

The Honorable Board of Lyon County Commissioners met this day in regular session with the following present: Chairman Bob Milz, Vice-Chair Phyllis Hunewill, Commissioners Don Tibbals, LeRoy Goodman and Chet Hillyard. Also present: County Manager Donna Kristaponis, District Attorney Leon Aberasturi, Clerk/Treasurer Nikki Bryan and Deputy Clerk Joanne Sarkisian.

1. Review and adoption of agenda

County Manager Donna Kristaponis requested that item #29 be removed from the agenda.

There was a consensus to approve the agenda as amended.

9:00 A.M. - Bill No. 06-07, an ordinance amending Lyon County Code Title 5, Chapter 01; Subsection 05.C.1, to amend the public utility license fees by increasing the fees at one-half of a percent per year from the existing gross revenue percentages the public utilities license fees is determined; and other matters properly relating thereto

County Manager Donna Kristaponis reminded the Board that this is one of the fees that are being looked at as a way to fund the jail complex.

Comptroller Josh Foli presented this item. He stated that increasing the utility license fees would bring Lyon County up to similar rates currently being charged by other counties.

Mr. Foli stated that the increase would take place in yearly increments of one-half percent per year until a maximum rate of five percent has been reached.

Comm. Goodman asked for verification that this bill will only affect the unincorporated areas of the County and that the City of Fernley and City of Yerington will not be affected. Mr. Foli confirmed this.

Comm. Hillyard made a motion to approve as presented. Comm. Goodman seconded and the motion passed unanimously 5-0.

ITEM # 21 WAS HEARD AT THIS TIME

2. Appointed Official's reports

Planning Director Rob Loveberg introduced the newly hired planner in his department, Paul Esswein. He then gave an update on the technical assistance application with the National Park Service for trails and open space planning.

Emergency Manager Jeff Page gave details of projects his department is currently working on. He spoke of a statewide information tracking system and evacuation planning funded by the Homeland Security Division. He mentioned that the training calendar for NIMS and ICS is now available for department heads to schedule their training.

Mr. Page advised the Board that the new locator map books will be available around the first of the year. Staff will now be able to print revised pages rather than the whole book when new streets are added.

County Engineer Dick Faber gave an update on his department. He spoke of the continuing work on the Mark Twain park and River park. He also mentioned there were some conflict of interest issues with the Silver City Community Center. These have now been resolved and the design of the alternate basement can now go forward. He then stated that there are some situations that need to be resolved at the future Occidental Square Sheriff's office before tenant improvements can go forward.

Mr. Faber informed the Board that the Silver Springs Senior Center will be ready for occupancy by the end of the year. Comm. Milz stated that he would like to have the ribbon cutting for this building prior to the beginning of the new year.

Utilities Director Mike Workman gave an update on the Rolling A wastewater treatment facility. He mentioned that the project is currently three weeks ahead of schedule and should be on line just after the first of the new year.

3. Elected officials comments

There were no elected officials reports

4. Advisory Board reports

There were no advisory board reports.

5. County Manager report

County Manager Donna Kristaponis gave an update on the recruitment of new DRAC members. She mentioned that an interview process will be taking place with Comm. Milz, Comm. Tibbals, Planning Director Rob Loveberg and Liaison to the Advisory Boards Maureen Williss. She stated that at the DRAC meeting on December 6, 2006 the members agreed to a recommended map to divide the area into five sections. The information from the interview process as well as the map will be presented at the next regular Board of Commissioners meeting.

Ms Kristaponis, County Engineer Dick Faber, Sheriff elect Allen Veil and Juvenile Probation Officer Roger Sayer participated in an updated tour of the county jail. The group is trying to find ways to meet the demands of the County in the present location.

Ms. Kristaponis said she was advised by council to wait for bids to come in for the Silver City Community Center before selecting an appraiser or determining whether an appraisal will be needed.

She advised the Board that the County needs to have a better organization of e-mail regarding County business, the departments will be working on this.

Ms. Kristaponis spoke of the NACO Conference and the sessions that took place. She informed the Board that NACO will be sponsoring a bill draft request to provide funding to counties for methamphetamine education and programs.

She then displayed the awards that were received by Lyon County. Three awards were given by CDBG, the first for economic development recognizing the Silver Springs Airport. The second was an environmental review award for a non-construction project. Lastly, was a certificate of success for exemplary grant administration. Ms. Kristaponis thanked Maureen Williss for all of her hard work on the grants and feels the award belongs to Ms. Williss. She asked the Boards permission to give the award to Ms. Williss.

County Manager Donna Kristaponis presented Comm. Hillyard with an award from NACO for his many years of service, dedication and commitment.

6. Commissioner comments

There were no commissioner comments

7. Public participation

There was no public participation

****CONSENT AGENDA****

8. Discussion and possible approval of changes on Assessor's tax role due to corrections in assessments and review of tax roll changes

9. Review and possible approval of business license applications

- a. Rogers, Jeromy R. & Rogers, Jeffrey R.; **Air Bros, LLC**; 4608 Benson Lane, Fallon, NV; HVAC Contractor
- b. Wade-Sanford, Julie L. & Sanford, David Jesse; **Big Sky Landscaping, Inc.**; 701 Empire Road, Dayton, NV; Landscaping Contractor
- c. Gladwill, Carl G.; **Carl Gladwill Plumbing**; 2758 Viking Way, Carson City, NV; Plumbing Contractor
- d. Gledhill, Sandra; Aiken, Kelman & Deanna; Aiken-Fondren Development Corp. dba/ **Carson Highlands Storage**; 10010 Hwy 50 East, Mound House, NV; Change of Corporate Officers ONLY!
- e. Sensibaugh, Ed G. & Dawna R.; Sensibaugh Enterprises, Inc. dba/ **Dawna's Mini Storage**; 15 Newman Lane, Mound House, NV; Mini Storage
- f. Colgan III, James R.; Hamer, Leonard etal; No. Nevada Urgent Care, LLC dba/ **Dayton Family Medicine**; 2450 Hwy 50 East, Dayton, NV; Medical Offices (Sharing Space in Carson-Tahoe Medical Facility)
- g. Christian, Gregory T. & Cynthia R.; PFS Dayton, LLC dba/ **Dayton Subway #25078**; 145 Hwy 50 East, Dayton, NV; Subway Sandwich Shop
- h. Villanueva, Juan; **Dayton Valley Carpet Care**; 843 Branstetter Avenue, Dayton, NV; Carpet, Floor & Upholstery Cleaning
- i. Corcoran, James R. & Sandra A.; Gutierrez, David; **Drain Openers Jim's Plumbing & Heating**; 1424 Industrial Way #A1, Gardnerville, NV; HVAC Contractor
- j. Brown, Jeff R.; **Freedom Plumbing**; 655 Buckskin Drive, Fernley, NV; Plumbing Contractor
- k. Hartshorn, Dennis L.; **Hartshorn Construction**; 1018 Stephaine Way, Minden, NV; General Contractor
- l. Hayden, Leland; **Hayden Excavation**; 735 S. Main Street, Yerington, NV; Change of Location ONLY!
- m. Rumsey, Joe & Kay R.; **Joe's Bobcat & Tractor**; 204 V & T Way, Dayton, NV; Bobcat & Tractor Work – BY THE HOUR ONLY!
- n. Murray, Joseph R.; **Joseph R. Murray Construction**; 600 Mottsville Lane, Gardnerville, NV; Re-open and Change of Name
- o. Paddock, Mike W.; Benton, David S.; Paddock, James; **JP Construction Co., LLC**; 1544 Pittman Avenue, Sparks, NV; Change of Location ONLY!
- p. Kaplowitz, Betty & Bachler, Kristen; **KBBK Services/ KBBK Arts**; 1300 High Street, Silver City, NV; Tax Preparation & Career Consulting for Artists
- q. Owens, John W. & Rita L.; **KJS Products, LLC**; 45 Heppner Drive #B&C, Mound House, NV; Machining of Small Parts
- r. Wood, Sandra L.; **Lil Sandy's Mobile Home Service**; 3802 Cypress Street, Silver Springs, NV; Mobile Home Set-up & Service
- s. Moody, Mitchell L.; Weiske, Kevin H.; DMC, Inc. dba/ **Moody Weiske Contractors**; 103 Keystone Avenue, Reno, NV; General Contractors
- t. Reyna, Lisa A.; **Nevada Spirit Seekers**; 2100 East 10th Street, Silver Springs, NV; Electric Voice Phenomena
- u. King, William B.; Wagner, Gary W.; King, Jeffrey; **Pete King Nevada Corporation**; 4865 Joule Street #C1, Reno, NV; Metal Stud Framing & Drywall Contractor
- v. O'Callaghan, Ryan; **Rancher Ryan's Wood & Hay Sales**; 7013 Hwy 50 East, Dayton, NV; Sales of Hay & Firewood
- w. Redican, Thomas J.; **Redican Painting Services**; 7445 Cherokee Road, Stagecoach, NV; Change of Location ONLY!
- x. Robinson, Rand; 101116 Hwy 50 East #107B, Mound House, NV; Coordination & Supervision of AFLAC Insurance Sales
- y. Gonzalez, Ruben; **Ruben's Drywall Repair & Carpentry**; 30 Farrell Lane, Yerington, NV; Handyman Services by the Hour!
- z. Marrs, Barry J.; Domingo, Cesar; Miller, Timothy; Mattila, Charles A. ; **Security Contractor Services, Inc.**; 5339 Jackson Street, North Highlands, CA; Rental of Temporary Fence (Using Lyon County Fence as Local Contractor)

- aa. Perez, Jorge H.; Jorge Perez MD, Ltd. dba/ ***Sierra Nevada Oncology Care***; 901 Medical Center Drive, Suite #102, Dayton, NV; Medical Office (Sharing Space in Carson –Tahoe Medical Facility)
- bb. Siri, Jeffery L.; Sierra Development Company dba/ ***Silver Strike Race & Sports Book operated by Club Cal Neva***; 1190 Hwy 50 West, Silver Springs, NV; Race & Sports Book inside the Silver Strike Casino
- cc. Whear, Robert E. & Twyila S.; Whear, Thomas & Deidra K.; ***Stor-All, LLC***; 10225 Hwy 50 East, Mound House, NV; Additional Location with Outside Storage ONLY!
- dd. Kelley, Suzy L.; ***Suzy Kelley Photography***; 609 LaFond Avenue, Dayton, NV; Photography Service

10. Acceptance of 2007 Women, Infants, and Children (WIC) Subgrant Award in the amount of \$179,234

11. Approve disposal of confiscated weapons

12. Approve Transportation Enhancement Grant for boardwalk and lighting on Main Street, Old Town Dayton

13. Approve an Engineering Services Agreement with PBS&J to provide airport planning services at the Silver Springs Airport

14. Approval of the final subdivision map for Riverpark Unit 3, Phase 15, excluding title to the property indicated as public roads. At some future date the Board may, by resolution, accept such dedication and accept and open the streets indicated on this map for public use per NRS 278.390

15. Approval of the final subdivision map for Canyon Estates, Phase 12, excluding title to the property indicated as public roads. At some future date the Board may, by resolution, accept such dedication and accept and open the streets indicated on this map for public use per NRS 278.390

16. Approval of the Certificate of Completion and the acceptance for maintenance of the improvements to Cardelli Road, a portion of the Bluestone/ Brookhaven Subdivision, located in Dayton, Nevada

17. Cancel regularly scheduled Lyon County Board of Commissioner’s meeting of January 4, 2007 (per NRS 244.085(3) meeting will be held on January 2, 2007)

18. Review and accept travel claims as presented by Comptroller

Travel claims totaled \$9,660.47 and registrations totaled \$4,075.10

19. Review and accept County claims and financial report as presented by Comptroller

County claims totaled \$7,180,085.69 and payroll totaled \$2,168,400.82

Comm. Hunewill made a motion to approve the consent agenda as presented. Comm. Tibbals seconded and the motion passed unanimously 5-0.

****END OF CONSENT AGENDA****

RECESS TO CONVENE AS THE LIQUOR BOARD FOR LYON COUNTY

20. Review and possible approval of temporary liquor license application

- a. **Smith Valley Bulldog Booster Club**; Annual Crab Fee; Smith Valley Community Hall Wellington, NV; Temporary Liquor Permit for: **Jan 20, 2007 ONLY!**

Comm. Hunewill made a motion to approve as presented. Comm. Tibbals seconded and the motion passed unanimously 5-0.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

21. Approve the Fiscal Year 2006 Consolidated Annual Financial Report

Certified Public Accountant Jim Sciarani presented this item. He gave details of the Annual Financial Report. Mr. Sciarani also suggested looking at a way to create funding for post employee benefits and retirement buy outs.

Comm. Goodman feels that post employee benefit policies need to be reviewed. It needs to be determined if the County can afford to continue to fund this.

Mr. Sciarani then went on to give details of specific funds listed in the report.

Comm. Hunewill asked Mr. Sciarani to explain the recommendations of Rife, Sciarani & Company. Mr. Sciarani cited the management recommendation letter that had been distributed to the Board. He explained the three observations that were referenced.

Comm. Goodman questioned what the potential financial difference would be between the state investment pool and the Wells Fargo sweep account.

Mr. Sciarani explained some of the pros and cons of each of the accounts.

Comptroller Josh Foli gave reasons for the three overspent funds and explained how these will be rectified in the future.

Comm. Goodman made a motion to approve as presented. Comm. Tibbals seconded and the motion passed unanimously 5-0.

22. Approve the Lyon County Human Services Strategic Plan for 2007-2010

Human Services Director Edrie LaVoie presented this item. She gave details of the County's new strategic plan and the process used to develop it.

Comm. Hunewill made a motion to approve as presented. Comm. Goodman seconded and the motion passed unanimously 5-0

A BREAK WAS TAKEN AT THIS TIME

ITEM #26 WAS HEARD AT THIS TIME

23. Approve contract with AirPhoto USA to purchase updated aerials for \$98,100

Comptroller Josh Foli presented this item. He explained the type of photos being purchased. Mr. Foli also advised the Board that other entities are willing to share in the cost and use of the photos. Those entities involved are the City of Fernley, City of Yerington, Central Lyon County Fire Protection District, Western Engineering and Capital Engineering.

Comm. Goodman made a motion to approve as presented. Comm. Hunewill seconded and the motion passed unanimously 5-0.

24. Discussion and possible action to renew the lease for the child support office on Goldfield Avenue, Yerington

Comptroller Josh Foli presented this item. He recommended retaining this location and securing a five year lease. This recommendation is based on the IT support that has taken place in the building and the shortage of rental space in the city of Yerington.

Comm. Tibbals made a motion to approve this lease with a 3 year term. Comm. Hunewill seconded and the motion passed unanimously 5-0.

ITEM #27 WAS HEARD AT THIS TIME

25. Discussion and possible action to accept the low bid of \$194,502 (money coming from the Surplus Building Maintenance Fund) as proposed by Building Solutions, LLC for the construction of the Sheriff's Record/Evidence Storage Building

County Engineer Dick Faber presented this item. He explained the excavation that will need to be done at the site.

Comm. Hunewill made a motion to approve the bid from Building Solutions, LLC in the amount of \$194,502 with the funds coming from the Surplus Building Maintenance Fund. Comm. Hillyard seconded and the motion passed by majority 3-0-1 (Comm. Tibbals absent and Comm. Goodman abstained).

ITEM #28 WAS HEARD AT THIS TIME

26. Discussion and possible action to purchase a Utility Vehicle, in the amount of \$9,892.00, for use at Smith Valley Dressler Park complex (from contingency funding)

County Engineer Dick Faber presented this item. He explained that a majority of the equipment used at the park is borrowed.

Comm. Goodman had questions regarding the need for a formal bid in order to purchase equipment.

Comptroller Josh Foli answered that if the item is less than \$10,000 only an informal bid is required.

Comm. Hunewill made a motion to approve the purchase in the amount of \$9892.00. Comm. Tibbals seconded and the motion passed unanimously 5-0.

27. Approve a waiver to Lyon County Code Title 10, Chapter 9, Section 1, Subsection B, and Title 10, Chapter 16, Section 1, Subsection B, to allow a permit to be issued on 7 mobile homes more than 15 years old, located at 350 Campbell Lane, Yerington (APN 014-101-02) and 266 Farrell Lane, Yerington (APN 014-161-01)

Ross Brown, a general contractor representing Desert Hills Dairy, presented this item.

Comm. Tibbals made a motion to approve as presented. Comm. Hunewill seconded and the motion passed unanimously 5-0.

PLANNING CONSENT AGENDA WAS HEARD AT THIS TIME

28. Discussion and possible action to direct staff to send a letter to the United States Department of Energy (DOE) to express dissatisfaction over the lack of opportunity for Lyon County residents to provide public comment on the proposed rail shipment of nuclear waste through Lyon County

Emergency Manager Jeff Page presented this item. Mr. Page explained the proposed route through Lyon County. He feels that the proposed route is safe, but the residents of Lyon County should have the opportunity to attend an educational workshop and speak their opinions.

The Board directed staff to prepare a letter and authorized the County Manager to sign.

29. Discussion and possible action on selection of a new jail site

This item was removed from the agenda.

PUBLIC HEARING ON PLANNING APPLICATIONS

****CONSENT AGENDA FOR PLANNING APPLICATIONS****

30. PATRICK, JOHN R. ETAL – SPECIAL USE PERMIT – The applicant has filed for a special use permit to construct a residential garage/ shop on commercially zoned property, on approximately .42 total acres; located at 90 Main Street, **Silver City** (APN 08-011-05) Subject to the following conditions:

1. The garage/shop building shall be constructed in accordance with the conceptual plans dated August 26, 2006, with revisions as required by the special use permit conditions of approval, building codes and conditions of approval by agencies having jurisdiction. Any further expansion of the residential use will require modification of this special use permit or an additional special use permit, and/or other approvals.
2. The applicant shall improve 1st Street to a County gravel road standard from its intersection with Highway 50 to 10 feet past the easterly side of the proposed southerly driveway, and construct any other necessary improvements, such as retaining walls, to permit the road improvements.
3. The applicant shall acquire and record an access easement from the adjoining property to the north that permits legal and physical access to the northerly garage door and receive approval of an encroachment permit from the Nevada Department of Transportation for access to Highway 342, or the applicant shall delete the northerly garage door from any building plans and shall not install any vehicular access into the garage on the northerly wall of the structure.
4. The applicant shall comply with the requirements of the Comstock Historic District and shall provide evidence of such compliance upon completion of the structure.
5. The applicant shall comply with all State, County, federal and special district rules and regulations as they apply to this special use permit.
6. The applicant shall comply with all applicable fire and building code requirements.
7. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections.
8. The applicant shall meet all traffic control requirements placed on the property by the Nevada Department of Transportation, the County Engineer, Lyon County Road Manager, special purpose districts, and any other jurisdictions with approval authority.
9. The applicant shall comply with the off-street parking regulations and requirements set forth in 10.04.01(C) of the Lyon County Code including, but not limited to, the following:
 - a. All parking areas, driveways and entry areas shall be surfaced with the same type of material and in the same manner as the adjoining public street used for access.
 - b. If lighting is provided, it shall be so arranged to reflect away from residential areas, any public street or highway.
10. The applicant shall comply with Central Lyon County Fire Protection District requirements. The site's access and circulation shall comply with the County and Central Lyon County Fire District access and turning radius standards.
11. The applicant shall comply with Lyon County's 1996 drainage guidelines.
12. The applicant shall obtain Planning Department approval of the site improvements, including access, driveways and exterior lighting prior to the issuance of any building permits and prior to the issuance of the special use permit.
13. The applicant shall provide evidence of the approval of the Nevada Division of Health, Bureau of Health Protection Services, or other agency with jurisdiction, for any modifications to the individual sewer disposal system.

14. Site development work will require a grading permit(s) in accordance with Title 11.07.14(F).
15. All of the requirements placed on the special use permit by the County Building Official, Central Lyon County Fire Protection District, Planning Director, and other agencies with jurisdiction shall be met prior to the applicant commencing use of the site.
16. No change in the terms and conditions of the special use permit, as approved shall be undertaken without first submitting the changes to Lyon County and having them modified through a public hearing process.
17. The substantial failure to comply with any conditions imposed on the issuance of a special use permit or the operation of a special use in a manner that endangers the health, safety or welfare of Lyon County or its residents or the violation of ordinances, regulations or laws in the special use or the non use of the permit for a year may result in the institution of revocation proceedings.
18. The special use permit is subject to annual review by Lyon County.
19. The requirements as stated in a letter from Lumos & Associates, dated November 9, 2006.

31. CARSON TAHOE HOSPITAL/ PROJECT ONE – EASEMENT ABANDONMENT –
The applicants have filed to abandon an existing public utility easement to facilitate a parcel map on approximately 10.00 total acres; located at 2450 Highway 50 East, **Dayton** (APN's 16-403-10 & 16-403-11)

32. CELTIC INVESTMENTS – EASEMENT ABANDONMENT – The applicant has filed to abandon a public utility easement which runs through the center of an approximately 3.00 total acre parcel; located at 86 Linehan Road, **Mound House** (APN 16-051-10)

32. SILVERHORN SUBDIVISION / CENTURY OAK LAND COMPANY – TENTATIVE SUBDIVISION MAP - (continued from the September 12, 02006 Planning Commission meeting) – The applicants have filed a Tentative Subdivision Map for a proposed 134 lot, single family residential development, on approximately 54.33 total acres; located off of Melanie Drive, **Dayton** (APN 16-311-67)

1. The tentative map shall be subject to the following terms and conditions:
 - a. The improvements required by the terms of Title 11 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be started until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.
 - b. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.
2. The applicant shall comply with the requirements set forth in NRS 278.360 for presentation of a final subdivision map, or series of final maps.
3. The applicant shall comply with all Federal, State, County and special purpose district regulations.
4. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Planning Director prior to submitting the map for recordation.
5. The applicant shall pay the actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Planning Department prior to map recordation.
6. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 11.07 of the Lyon County Code including, but not limited to:
 - a. The applicant shall comply with the road improvement standards set forth in Chapter 11.07.01 and 11.07.14 as they relate to on and off-site access, street grading, street alignment, surfacing and width in an E-1 zoning district for access to the proposed parcels.

7. The applicant shall construct all internal roads and off-site roads necessary to provide legal and physical access according to the County road standards established for the E-1 zoning district and in accordance with the following:
 - a. Horizontal and vertical street alignments must be designed in accordance with “A Policy on Geometric Design of Highways and Streets”, latest addition, published by the American Association of State Highway Transportation Officials. Local streets serving less than 75 lots must be posted with the appropriate speed limit signs. The minimum slope on asphalt paving shall be 2-percent.
 - b. Street Lighting shall be installed to County standards.
 - c. Road and traffic signage shall be installed to County standards.
8. The applicant shall make a perpetual offer of dedication for the subdivision’s road rights-of-way and shall include a jurat to that effect on the parcel map to the satisfaction of the Lyon County Engineer and Planning Director. The Lyon County Board of Commissioners shall not accept the offer of dedication until after all improvements are completed to the County’s satisfaction and the Board has taken specific action to accept the offer of dedication.
9. A note shall be placed on the map that no direct access shall be allowed on to Brookhaven Drive from any parcel (particularly proposed lots 1 through 6 and 59), deed restrictions shall be recorded that prohibit direct access to Brookhaven Drive, and physical improvements shall be installed to block direct access to the satisfaction of the County Engineer, Road Manager and Planning Director.
10. The applicant shall have a traffic study performed to determine the impact of the subdivision on the circulation system, to identify any road improvements required to mitigate the impacts of the subdivision, and to identify the project’s proportional share of the costs of traffic signal(s) that may be required to be constructed at the intersections of Highway 50 and Wrangler Boulevard and/or Ambrose Lane.
11. The applicant shall pay for the subdivision’s proportionate share of the cost of design and construction of any traffic signal(s) at the intersections of Highway 50 and Wrangler Boulevard and/or Ambrose Lane.
12. The developer shall obtain all necessary approvals and encroachment permits, and coordinate and comply with any requirements placed on this subdivision by the Lyon County Road Department and Nevada Department of Transportation (NDOT).
13. A detailed geotechnical report must be submitted that includes roadway structural sections. The minimum thickness of asphalt concrete pavement shall be 3-inches for local streets, 4-inches for collector streets and 5 inches for arterial streets.
14. The applicant shall submit a street name to the Planning Department for the cul-de-sac opposite “Colt Avenue.” The new street name and the requested street names, as depicted on the Tentative Map for Silverhorn Subdivision are approved unless it is determined that there is a duplicate street name(s) or the fire district with jurisdiction determines that a name(s) would create a public safety hazard due to another similar existing street name(s). Should any requested street name(s) be denied, the Planning Director is authorized to administratively process a request for a replacement street name(s), obtain review and comment from the fire district with jurisdiction, Road Department and any other appropriate agency, and approve a revised street name(s) without the requirement of a public hearing before the Planning Commission.
15. The applicant shall comply with the following requirements recommended by Lumos & Associates:
 - a. Access shall be provided to APNs 16-311-47, 48 and 49.
 - b. Access to APN 16-311-56 shall be a dedicated 50-foot right-of-way and not part of residential lots. Roadway improvements shall be constructed in this right-of-way to the subdivision boundary and appropriate utilities stubbed to the subdivision boundary.
16. All building construction shall comply with FEMA flood hazard requirements.
17. The applicant shall comply with Lyon County’s 1996 drainage guidelines. The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Requirements to the satisfaction of the County Engineer prior to recordation of the final map. Major drainage facilities shall be constructed in the first phase of

development, and each phase or building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.

18. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Planning Director, County Engineer, Road Manager, Utilities Director, Building Department Director, Fire District or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to map recordation. There may be temporary restrictions to obtaining building permits even with an acceptable security instruments depending on the County's approval of the various systems. All facility construction shall be completed and inspected to the Building Official's satisfaction before occupancy will be allowed in any residence.
19. The applicant shall comply with all applicable building and fire code requirements.
 - a. No building permits shall be accepted for processing until the map has been approved and recorded.
 - b. Building permits shall be issued in compliance with Title 10 and 11 of the Lyon County Code.
20. The applicant shall comply with County requirements, in accordance with Chapter 11.07.14(F) of the Lyon County Code, mandating that a grading permit(s) be obtained for site development work.
21. Structures placed on these parcels shall adhere to the County's site and setback standards for the E-1 zoning district as it applies to each lot.
22. The applicant shall provide written evidence demonstrating that the proposed parcels are able to be served by municipal water and sewer systems prior to map recordation.
23. The water system must meet the requirements of the Lyon County Utilities Department and Central Lyon County Fire Protection District and be constructed in accordance with the following:
 - a. A minimum required fire flow is required for each fire hydrant as directed by the Central Lyon County Fire Protection District.
24. Prior to any combustible materials being brought on site the following shall occur:
 - a. All required fire hydrants are to be installed and fully operating.
 - b. Street name signage shall be installed.
25. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
26. The applicant shall make a perpetual offer of dedication for Lot A, the parcel containing the Six Mile Canyon drainage channel and drainage basin within the subdivision's boundary, and shall include a jurat to that effect on the parcel map to the satisfaction of the Lyon County Engineer and Planning Director. The Lyon County Board of Commissioners is not obligated to accept the offer of dedication, and shall not accept the offer of dedication until after all improvements are completed to the County's satisfaction and the Board has taken specific action to accept the offer of dedication.
27. The developer, homeowners' association or suitable maintenance entity shall be responsible for maintenance of easements and drainage facilities within the development, as well as the storm water detention facilities, whether it is onsite or offsite. Lyon County shall have no financial responsibility for maintenance of these facilities if they are located outside of public rights-of-way, or Lot A, if and only if the County accepts the offer of dedication for said Lot A.
28. The applicant shall eliminate the remnant portion of proposed Parcel 7 and/or non-conforming parcel northerly of Parcel 7 through a reconfiguration of the subdivision map, or a boundary line adjustment prior to application for a final subdivision map.
29. No lot shall be offered for sale or sold until a final map has been approved and recorded.
30. The applicant will maintain the property until the development is complete. This maintenance will include the semi annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified. The applicant shall obtain any required air quality permit(s) from the Nevada Division of Environmental

Protection (NDEP) and apply appropriate dust abatement processes as part of the development construction.

31. The applicant shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include: 1) no loud music 2) no alcohol or drugs 3) dispose of personal trash and site debris 4) clean up any mud and or dirt that is deposited from the construction parcels onto the streets 5) no burning of construction or other debris on the property.
32. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Building Department.
33. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.
34. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 11 of the Lyon County Code.
35. Required recording fees to be paid at time of recording map.
36. A phasing plan must be submitted prior to the recordation of the first final map if the development is to be phased.
37. All appropriate fees and actual costs for map reviews and field inspections must be paid prior to map recordation in accordance with the adopted County fee resolution in effect at the time.
38. Approval of the tentative map shall not constitute acceptance of the final map. Approval of the tentative map shall lapse unless a final map based thereon is submitted within two (2) years from the date of such approval, unless a provision for an extension of time has been granted. The Board of County Commissioners with the recommendation of the Planning Department may grant to the subdivider a single extension of not more than one year within which to record a final map after receiving approval of the tentative map.
39. The applicant shall pay this development's proportionate share of any development impact fees that may be instituted by Lyon County at the time that such fees may be adopted in accordance with Nevada Revised Statutes Chapter 278B entitled "Impact Fees For Developers".
40. The applicant shall provide the final subdivision map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS) pursuant to 11.05.09 of the Lyon County Code. The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.
41. Pursuant to the on-site meeting of October 13, 2006, the applicant shall:
 - a. Include upstream detention on the Silverhorn project to reduce the 100-year flood flow rate from 3,790-cfs to 230-cfs.
 - b. Provide additional topographic mapping of the wash from the project boundary to the Carson River, and provide a design plan to show the size and location of the culverts needed for Sandefer Lane and River Road. The design will take into consideration separation of the Cardelli Ditch and the wash. The design will include a path along the wash to the Carson River.
 - c. Prepare easement documents and provide the documents to Lyon County for distribution, review and approval of the property owners impacted by the wash.
42. The applicant shall design path/trail improvements in conjunction with the design of the drainage improvements for the Six Mile Canyon drainage within the subdivision's boundaries as part of the maintenance access features (access road(s)) to the satisfaction of the County Engineer and Planning Director. The path/trail improvements shall be designed in such a manner as to permit them to be continued off-site.

34. ASPEN CREEK SUBDIVISION/ ASPEN CREEK, LLC – TENTATIVE SUBDIVISION MAP – The applicants have filed a tentative map for a single family

residential subdivision consisting of approximately 576 residential lots and approximately 1126.8 acres of open space lots, on approximately 2096.35 total acres; located off of Fort Churchill Road, **Mark Twain** (APN 16-023-01) Subject to the following conditions:

1. The applicant shall make a perpetual offer of dedication for all open space parcels within the subdivision's boundary, and shall include a jurat to that effect on the final map to the satisfaction of the Lyon County Engineer and Planning Director. The Lyon County Board of Commissioners is not obligated to accept the offer of dedication, may accept all or part of the offered parcels, and shall not accept the offer of dedication on any parcel until after all improvements are completed to the County's satisfaction and the Board has taken specific action to accept the offer of dedication.
2. All common open space and landscaping within the 12,000 square foot lot area shall be owned and maintained by the developer, homeowners' association or suitable maintenance entity and Lyon County shall have no financial responsibility for maintenance of these improvements until and unless the Lyon County Board of Commissioners accepts the offer of dedication for ownership and/or maintenance.
3. The applicant shall design path/trail improvements in conjunction with the design of the drainage improvements for the Chaves drainage within the subdivision's boundaries as part of the maintenance access features (access road(s)) to the satisfaction of the County Engineer and Planning Director. The path/trail improvements shall be designed in such a manner as to permit them to be continued off-site.
4. A note shall be placed on the map(s) that no direct access shall be allowed on to Fort Churchill Road from any parcel that has alternative road access (e.g., DD Street, EE Street, etc.), deed restrictions shall be recorded that prohibit direct access from such parcels and physical improvements shall be installed to block direct access to the satisfaction of the County Engineer, Road Manager and Planning Director.
5. The applicant shall make the following revisions to roads/streets and access to the satisfaction of the County Engineer and Road Manager:
 - a. The applicant shall continue the E-1 road improvement standards proposed for Fort Churchill Road past the end of the 12,000 square foot lot area to the proposed trailhead and transition to the rural road section to the east of the curve adjacent to the trailhead area or to the satisfaction of County staff.
 - b. All joint access points (driveways) shall be improved with AC paving to protect the Fort Churchill Road improvements
 - c. Minimize access points to Fort Churchill Road and align the front-on driveways and shared access points for the 5 and 10 acre parcels along Fort Churchill Road where possible.
 - d. Access to existing dirt road(s) in the open space from "EE Street" shall be provided.
 - e. The "EE Street" cul-de-sac shall be redesigned to be within the maximum length permitted by County Code.
6. The tentative map shall provide for all common open space and landscaping along Fort Churchill Road, within the 12,000 square foot lot area, to be outside of the public road right-of-way. Should the applicant desire to install and maintain landscaping improvements within the public rights-of-way, landscape easements and a maintenance agreement, to the satisfaction of the County, must be recorded to provide that the developer, homeowners' association or suitable maintenance entity shall be responsible for maintenance of all landscaping within the easements and Lyon County shall have no financial responsibility for maintenance of these improvements.
7. The applicant shall make the following revisions to provide for equestrian and trail access, to the satisfaction of the County Engineer and Planning Director:
 - a. Equestrian access shall be provided along all roads in the 5 and 10 acre lot area.
 - b. A trail head and access, as part of the open space system, shall be created on the south side of Fort Churchill Road, between proposed 10 acre lots 13 and 14.
8. The applicant shall make a perpetual offer of dedication for the parcels containing the Chaves drainage channel and drainage basin within the subdivision's boundary, and shall include a jurat to that effect on the final map to the satisfaction of the Lyon County Engineer and Planning Director. The Lyon County Board of Commissioners is not

obligated to accept the offer of dedication, and shall not accept the offer of dedication until after all improvements are completed to the County's satisfaction and the Board has taken specific action to accept the offer of dedication.

9. The developer, homeowners' association or suitable maintenance entity shall be responsible for maintenance of easements and drainage facilities within the development, as well as the storm water detention facilities, whether it is onsite or offsite. Lyon County shall have no financial responsibility for maintenance of these facilities if they are located outside of public rights-of-way.
10. The tentative map shall be subject to the following terms and conditions:
 - a. The improvements required by the terms of Title 11 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be started until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.
 - b. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.
11. The applicant shall comply with all Federal, State, County and special purpose district regulations.
12. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Planning Director prior to submitting the map for recordation.
13. The applicant shall pay the actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Planning Department prior to map recordation.
14. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 11.07 of the Lyon County Code including, but not limited to:
 - a. The applicant shall comply with the road improvement standards set forth in Chapter 11.07.01 and 11.07.14 as they relate to on and off-site access, street grading, street alignment, surfacing and width in an E-1, RR-3 and RR-4 zoning district, as appropriate, for access to the proposed parcels.
15. The applicant shall construct all internal roads and off-site roads necessary to provide legal and physical access according to the County road standards established for the E-1, RR-3 and RR-4 zoning districts and in accordance with the following:
 - a. Horizontal and vertical street alignments must be designed in accordance with "A Policy on Geometric Design of Highways and Streets", latest addition, published by the American Association of State Highway Transportation Officials. Local streets serving less than 75 lots must be posted with the appropriate speed limit signs. Street Lighting shall be installed to County standards.
 - b. Road and traffic signage shall be installed to County standards.
16. The applicant shall make a perpetual offer of dedication for the subdivision's road rights-of-way and shall include a jurat to that effect on the final map to the satisfaction of the Lyon County Engineer and Planning Director. The Lyon County Board of Commissioners shall not accept the offer of dedication unless all improvements are completed to the County's satisfaction and the Board has taken specific action to accept the offer of dedication.
17. The applicant shall comply with the recommendations presented in the Aspen Creek residential Development Transportation Impact Analysis dated September 2006. The applicant shall work cooperatively with developers along Fort Churchill Road and Lyon County to develop a fair share contribution program for improvements to the intersection of Highway 50 and Fort Churchill Road, including installation of a traffic signal, two northbound left-turn lanes and an eastbound right-turn lane. The applicant shall make the necessary improvements or contribute its proportional share of the improvement costs prior to the recordation of any final map.
18. The developer shall obtain all necessary approvals and encroachment permits, and coordinate and comply with any requirements placed on this subdivision by the Lyon County Road Department and Nevada Department of Transportation (NDOT).

19. A detailed geotechnical report must be submitted that includes roadway structural sections. The minimum thickness of asphalt concrete pavement shall be 3-inches for local streets, 4-inches for collector streets and 5 inches for arterial streets.
20. The applicant shall make application for street name requests as required by the Lyon County Code.
21. All building construction shall comply with FEMA flood hazard requirements.
22. The applicant shall comply with Lyon County's 1996 drainage guidelines. The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Requirements to the satisfaction of the County Engineer prior to recordation of the final map. Major drainage facilities shall be constructed in the first phase of development, and each phase or building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.
23. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Planning Director, County Engineer, Road Manager, Utilities Director, Building Department Director, Fire District or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to map recordation. There may be temporary restrictions to obtaining building permits even with an acceptable security instruments depending on the County's approval of the various systems. All facility construction shall be completed and inspected to the Building Official's satisfaction before occupancy will be allowed in any residence.
24. The applicant shall comply with all applicable building and fire code requirements.
 - a. No building permits shall be accepted for processing until the map has been approved and recorded.
 - b. Building permits shall be issued in compliance with Title 10 and 11 of the Lyon County Code.
25. The applicant shall comply with County requirements, in accordance with Chapter 11.07.14(F) of the Lyon County Code, mandating that a grading permit(s) be obtained for site development work.
26. Structures placed on these parcels shall adhere to the County's site and setback standards for the E-1, RR-3 and RR-4 zoning districts as appropriate and as they apply to each lot.
27. The applicant shall provide written evidence demonstrating that the proposed 12,000 square foot parcels are able to be served by municipal water and sewer systems prior to map recordation.
28. The applicant shall provide satisfactory evidence showing that individual septic disposal systems (ISDS) meeting State requirements can be constructed on the proposed parcels, and/or provide specific requirements for the design and construction of engineered septic systems, including any appropriate note on the final map prior to recording a final map for the five and ten acre lots.
29. The water system must meet the requirements of the Lyon County Utilities Department and Central Lyon County Fire Protection District and be constructed in accordance with the following:
 - a. A minimum required fire flow is required for each fire hydrant as directed by the Central Lyon County Fire Protection District.
30. Prior to any combustible materials being brought on site the following shall occur:
 - a. All required fire hydrants are to be installed and fully operating.
 - b. Street name signage shall be installed.
31. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
32. No lot shall be offered for sale or sold until the final parcel map has been approved and recorded.
33. The applicant will maintain the property until the development is complete. This maintenance will include the semi annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified. The applicant shall

obtain any required air quality permit(s) from the Nevada Division of Environmental Protection (NDEP) and apply appropriate dust abatement processes as part of the development construction.

34. The applicant shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include: 1) no loud music 2) no alcohol or drugs 3) dispose of personal trash and site debris 4) clean up any mud and or dirt that is deposited from the construction parcels onto the streets 5) no burning of construction or other debris on the property.
35. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Building Department.
36. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.
37. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 11 of the Lyon County Code.
38. Required recording fees to be paid at time of recording map.
39. A phasing plan must be submitted prior to the recordation of the first final map if the development is to be phased.
40. All appropriate fees and actual costs for map reviews and field inspections must be paid prior to map recordation in accordance with the adopted County fee resolution in effect at the time.
41. Approval of the tentative map shall not constitute acceptance of the final map. Approval of the tentative map shall lapse unless a final map based thereon is submitted within two (2) years from the date of such approval, unless a provision for an extension of time has been granted. The Board of County Commissioners with the recommendation of the Planning Department may grant to the sub-divider a single extension of not more than one year within which to record a final map after receiving approval of the tentative map.
42. The applicant shall pay this development's proportionate share of any development impact fees that may be instituted by Lyon County at the time that such fees may be adopted in accordance with Nevada Revised Statutes Chapter 278B entitled "Impact Fees For Developers".
43. The applicant shall provide the final subdivision map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS) pursuant to 11.05.09 of the Lyon County Code. The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.
44. The conditions noted in a letter dated November 13, 2006, by Lumos & Associates, modifying item # 3 to read as follows: Add condition of approval 5f: Chaves Road shall be improved to the Lyon County Rural Roadway Standard; and modifying the last sentence of item #4 to read as follows: The existing bridge is to be inspected to ensure safety for equestrian and pedestrian traffic.

Comm. Hunewill made a motion to approve the planning consent agenda as presented with item #31, item #33 and item #34 being heard separately. Comm. Tibbals seconded and the motion passed unanimously 5-0.

Planning Director Rob Loveberg presented item #31.

Joan Siri, a Dayton landowner, had questions regarding the impact this abandonment will have on her property. Mr. Loveberg answered that there should be no impact on Ms. Siri's property.

Comm. Hunewill made a motion to approve item #31 as presented. Comm. Tibbals seconded and the motion passed unanimously 5-0.

Planning Director Rob Loveberg presented item #33. He gave the history of the project.

Dennis Smith of Western Engineering gave specific details of the project. He talked of a development plan to alleviate potential flooding in the area and damage and erosion downstream.

Comm. Milz commended Mr. Smith and the developer for taking care of the flooding issue.

Comm. Tibbals made a motion to approve item #33 as presented. Comm. Hunewill seconded and the motion passed unanimously 5-0.

COMM. TIBBALS LEFT THE MEETING AT THIS TIME.

Planning Director Rob Loveberg began item #34. He mentioned that the Board had previously approved a Master Plan Amendment and Zone Change on this property. He gave details of the lot sizes and their locations as well as the proposed plans for the remaining open space.

Carol Dotson of Wade Lakemont Aspen Creek LLC was next to address the Board. She gave a power point presentation of the Aspen Creek project and explained the many features. She then talked about the lot size adjustments that had been made at the request of the Board of Commissioners.

Mark Rotter of Capital Engineering gave details of the site improvements that are proposed for the project.

President of the National Pony Express Association, Nevada Division, Larry McPherson mentioned that the Pony Express will be going through the project in June and questioned whether they will be able to get through. Mr. Rotter stated that he or Ms. Dotson will provide contact information to Mr. McPherson so that arrangements for the trip can be made.

Comm. Hunewill asked for verification from Mr. Rotter that all of the concerns of the Planning Commission had been addressed.

Mr. Rotter explained the changes that had been made to satisfy the concerns.

Comm. Goodman made a motion to approve item #34 as presented. Comm. Hillyard seconded and the motion passed by majority 3-0-1 (Comm. Tibbals absent and Comm. Hunewill abstained).

****END OF PLANNING APPLICATIONS CONSENT AGENDA****

ITEM #25 WAS HEARD AT THIS TIME.

Comm. Hunewill made a motion to enter into closed session at this time. Comm. Goodman seconded and motion passed unanimously 4-0 (Comm. Tibbals absent).

35. CLOSED SESSION (per NRS 241.015) regarding Walker River Settlement negotiation

There was no closed session.

36. CLOSED SESSION (per NRS 241.015) regarding Advanced Specialty Gases

The Board entered into closed session. No action was taken.

37. Discussion and possible action to approve ASG lawsuit settlement agreement

District Attorney Leon Aberasturi presented this item.

Comm. Hunewill made a motion to approve the agreement as presented and authorize the vice-chair to sign a mutual release agreement after approval by the District Attorney's office. Comm. Goodman seconded and the motion passed by majority 3-0-1 (Comm. Tibbals absent and Comm. Milz abstained).

38. Approve Minutes

Comm. Hunewill requested that the approval of the minutes of October 19, 2006, November 2, 2006 and November 9, 2006 be postponed until the next regular meeting.

The meeting was adjourned.

BOARD OF LYON COUNTY COMMISSIONERS

BOB MILZ, Chairman

ATTEST:

NIKKI BRYAN, Lyon County Clerk/Treasurer