



STOREY COUNTY BOARD OF COUNTY COMMISSIONERS MEETING

7/16/2024 10:00 AM
26 SOUTH B STREET, VIRGINIA CITY, NV

SPECIAL MEETING MINUTES

JAY CARMONA
CHAIRMAN

CLAY MITCHELL
VICE-CHAIRMAN

LANCE GILMAN
COMMISSIONER

ANNE LANGER
DISTRICT ATTORNEY

JIM HINDLE
CLERK & TREASURER

Roll Call

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

√ Assessor Jana Seddon	√ Health & Community Services Director Stacy York
□ Justice of the Peace Eileen Herrington	□ Human Resources Director Brandie Lopez
√ Recorder Dru McPherson	√ IT Director James Deane
√ Sheriff Mike Cullen	√ Planning Manager Kathy Canfield
√ County Administrative Officer Honey Coughlin	√ Public Works Director Jason Wierzbicki
□ Fire Chief Jeremy Loncar	□ Operations and Project Manager Mike Northan
√ Comptroller Jennifer McCain	√ Tourism Director Todd Tuttle
√ Business Development Manager Lara Mather	Other:
□ Community Development Director Pete Renaud	
√ Emergency Management Director Adam Wilson	
√ Grants Manager Sara Sturtz	

Total Attendance – 63

In-Person - 30

Zoom - 33

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

Commissioner Carmona called the meeting to order at 10:01 a.m.

2. CONVENE AS THE STOREY COUNTY BOARD OF COUNTY COMMISSIONERS

3. PLEDGE OF ALLEGIANCE

4. PUBLIC COMMENT (No Action): None

5. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of the agenda for the July 16, 2024, meeting.

County Manager Austin Osborne asked to continue Item #12 to August 6. Later in the meeting, County Manager Austin Osborne corrected the Item number from #12 to #14, and a new motion was made.

Public Comment: Nick Vanderpool can't make the August 6 meeting, but expressed support for the item.

Motion: I, Commissioner Mitchell, move to amend our earlier motion to approve the agenda, to correct the Item #12 to Item #14, to continue the item on PACE Funding until Aug 6, 2024, at the courthouse and on Zoom. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

6. CONSENT AGENDA FOR POSSIBLE ACTION:

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

A. Applied Staffing Solutions LLC – Out of County / 449 S. Virginia St. 4th Fl. ~ Reno, NV

B. Cheryl's Country Cottage – Home Based / 2300 Enterprise Rd. ~ Reno, NV

C. Delta Dirtwork – Contractor / 1300 Starview Cir. ~ Reno, NV

D. Goettl – Contractor / 5330 S. Durango Ste 100 ~ Las Vegas, NV

E. Jaxan Electric – Contractor / 6041 McLeod Dr. ~ Las Vegas, NV

F. Lacy J Dalton Productions LLC – Home Based / 820 Cartwright Rd. ~ Reno, NV

G. Lake Tahoe Overlanding – Home Based / 300 Eagle View Trl. ~ Dayton, NV

H. Lost in Time Ranch Art – Home Based / 2380 Wildrose Rd. ~ Reno, NV

I. Nextek Construction Inc. - Contractor / 890 Patriot Blvd. Ste. E ~ Reno, NV

J. Pavement Recycling Systems Inc. – Contractor / 10240 San Sevaine Way ~ Jurupa Valley, CA

K. SGS Silver State Analytical Laboratories Inc. – Out of County / 3626 E. Sunset Rd. Ste. 100 ~ Las Vegas, NV

L. Simpson, Gumpertz & Heger Inc. – Professional / 480 Totten Pond Rd. ~ Waltham, MA

M. Site Services of Nevada LLC – Out of County / 100 Sunshine Ln. ~ Reno, NV

N. Sun Mountain Hideaway – Home Based / 81 S. B St. ~ Virginia City, NV

O. Tesla – General / 2777 USA Parkway Ste. 101 ~ McCarran, NV

P. The Kitchen Sink Bakery & Rotisserie - General / 32 N. C St. ~ Virginia City, NV

Q. TVC – Out of County / 150 Brantingham Ct. ~ Dayton, NV

R. West Springs Heating & Air Conditioning LLC – Contractor / 565 Valle Verde Dr. ~ Sparks, NV

S. WTR Electric Inc. – Contractor / 1655 C St. ~ Sparks, NV

II. Justice Court Quarterly Report.

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

Sheriff's Office

- Sheriff Mike Cullen said August 6 was National Night Out in Lockwood and the Sheriff's Night Out in Virginia City will be 8/13.
- Three new deputies have started at the POST academy.

Fire District

- Assistant Fire Chief Jim Morgan said the District had concluded acting captains testing.

Public Works

- Jason said traction is gaining on the adult swim.
- Lousetown coming along and will be paving next week.

Business Development Office

- Business Development Officer Lara Mather said that community project grants are now open. Communities can apply for \$10,000. Applications are due in the office by 5 p.m. Friday Aug. 23. Residents can e-mail, fax or walk in their applications.

Planning Department

- Planning Manager Kathy Canfield said that on Thursday, July 18, a town hall meeting for the Master Plan will be held at the Mark Twain Community Center. Other meetings will be Aug. 8 at the Virginia City Highlands Fire Station, and Aug. 22 at the Rainbow Bend Clubhouse in Lockwood.

Emergency Management

- Director Adam Wilson encouraged residents to sign up for the RAVE alert system. The link is available on the website and on social media.
- Hazard mitigation surveys are still out. They are posted at community centers and there are links on the website.

VCTC

- Director Todd Tuttle said the agency has received a state Tourism grant to create a guide to the architecture of Virginia City.
- The Fourth of July event went off without a hitch. There were 67 entries in the parade. The concert was filled, and the fireworks were concluded without incident.
- Aug. 23-24 will be the Virginia City Motorcycle Roundup sponsored by Harley-Davidson.
- Sept. 6-8 will be the Camel Races. Tickets are going fast. The Saturday shows nearly sold out. On Friday, at 5 p.m. will be the "intown" event. Tickets for Storey Residents are selling for \$10/ticket at the visitor center. Sunday is Family Day at noon. There will be

camel rides available, and the Camel Hump will be at 12:30 p.m. Saturday on C Street. There will be three shuttles to and from the fairgrounds. day at noon.

IT Department

- Director James Deane said the department was wiring the Mark Twain Community Center with fiber-optic for high-speed internet.

8. BOARD COMMENT (No Action - No Public Comment): None

9. 10:30 A.M. PUBLIC HEARING: Public Hearing to consider public comments on proposed lease of that portion of 800 South C Street known as “Divide Fitness” (5,596 sq. ft.) to Divide Fitness, LLC for a monthly rental amount of \$2,798.00 plus utilities until July 31, 2026, with a two-year renewal term.

The staff has proposed that the Divide Fitness located at 800 South C Street to be leased to Divide Fitness LLC for a monthly rental of \$2,798.00 plus utilities until July 31, 2026, and that the lease be renewable for an additional two-year term. A lease of this nature is authorized by NRS 244.2833 but requires that there be a public hearing after public notice is published in a newspaper to consider comments regarding the proposed lease from members of the public. This agenda item provides for the required public hearing. Notice of the public hearing was published in the Comstock Chronicle on June 28, 2024, and July 5, 2024

Public Comment: Storey County School Board member Amy Fye, spoke in opposition to this item, which raises the rent of the fitness center considerably. She said it was important to support, exercise and fitness activities. She said it was good for commissioners to fund exercise and recreational opportunities in Virginia City.

Resident Michael Markert, said this was a business that supports a healthy community, and was used by student-athletes. He said there were 160 members of the gym. He noted that two businesses in Storey County rent from the County; Divide Fitness and the Old Corner Bar. He said the Old Corner Bar was centrally located and easy for locals and visitors to purchase their products. While the Divide is not a tourist business and is located far away from the main business district.

Virginia City Highlands resident Charles Mark said the gym was a godsend and that the gym might have to close with the rent increase.

Virginia City Highlands resident Charles Tom Ramey, who said that forcing the closure of the gym would be a hardship to residents.

Virginia City resident Hugh Gallagher reminded the board that the Fains, who own the gym, sold the building to the county and agreed to the current \$1,500 to rent the space for the gym. At the time the County needed space for Justice Court. He questioned the appraiser’s report,

and the comparable properties cited that were located outside of Storey County and the state. He said the proposed lease was unsustainable, and the current lease should be maintained at the current rate.

Highland Ranches resident Rebekah Jones said her family uses the gym, and it was one of the few activities in a drinking town that teenagers could enjoy. She said the gym is crucial for the town and she didn't want to drive down the hill to exercise.

Community Chest Executive Director Erik Schoen said from a community development perspective, his organization builds programs that connect the social fabric of community. It's more than just a place to work out, it is to develop relationships. Social isolation is a top concern in the county.

Highlands' resident Frank Vann said leasing the property to someone else may have financial benefit, but there are more important than money. He said the gym was a benefit, and commissioners won't be very popular if they force it to close.

County Manager Austin Osborne said all correspondence has been provided to the board, and if letters come in late, they will be on file at the Clerk's Office.

Commissioner Carmona said the original deal to buy the building was contentious because some felt the Fains were getting special treatment. It has been said that if you have the right last name or know the right people you get special treatment. I try to make the fairest decision. I don't want to see any businesses shut down. I want folks to understand we are with people who support the gym. There are people who don't use the gym. We went by the book. We got an appraisal. If I went against the appraisal. I look like I am treating someone differently, I see the value in this gym. I want folks to understand that no one is out to make anyone's life difficult. There are tools like appraisals and public comments to help us make our decisions. The County does not have alternative intentions. If the business leaves, the county will either have to find another renter or take the building over. I don't think the County should be in rental business at all. He suggested continuing the item.

District Attorney Anne Langer said there were two public hearings, on different subjects, scheduled today, but so long as they were both held after 10:30 a.m., it was acceptable for the proposal for the lease to be heard before the second public hearing.

Motion: I, Commissioner Mitchell, move to close the public hearing on Item #9, which is related to the lease of the portion of 800 South C St. known as Divide Fitness. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

11. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of lease of proposed lease of that portion of 800 South C Street known as "Divide Fitness" (5,596 sq. ft.)

to Divide Fitness, LLC for a monthly rental amount of \$2,798.00 plus utilities until July 31, 2026, with a two-year renewal term.

District Attorney Anne Langer said the staff summary had incorrect numbers, that the appraiser, Anthony Wren, put the value of the property between \$.47 per square foot and \$1.33 per square foot. Divide fitness is to have a monthly lease with a 2-year renewal term for \$2,798. That is the staff's recommendation. Under 284.2833, if we adopt a resolution stating it is in the best interest of the county to lease without offering it and for less than fair market value, there has to be resolution. To do this, you could do it with a resolution.

Jennifer McCain said she is here to present financial information. Divide Fitness was a business in the building. The purchase and current lease happened simultaneously. The building was purchased for \$1,327,000, from an average range of 3 appraisals. There were no records in the minutes on how the \$1,500 rent was determined, and no reason given why no utilities were included. The County has tried to create procedures that are fair. This is why appraisals are done and required by state law. Mr. Wren's range was between \$0.47 square foot and \$1.33 square foot. He then based his recommended rate of \$0.50 due to the location and size of the building. Storey County has not made it normal procedure to support for-profit businesses but does support non-profit businesses. Divide Fitness utilizes about 50 percent of building, so she put utilities at 50 percent. She went over aspects of the utilities, and what the County and Divide Fitness each uses. She suggested metering different sections or equipment. She recommended if the board decides to go with alternatives, utilities usage must be addressed. She believed in going with the appraisal.

Commissioner Lance Gilman recognized the quality and professionalism of County staff, but said he is not in support of the lease. He said the County was up against the wall having to move Justice Court quickly as a requirement from District Court, the owners of that building, Nick and Jessie Fain, supported the County. and decisions reached. The negotiation that went forward and subsequent lease was based on equality in market and had full disclosure and what the health facility would do for the county and what that value is. Our focus and responsibility are oversight of their health, safety and welfare of the residents. In these kinds of decisions, I want to take a position to be responsible for needs, requests by community. People might say we are doing favoritism. It has nothing to do with personality. It has everything to do with focusing on the health, safety and welfare of residents. He said he has been a leasing broker for many years, and noted that Divide Fitness was not in the main business district of Virginia City. He said it was normal to negotiate a lower rent for less-than-ideal spaces because the landowner wants to use the land. He also noted that highway departments and health departments get their spaces for free. He suggested that the County offer a lease with a cost-of-living increase, but not impact it to the point of driving it out of business. He suggested continuing the matter until a new lease can be created.

Commissioner Jay Carmona said as a county government, he didn't believe it should seek a profit.

Commissioner Mitchell said it was suggested we would be unpopular with people, and he responded that he was here to do what is right, not popular. He said requirements under state law demand the appraisal be followed, otherwise a resolution would have to be passed.

Ms. Langer said the market-based appraisal establishes the market value range from \$0.47 to \$1.33 per square foot. There are other government agencies we lease to, in this case, the county is only involved in two private businesses. The other two are government agencies, which is why they pay no rent. She also noted that Divide Fitness was an operating business at the time of the building purchase.

Assessor Jana Seddon said that Divide Fitness pays their share of property taxes on the building, unlike most renters, even though they no longer own it. She said she had not read the appraisal, but said the taxes paid should have been taken into account by the appraiser. She also questioned the use of out-of-state comparables, and had that come up at a Board of Equalization meeting, it would be immediately disputed.

Commissioner Mitchell responded that there were no direct comparables in Nevada. He said the Fains bailed out the County and it is appropriate to recognize that, but is the debt satisfied or does it continue? He questioned whether the County should continue to offer sub-market rent. He said that it was difficult to have this benefit go to one private party. He said he supported flexibility on utilities, but did not want to make a declaration that the board was working in the fair market. He said he will do what he could to support the business.

Divide Fitness owner Jessie Fain said she was a 15-year employee of Storey County and was taking an annual leave day off. She said she could not operate the business on more than \$1,500 per month rent. She criticized the appraiser for spending very little time in the building, and most of the photos were from the 2019 appraisal. She said the legal description doesn't exist; he listed the wrong seller; the date is wrong; and that the building did not exist in 2014. The appraiser said there were 150 shops in town, when actually there are about 75. He had incorrect materials listed, among other inaccuracies. Ms. Fain mentioned her late father-in-law, Bill Fain, who bought and restored the Gold Hill Hotel, started the local newspaper, brought plays to town and served in the tourism authority. When she and her husband started the building, they wanted something good for the community, so they invested in commercial workout equipment and don't receive much revenue from it. She would like to lower the membership fees. She said there is a reason there are no gyms in small towns; there is a small customer base. The Master Plan goal is to promote business that benefits residents. She noted that she created jobs and housing. She suggested the county purchase the gym and have it be part of the county's recreation program; that tennis courts or pickleball courts could be put out back. She suggested leaving the lease as is for next six years while County staff works out how to purchase the gym. This is a positive resolution for everyone.

Commissioner Gilman also questioned the appraisal, noting that most comps come from Yerington, Minden and Gardnerville.

Commissioner Mitchell said he is open to it becoming a county facility, but it would have to be open to everyone, and would not have the same community that has built up.

Ms. Fain said she can't afford an employee, which is why access is with a key fob. The minimum age is 13, and she doesn't cater to tourists. She wondered how many people would join if it were less expensive. She said the County taking over the gym would solve problems and provide for grant opportunities. There was discussion on a different lease term.

Business Development Officer Lara Mather said if the County takes it over, it does not solve land swap issues, and a permanent covenant would have to be put on the property. It could cause problems applying for grants. She said it depended appraised values.

Comptroller McCain said it is possible if the business was subsidized, that they would have to open their books.

Hugh Gallagher said a letter from County Manager Austin Osborne proved that the lease was for \$1,500 with no utilities. Mr. Osborne said he wrote the letter, but it was not regarding a continuation of the lease.

Virginia City resident Alexia Sober supported the purchase proposal as a win-win.

Resident Rebekah Jones said if it became county property, it would be available to everyone, and asked if they would pay a fee, it could turn into a mess. Commissioner Carmona said it would be like the county pool.

Commissioner Mitchell started to move to continue the item, which raised the issue of does the lease go to a month-to-month or can the commissioners alter the lease. Ms. McCain said the lease would be termed out.

Ms. Langer said the amount must be the same month-to-month.

Commissioner Mitchell suggested delaying the issue until the end of the fiscal year. Commissioner Gilman suggested renewing the lease for a 24-month period and apply a cost-of-living increase. Commissioner Carmona said the lease can't be changed.

Ms. Langer reiterated that if the board approves a lease that is less than fair market value, there must be a resolution. She said the lease became an automatic month-to-month lease if the board continued it to the next meeting, or later in the year. She said that would be in the best interest of the County.

Other posters on Zoom asked that the issue be postponed.

Commissioner Gilman suggested directing staff to craft a resolution to be considered at the next meeting. Ms. Langer said a resolution would be the legal remedy if the lease was less than fair market value.

Commissioner Mitchell suggested to go with the lowest rate on the proposed lease, \$0.47 per square foot, for a total of \$2,630 per month, with no utilities. Otherwise, he said, we are not considering fair market value.

Comptroller McCain said suggested that if a lease is approved in the meantime, to change the length. She asked if a new public hearing is necessary, as the discussion was indicating a change in the lease.

Ms. Langer said there was no need for a new public hearing. She suggested the board could continue to a date certain, and until then the rent is automatically month-to-month at the current rate. Continue to date certain, and until then it is automatically month to month at current rate. She said the lease can't be approved for a year because of the fair market value in question. Someone needs to make a motion.

Ms. McCain recommended a month-to-month lease and that the board could give staff a timeline. recommended month to month and give us a timeline. Ms. Fain said she was open to a month-to-month lease or a six-month lease.

Commissioner Gilman said he was prepared to move to renew the lease at the present amount for 24 months, and to direct staff to prepare a resolution indicating it was under fair market value, though he expressed doubts that the appraisal was actually fair market value.

To clarify, Ms. Langer said Commissioner Gilman's motion was to keep the lease the same for the next two years, and since it is less than fair market value, you believe it is in the best interests of the County, and that would remain at \$1,500 for the next two years.

Commissioner Gilman agreed. Commissioner Mitchell said he would not support the motion

Motion: Commissioner Gilman moved to renew the lease at the present amount for 24 months, and to direct staff to prepare a resolution for Board consideration because the rate is under fair market value.

. **Seconded by:** Jay Carmona. **Vote:** Motion passed 2-1.

Ms. Langer said her office would draft the required resolution.

10. 10:30 A.M. PUBLIC HEARING: Public Hearing to consider public comments on proposed Bill No. 142, Ordinance No. 24-330, amending Storey County Code Title 8 - Health and

Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision.

District Attorney Anne Langer said that between the first and second readings of this ordinance some items have changed. The language about each day of the violation constitutes a separate offense was taken out as was the recommended change to the Storey County Code removing the requirement that appeals be heard by the commissioners rather than Judicial Review in District Court. She praised Community Development for putting pre-prosecution plan together and handling complaints effectively, so they did not have to come before the hearing officer. Some people got lawyers who pushed the civil side, and the county did not have a plan for the civil side, so we put this side into place. This is the hearing officer item. This is to handle the other side of the program. In the past, we had to dismiss the case.

Public Comment: None

Mr. Osborne read the title of the ordinance.

Motion: I, Commissioner Mitchell move to close the public hearing on Bill No. 142, Ordinance No. 24-330, amending Storey County Code Title 8 and retract the motion that I previously made. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

12. DISCUSSION/FOR POSSIBLE ACTION: Second reading of Bill No. 142, Ordinance No. 24-330, amending Storey County Code Title 8 - Health and Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision. This item was continued at the 07/02/24 board meeting.

Ms. Langer said that the only change was that each day of the violation constitutes a separate offense was taken out as was the recommended change to the Storey County Code removing the requirement that appeals be heard by the commissioners rather than Judicial Review in District Court. She said she gave her feelings at the Public Hearing.

Commissioner Mitchell read the title.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the second reading amending Storey County Code Title 8 - Health and Safety, Chapter 8.01 Nuisances to allow appeals of a final decision of the hearing officer to proceed under a process for Judicial Review in district court after the final Hearing Officer decision. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

13. DISCUSSION/FOR POSSIBLE ACTION: Presentation by the Nevada Rural Housing Authority (NRHA) about rural affordable home purchase programs, and discussion and consideration for approval Resolution No. 24-740 providing for the transfer of Storey County's 2024 Private Activity Bond Volume Cap to the NRHA for the purpose of providing first-time home buyer, down payment, and other affordable housing assistance, and other related matters.

County Manager Osborne said a minor amendment in the Resolution is to correct the name of the Clerk & Treasurer. The state issues private activity bonds for the counties. We can use this for public projects. We have typically turned this over to Nevada Rural Housing.

Shawn Shusser of Nevada Rural Housing said the organization has provided more than \$2 million in mortgages for residents of Storey County, and about 770,000 in down payment assistance. Beginning Monday, there is a new program to be able to get 6.17% interest rate, and 4 percent down payment assistance. They offer help with rental assistance and help to provide affordable housing assistance for all residents. The new program is a first-time homebuyer program and includes help with veterans.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve Resolution No. 24-740 providing for the transfer of Storey County's 2024 Private Activity Bond Volume Cap to the Nevada Rural Housing Authority for the purpose of providing first-time home buyer, down payment, and other affordable housing assistance, and other related matters. With the one modification of updating the certificate of transfer of volume cap of the county clerk. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

14. (continued to the August 6th meeting of the Board)

15. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval authorizing County staff to transfer \$8,000 from the State Grant Account to the Grant Match account to cover additional costs for the Comstock Historic District Survey Phase II Grant Project.

Grants Manager Sara Sturtz said that this grant is used for culture resource programs. SHPO has determined that the maximum hourly rate for wages on this grant is \$82.57/hr. This maximum hourly rate far is too low to cover the costs of the consultants needed for this project, Kautz Environmental. Because it is required to pay 120 percent of 82.57 per hour, another \$8,000 is needed to complete the project.

Public Comment: None

Motion: I, Commissioner Mitchell, move to authorize County staff to transfer \$8,000 from the State Grant Account to the Grant Match account to cover additional costs for the Comstock Historic District Survey Phase II Grant Project. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

16. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval to relocate the Miner’s Park monument from outside of the Miner’s Park fence to inside the fence.

Administrator Officer Honey Coughlin said this began when residents wanted to add names to the monument in the senior center parking lot, by the park. It contains the names of Virginia City residents who were important to the community. It has been hit by vehicles and is not visible due to parking in the lot. She said she wanted it to be moved to inside the park to protect it and make it more accessible. She said the Comstock Historic District has approved this action.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve the relocation of the Miner’s Park monument from outside of the Miner’s Park fence to inside the fence. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

17. DISCUSSION/FOR POSSIBLE ACTION: Special Use Permit request 2024-029. The applicant requests a special use permit for additional building height beyond the 75-foot allowed by the applicable zoning ordinance. The applicant proposes the maximum building heights to be approximately 117-feet to accommodate anticipated four story buildings with needs for additional ceiling height for each story. This Special Use Permit request is for a maximum height of 122-feet to allow for a buffer as final equipment and building design have not yet been completed. This additional height will apply to multiple buildings that are anticipated to be constructed on the site. The property is located within the Tahoe Reno Industrial Center, at 1121 USA Parkway, McCarran, Storey County, NV, 89437, Assessor’s Parcel Numbers 005-041-95.

Planning Manager Kathy Canfield said this is a special use request that the TRIC center allows for. She said the department included a bit of buffer for the business, which is to be a data center. The planning Commission approved. She then read the findings.

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 as read into the record by county staff, and in compliance with the conditions of approval, I, Commissioner Mitchell, move to approve Special Use Permit 2024-029 to allow for additional building height beyond the 75-foot

allowed by the applicable zoning ordinance. The applicant proposes the maximum building heights to be approximately 117-feet to accommodate anticipated four story buildings with needs for additional ceiling height for each story. This Special Use Permit request is for a maximum height of 122-feet to allow for a buffer as final equipment and building design have not yet been completed. This additional height will apply to multiple buildings that are anticipated to be constructed on the site. The property is located within the Tahoe Reno Industrial Center, at 1121 USA Parkway, McCarran, Storey County, NV, 89437, Assessor's Parcel Numbers 005-041-95. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

18. DISCUSSION/FOR POSSIBLE ACTION: Consideration and Possible Approval of Indenture and Grant of Easement from Storey County to the TRI General Improvement District for the Storey County owned right-of-way associated with portion of Pittsburgh Ave. per deed of dedication document 138247. The portion of Pittsburgh Ave is location McCarran, Storey County, Nevada.

Ms. Canfield said this is a request for an easement to TRIGID. It is a small segment, but the GID has the need to put lines in here. Public Works approves this item.

Public Comment: None

Motion: In accordance with the recommendation by staff, I, Commissioner Mitchell, move to approve Indenture and Grant of Easement (2024-0033) to TRI General Improvement District for the Storey County owned right-of-way associated with portion of Pittsburgh Ave. per deed of dedication document 138247. The portion of Pittsburgh Ave is location McCarran, Storey County, Nevada. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

19. DISCUSSION/FOR POSSIBLE ACTION: Consideration of approval of Task Order 70 to the Storey County – DOWL Master Service Agreement causing reimbursement related to Storey County Master Plan update assistance and other related planning matters. DOWL will be reimbursed for time and materials related to assisting County staff with the Storey County Master Plan update, not to exceed \$50,000 for Fiscal Year 24/25. Assistance with the Master Plan update is already a part of the Planning Department budget for the Fiscal Year 24/25.

Ms. Canfield said this is in the budget; it was put into our professional services budget. She said DOWL has been taking direction and working on recommending updates to aspects of the Master Plan and gathering information.

Public Comment: None

Motion: I, Commissioner Mitchell, move to approve Task Order 70 to the Storey County – DOWL Master Service Agreement causing reimbursement related to Storey County Master

Plan update assistance and other related planning matters, not to exceed \$50,000 for the Fiscal Year 24/25 as identified in the Planning Department Fiscal Year 24/25 budget.

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

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

21. CONSENT AGENDA FOR POSSIBLE ACTION:

I. Adoption of Policy # O 040 Leather Helmet Subsidy which provides the approximate amount of money in which the district is paying for fire helmets to be utilized by members of the organization based on longevity, to apply a specified amount toward the purchase of a leather helmet.

Public Comment: None

Motion: I, Fire Commissioner Mitchell, move to approve the Fire District Consent Agenda as presented. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

22. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of the purchase of a Wheeled Coach ambulance by Rocky Mountain Emergency Vehicles for the approximate amount of \$237,490.

Assistant Fire Chief Jim Morgan said it is a bit more than the department had budgeted for, but they are unable to get anything close to the original price due to inflation.

Public Comment: None

Motion: I, Fire Commissioner Mitchell, move to approve the purchase of a Wheeled Coach ambulance by Rocky Mountain Emergency Vehicles for the approximate amount of \$237,490. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

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

24. DISCUSSION/FOR POSSIBLE ACTION: Possible acceptance of bid and award of contract for the construction of the Lockwood Senior Center Project in Lockwood Nevada to K7 Construction in an amount not to exceed \$5,316,586.00 and to authorize the County Manager to sign the contract for construction. This item was continued at the 07/02/24 board meeting.

Operations and Projects Manager Mike Northan said the county received seven bids, with six being responsive. got sealed bids until June 13. Had 7 bids. 6 responsive bids. Lowest 3. Was K7 Construction. The two lowest bidders were K7 Construction and Shaheen-Beauchamp

Builders. Staff recommends that the Storey County Board of Commissioners accept the bid from K7 Construction and award the contract for construction of the Lockwood Senior Center Project to K7 Construction in the contract amount of \$5,316,586.00

Commissioner Mitchell asked if it was certain that the federal grant would come through. Grants Manager Sara Sturtz said those funds, \$2.5 million have already been obligated.

Public Comment: None

Motion: In accordance with Staff and engineer recommendations, I, Commissioner Mitchell, move to accept the bid and award the contract for construction of the Lockwood Senior Center Project to K7 Construction in an amount not to exceed \$5,316,586.00 and to authorize the County Manager to sign the contract for construction. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

- 25. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible authorization for the County Manager to sign and approve a contract from July 16 through December 31, 2024, between Storey County and Sam Shad Productions producing and airing with Nevada Newsmakers a series of television commercials, website banners and links, audio and video podcasts and YouTube clips, and social media outreach program for a total cost of \$100,000 as specified in the attached draft contract and scope of work, with an audience focus toward Nevada legislative officials and state, county, and local leadership.

County Manager Austin Osborne said this is centered around Nevada Newsmakers program and that we are proposing to continue these ads. It is from July to December and is budgeted. This is to brand Storey County as a place that benefits other counties regionally. This is for airtime, YouTube channel and other promotional channels.

Commissioner Gilman supported it and praised Sam Shad.

Public Comment: None

Motion: I, Commissioner Mitchell, move to authorize the County Manager to sign and approve a contract from July 16 through December 31, 2024, between Storey County and Sam Shad Productions producing and airing with Nevada Newsmakers a series of television commercials, website banners and links, audio and video podcasts and YouTube clips, and social media outreach program for a total cost of \$100,000 as specified in the attached draft contract and scope of work, with an audience focus toward Nevada legislative officials and state, county, and local leadership. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

- 26. DISCUSSION/FOR POSSIBLE ACTION:** Consideration and possible approval directing county staff and lobbyists to prepare a legislative bill addressing a local jurisdiction's

authority and ability to be noticed, comment on, participate in, negotiate terms, and to determine the outcome of Governor's Office of Economic Development (GOED) applications involving \$3.5B and \$1.0B tax abatement categories under Senate Bill 1 (2014 session), and matters involving assessor appraisals, taxation, and auditing of taxes for other State GOED tax abatement category applications, and other properly relate matters.

Mr. Osborne said County staff is preparing for the 2025 legislative session. There are a \$3.5 billion tax abatement category and a \$1.5 billion category. He said in the application process, if a company comes to Nevada and gets the abatement package, Storey County is just noticed. No consideration to account for a company's needs, not able to ascertain if what company wants is feasible. We have had Government Services Agreements to negotiate with companies to meet county needs for police, fire etc., but the company does not have to cooperate. We need money for offsetting costs in order to provide the public services the company expects. This item is to seek direction to amend some legislation to provide more stakeholder involvement. He said he wants to negotiate GSAs before the agreement is approved by the state. A draft will come before the BOC before a legislative bill is submitted.

Alex Tanchek with Silver State Government Relations said NRS authorizes the county to submit one bill draft request, due by Sept. 1. It must include intent, changes, costs, effective date and other information. Then, LCB will reach out to an authorized representative of county. By Nov. 20, the bill has to be submitted, filed and made public.

Commissioner Gilman said Storey County is in the forefront and leading change in culture in the state. With companies looking for large abatement programs, GOED is deliberating on our behalf without our/counties' input. We need to challenge the veracity of the regulatory environment and the processes as to what we accept or not accept. We should carefully vet the process and get on a level playing field with the state leadership because the current decision making process is giving us unfunded mandates that effect the county's ability to serve. He said he supports the bill draft. We are going to challenge the state at the state level.

Commissioner Mitchell said we have accepted \$1 billion more in abatements than any other county. We have successfully implemented these abatements. He wants notifications earlier in the process, such as when an abatement is filed. He also said GSAs should be mandatory. Also, Fire Districts should have a seat at the table. He is also concerned about retroactivity of abatements. And there should be more specific reporting of personal property.

Commissioner Gilman added that you can only get what you ask for. Would support getting on the page, and even if we are overreaching, better to overreach than never ask.

Commissioner Mitchell said draft should include an active role in the approval process.

Public Comment: Hugh Gallagher supported this effort. Storey County must have a say in the process, and a say, after the abatement is over, about who gets the taxes.

He said they would put a draft together and work with the Legislative Council Bureau.

Motion: I, Commissioner Mitchell, move to direct county staff and lobbyists as discussed on the record with direction given, in preparing a legislative bill addressing a local jurisdiction's authority and ability to be noticed, comment on, participate in, negotiate terms, and to determine the outcome of Governor's Office of Economic Development (GOED) applications involving \$3.5B and \$1.0B tax abatement categories under Senate Bill 1 (2014 session), and matters involving assessor appraisals, taxation, and auditing of taxes for other State GOED tax abatement category applications, and other properly relate matters.

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

27. DISCUSSION/FOR POSSIBLE ACTION: Annual presentation of Storey County Strategic Plan goals, strategies, and tactics, and possible direction to county regarding upcoming elements of the plan.

Mr. Osborne said this is the Strategic Plan approved previously, and this is the annual presentation to review status of the plan. He described the plan and the color-coding. It is expected to be updated in September.

Public Comment: None

Motion: I, Commissioner Mitchell, move to bring the Strategic Plan back for further review in the September and October timeframe. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

28. DISCUSSION/FOR POSSIBLE ACTION: Consideration and possible approval of the annual review and evaluation of the performance of Austin Osborne, County Manager for the period of July 1, 2023, through June 30, 2024. The Board may, without further notice, take administrative action against Austin Osborne, County Manager, if the Board determines that such administrative action is warranted after considering the character, alleged misconduct, professional competence, or physical or mental health of Mr. Osborne. At the end of the annual performance evaluation, the Board has the right to make changes to the existing goals and objectives of the position, the right to determine whether or not to provide a merit increase, bonus, or other compensation adjustment, the right to take adverse administrative action up to and including termination, or any other such action deemed warranted by the Board.

Ms. Jeannie Green, HR Consultant, said Mr. Osborne's performance evaluation is part of a form that has been used previously. At this discussion, the board may consider goals and objectives for the county manager, pay increases or other matters the board deems appropriate. The board may also make changes to the job description. She said the county manager position did receive step increases along with others in the recent past.

Commissioner Gilman called Mr. Osborne exemplary in county management and said he had done a masterful job. He is always involved with staff and planning. He seems to thrive on challenge. Commissioner Gilman said Mr. Osborne had his greatest respect and he would support merit increases.

Commissioner Mitchell said he has been very impressed with how Mr. Osborne manages the county, and he supports a merit increase. He suggested a goal to provide a way to ensure plans such as the Master Plan, and the Strategic Plan are carried out and working effectively.

Commissioner Carmona said he had worked closely with Mr. Osborne and only suggested more vacation. We have gone to war for the constituents and have been successful so far. I have no complaints on his work performance.

Public Comment: Deputy District Attorney Brown read a statement from District Attorney Anne Langer. She said she has worked with Mr. Osborne for 10.5 years and found him conscientious, dedicated, with honesty and integrity. His performance brings credit to the county. For himself, Mr. Brown said he found Mr. Osborne's work as stellar.

Mr. Osborne thanked the board and said that despite the challenges, he is grateful to be part of the County and the team. His accomplishments are because of the team, including commissioners, department heads and everyone he works with. He said they are conscientious, and it matters to them what the results are for the residents and businesses.

Public Comment: None

Motion: I, Commissioner Mitchell, move to publicly proclaim County Manager Austin Osborne excellent or distinguished in every category of evaluation, and to award a merit step increase as is customary. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

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

- A. Americom Technology LLC – Contractor / 5305 W. 2400 S. England Ct. ~ West Valley City, UT
- B. K7 Construction Inc. – Contractor / 5985 Home Gardens Dr. Unit D ~ Reno, NV
- C. LC Paint, Drywall & Carpentry – Contractor / 573 E. Second St. ~ Reno, NV
- D. NRD Nevada Roofing Division LLC – Contractor / 1277 W. 7th St. Ste. 9 ~ Reno, NV
- E. Outpost Coffee – General / 5 N. C St. ~ Virginia City, NV
- F. Pinyon Farm & Nursery LLC – Home Based / 2431 Grizzley Rd. ~ Reno, NV
- G. Plumbing NV LLC – Contractor / 1125 Broadview Ct. ~ Reno, NV
- H. Pulido & Sons Construction – Contractor / 2575 Muddy Rd. ~ Winnemucca, NV
- I. Rainbow Sounds USA – Out of County / 5421 Kietzke Ln. Ste 100 ~ Reno, NV
- J. Stericycle Inc. – General / 1655 Milan ~ McCarran, NV

K. Terracon Consultants Inc. – Professional / 16841 S. Ridgeview Rd. ~ Olathe, KS
L. Tesla Inc. – General / 450 Pittsburgh ~ McCarran, NV
M. Trojan Wall Products – Contractor / 2219 Grand Ave. ~ Sacramento, CA

Public Comment: None

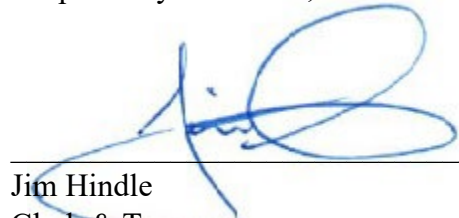
Motion: I, Commissioner Mitchell, move to approve the second readings of business licenses under Item #29 listed as A-M. **Seconded by:** Lance Gilman. **Vote:** Motion passed unanimously.

30. PUBLIC COMMENT (No Action): None

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

Commissioner Carmona adjourned the meeting at 2:11.

Respectfully submitted,



Jim Hindle
Clerk & Treasurer