mr. Loomis reviewed the background of this item. In 2017, Community Development unilaterally raised the commercial & industrial permit fees without benefit of authority. It has been determined that \$71,000, or so, was over-charged. There is no legal requirement to refund - it is up to the discretion of the Board as to whether the application for refund is just and the return of money is equitable.

Vice-Chairman Carmona: He has spent a lot of time on this and has not changed his position. Resolution 08-269 is clear, talking about raising fees for the building and fire departments. Why these were not changed in '08 is not clear. The rates should have been changed and weren't. If we're going to continue charging '97 rates - a fee study should be done. He acknowledges (the County) is business friendly, but as he sees it, constituents and taxpayers are subsidizing these very low fees. The fees should be more in line with 2020 rates.

Commissioner Gilman: Understands there was this fee Resolution in 2008 which was evidently not used in this case. The fees went back to 1997. Why wouldn't that (2008) Resolution- which had the higher fees - apply to the fees here?

Mr. Loomis explained the Resolution specifically addresses the adoption of the International Fire Code. The Resolution references the Ordinance - Schedule I, which only adopts the International Fire Code and says nothing about the Uniform Building Code. No part of the Resolution or Ordinance increases the fees of the Uniform Building Code. This could have been done in 2008, but it wasn't.

Commissioner Gilman: It could have been that the 2008 fee structure was inadvertently utilized though it only applied to Fire. Would that be the case?

Mr. Loomis: Yes.

Commissioner Gilman: The auditors agree there is an error and that (the County) could pay back the \$71,000. The '08 Resolution cannot be applied - it does not apply to the Building Dept.

Mr. Loomis: I wouldn't say the auditors said there was an error, just that the amount of over-charge in 2017 equals \$71,000 or so. It (the Resolution) does not (apply).

Vice Chairman Carmona said the second paragraph of Resolution 08-269 addresses the Building Code. Supporting documents are fee tables set up for the Building Department. Storey County Code 15-04.020 - isn't that part the Building Department?

Mr. Loomis: That is part of the Building Code - the provision authorizing the Board to adopt Uniform Codes by resolution.

Commissioner Gilman: It does not change the fee structure of the Building Department?

Mr. Loomis: It does not.

Chairman McBride agrees that the fee structure should be looked at - not sure the taxpayers are subsidizing this - but it should be reviewed to see if we are where we should be.

Vice Chairman Carmona said he meant if the Building Department is not breaking even, he would consider that essentially a subsidy by the taxpayers. The Building Department has done a great job - permit waiting times are a week, while other counties are months. If (the County's) fees are in line with others, the biggest feature is that there is no 4 month wait.

Chairman McBride said on the issue of over-charge - even though refunds have not been requested, it is the ethical thing to do.

Public Comment:

Kris Thompson asked about supporting documents to the 2008 Resolution - a Permit Fee Table 105.1.1 stating that it was an adjusted 1997 table 1A. Does that table mean that it was applicable to building fees, or not - if so, why?

Mr. Loomis: The Resolution adopts the International Fire Code, the following Ordinance adopts the International Fire Code. Exhibit A provides for amendments to the International Fire Code, establishing a fee schedule to be set forth in the International Fire Code adopted by the Board. It does change the fees within the Uniform Building Code - setting out a schedule of fees based upon the old fees set out in the UBC as the fees to be applied to be applied to the Fire Code.

Vice Chairman Carmona: Why was the Building Code included in the Resolution?

Mr. Loomis assumes it was a source of fees that could be utilized by the Fire Department. The Board adopted the fees set out in the Uniform Building Code in 1997, stating it would be increased 1% a year to address inflation. That was applied only to the International Fire Code, not to the Building Code.

Vice Chairman Carmona asked if the Resolution should have been signed by the Board of Fire Commissioners? That needs to be rectified.

Mr. Loomis: NRS 474 provides that the Board of County Commissioners is ex-officio Board of Fire Commissioners for any Fire Protection District created. The language of the Resolution could have been cleaner - the intent is clear that the Board is acting as the Board of Fire Commissioners.

Fire Chief Jeff Nevin: In 2008, the 474 Fire District was not in effect. You (Board of County Commissioners) sat as the Board of Fire Commissioners. When this adjustment was made in 2017, there were no fees going to the Fire District, they were going to Community Development via an interlocal agreement. The Fire District currently does not receive any of those fees.

Mr. Osborne: Per the MOU Agreement, isn't it correct the fees collected go to fire inspections?

Chief Nevin: The Fire District doesn't do any fire inspections - all are through Community Development.

Chairman McBride: Any other public comment? Hearing none, I would ask my fellow Commissioners for a motion to approve this.

Commissioner Gilman: It appears the action before us, is a \$71,000 refund and really having nothing to do with an inadvertent mistake it appears to me it was made back when, I can see why folks might considered relying on the 08 Resolution. That said, the Resolution didn't hold the fees invoked and therefore, I believe probably there was a \$71,000 over-payment, inadvertent or not. So, I would make a motion to refund the \$71,000 fees at this point, but with a serious consideration that we review the '08 and the current fee structure and bring that thing current.

Chairman McBride: It might have been their intention that both items were to be combined. But legally it just isn't binding because it's not in the ah....

Commissioner Gilman: I agree. And, although we might like to feel that we could resurrect that and take care of that today, we can't. So, I believe that it's reasonable to refund the \$71,000.

Mr. Loomis: Commissioner Gilman, if I could recommend that you include in your motion the adoption of Resolution 20-564 which makes the findings that justify the refund.

Commissioner Gilman: Are you going to read the findings?

Mr. Loomis: I can read the Resolution - if you like.

Commissioner Gilman: If you believe that pertinent, I'm fine with that.

Mr. Loomis read the Resolution:

Whereas, Resolution 20-564, Whereas NRS 354.220(4) provides for the refund of monies paid into the County Treasury where in the opinion of the Board of County Commissioners the applicant for a refund has just cause for requesting a refund and granting the refund would be equitable; and,
Whereas, the Storey County Department of Community Development erroneously increased certain permit fees by ten percent (10%) in 2017; and,
Whereas, an agreed upon procedures review by the accounting firm of DiPietro & Thornton established that the overpaid amount of unabated permit fees equals \$71,266.97;
Whereas, application for refund of the overpaid amounts is made on behalf of the persons or entities overcharged by County staff.
Now, therefore it is hereby resolved as follows:

The Board of County Commissioners of Storey County finds that there is just cause for the making of an application for a refund of the overpaid permit fees and that a refund of the overpaid amounts is equitable. The County Manager or his designee is hereby authorized to provide for the refund of the overpaid fees to the persons or entities so

entitled.

Chairman McBride: I have a motion, do I have a second? I'll second your motion. It's been moved and seconded- all those in favor signify by saying aye. Gilman - aye; McBride - aye. All those opposed - Carmona - nay; **Moved by:** Commissioner Gilman, **Seconded by:** Chairman McBride, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=2; Nay=1)

10. DISCUSSION/POSSIBLE ACTION: Approve and authorize the County Manager to sign an 18-month contract between Storey County and Lakota HRM, LLC a Nevada limited liability company to provide labor relations guidance and administration, interpret and guide application of labor agreements and personnel policies; perform and oversee administrative investigations; and ensure due process and discipline are administered in compliance with union agreements and personnel policies.

Mr. Osborne explained that Jeanne Greene was hired as Labor Relations Manager. Since that time, Ms. Greene has taken on a wider scope of work. This includes the 474 Fire District, CBA matters, union and labor cases, as well as other HR services. Ms. Greene replaces contract attorneys that had been doing this work. Lakota HRM, LLC (Jeanne Greene), would be under an 18 month contract with no "evergreen clause".

Public Comment: None

Motion: I, Commissioner Carmona, motion to authorize the County Manager to sign an 18 month contract between Storey County and Lakota HRM, LLC, a Nevada limited liability company, to provide labor relations, guidance, and administration, interpret and guide application of labor agreements and personnel policies; perform and oversee administrative investigations; and ensure due process and discipline are administered in compliance with union agreements and personnel policies, **Action:** Approve, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

11. DISCUSSION/POSSIBLE ACTION : Consideration of letters of interest for appointment of planning commissioners to serve the At-Large on the Storey County Planning Commission.

Ms. Canfield explained there is an open "at-large" position on the Planning Commission. Three applications were received and all three interviewed. Staff recommends Brian Staples be appointed to the Planning Commission for a four-year term.

Chairman McBride commented that he knows Brian and that Brian provides outstanding community service. Mr. Staples will be a nice addition to the Commission and approval is recommended.

Vice Chairman Carmona thanked Mr. Staples for being present today.

Public Comment: None

Motion: In accordance with the recommendation by staff, I, Commissioner Carmona, motion to appoint Brian C. Staples to serve the at-large position on the Storey County Planning Commission, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

12. DISCUSSION/POSSIBLE ACTION: Authorize the County Manager to approve a contract not to exceed \$100,000 with Lumos & Associates for as-needed assistance in professional planning and engineering services related to any planned unit development and/or large land subdivision applications or proposals in Storey County. This contract will provide assistance to county planning staff with certain civil and engineering review of such applications and projects, although there are no such applications occurring or anticipated to occur at this time.

Mr. Osborne explained there are no applications, or any pending, at this time for any large or planned unit developments. Lumos & Associates has agreed to be “on stand-by”, at no cost, unless there is a project to provide critical application and civil engineering review of any applications that may come. Currently, the (County’s) codes do not provide for the developer to pay for this. Updates to Title 16 are being looked at to include the developer providing this cost.

Public Comment: None

Motion: Based on the recommendation by staff, I, Commissioner Carmona, authorize the County Manager to approve a contract not to exceed \$100,000 with Lumos & Associates for as-needed professional planning and engineering services related to any planned unit development and/or large land subdivision applications or proposals in Storey County, **Moved by:** Vice Chairman Carmona, **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

13. RECESS TO CONVENE AS THE 474 FIRE PROTECTION DISTRICT BOARD

14. DISCUSSION/POSSIBLE ACTION: Revision of the Fire Chief Job Description of the Fire Chief Job Description

Mr. Loomis provided the Commissioners with “red-lined” versions of the Fire Chief and County Manager job descriptions.

Jeanne Greene said the revision of the Fire Chief job description is a first step in separating the Fire District from the County. Ms. Greene reviewed the three primary revisions. Ms. Greene will bring an evaluation process for the Fire Chief to the Board in the future. Chief Nevin was involved in the revision and concurs with the changes.

Public Comment: None

Motion: Based on recommendation by staff and in conformance with Storey County and Storey County Fire District Administrative Policies and Procedures, I, Jay Carmona, motion to approve the revision to the Fire Chief job description, **Moved by:** Vice Chairman Carmona **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

15. RECESS TO RECONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

16. DISCUSSION/POSSIBLE ACTION: Revision the County Manager Job Description

Jeanne Greene presented a minor change to the County Manager Job Description recommending evaluation of the County Manager be done on County Manager’s anniversary date. This is consistent with all other County employees.

Public Comment: None

Motion: Based on recommendation by staff and in conformance with the Storey County Administrative Policies and Procedures, I, Jay Carmona, motion to approve the revisions to the County Manager job description, **Moved by:** Vice Chairman Carmona **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

17. DISCUSSION/POSSIBLE ACTION : Approval of business license second readings:

- A. De' Ja' Vu' Construction - Contractor / 595 Duckhill Rd ~ Carson City, NV
- B. DMG North Inc - General / 910 Greg St. ~ Sparks, NV
- C. Fike Corporation - Contractor / 704 SW 10th St. ~ Blue Springs, MO
- D. Hanwha Corporation - General / South Korea
- E. Little Mountain Development LLC - Contractor / 2960 Rosanna St. ~ Las Vegas, NV
- F. Robinson Metal, Inc. - General / 1740 Eisenhower Rd. ~ Depere, WI
- G. Titan Powerline (DBA) - Contractor / 8695 Delta Dr. ~ Casper, WY
- H. VC Highland Corgi - Home Business / 2220 Lousetown Rd. ~ Reno, NV

On behalf of Community Development, County Manager Osborne recommended approval of Items A through H.

Public Comment: None

Motion: I, Commissioner Carmona, move to approve the second reading of Business Licenses A through H, **Moved by:** Vice Chairman Carmona **Seconded by:** Commissioner Gilman, **Vote:** Motion carried by unanimous vote, **(Summary:** Yes=3)

18. PUBLIC COMMENT (No Action)

None

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

The meeting was adjourned by the Chair at 10:53 AM

Respectfully submitted,

By: _____
Vanessa Stephens Clerk-Treasurer