

The Honorable Board of Lyon County Commissioners met this day in regular session with the following present: Chairman Phyllis Hunewill, Vice-Chair Don Tibbals, Commissioners Bob Milz, LeRoy Goodman and Larry McPherson. Also present: Interim County Manager Robert Hadfield, Deputy District Attorney Bob Bryant and Deputy Clerk Joanne Sarkisian.

1. Review and adoption of agenda

Comm. Hunewill requested that item #30 be moved to 10:00 a.m.

There was a consensus to approve the agenda as amended.

2. Discussion and possible action to approve contract with Public Policy Innovations, LLC for professional services of Robert Hadfield as interim County Manager effective as of February 16, 2007

Bjorn Selinder, Public Policy Innovations, LLC, presented this item.

Comm. Goodman mentioned that the contract would be valid through June 3, 2007 and asked if that date could be adjusted if necessary.

Interim County Manager Bob Hadfield stated that he would be willing to adjust the date as needed.

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

3. Appointed Official's report

Comptroller Josh Foli distributed budget packets for the Boards perusal. He stated that the hearings will begin in approximately two weeks. He also stated that this year the budget is not balanced, it is out of balance by approximately \$1,750,000.

Mr. Foli then pointed out and gave details of key items in the packets.

Human Services Director Edrie LaVoie gave an update on the Smith Valley Community Center group. She mentioned that the group will be making a presentation to the Board in May or June 2007.

Emergency Manager Jeff Page spoke of a meeting with the Nevada State Fire Chief's Association and the Division of Emergency Management regarding a fire mutual aid plan

County Engineer Dick Faber asked the Board to attend the ground breaking of the Silver City Community Center the week of March 12, 2007. He mentioned that demolition of the site as well as the archeological report are complete.

The Board requested a meeting with Mr. Faber to discuss projects currently under his direction.

4. Elected Officials comments

There were no elected officials reports

5. Advisory Board reports

Mason Town Advisory Board Chairman George Murray Wilhelm addressed the Board. He commented that for the past two years there have been three businesses being operated in residentially zoned areas of Mason. Mr. Wilhelm stated that he has contacted the office of the District Attorney and to this date has had no response. He also has had a meeting with the Lyon County Sheriff. He commented that there is a specific deputy that had previously dealt with one of these businesses and could possibly act as a liaison.

Comm. Hunewill asked Deputy District Attorney Bob Bryant to look into this since the code enforcement officer is part of the District Attorney's office.

Sheriff Allen Veil mentioned that it is very difficult to appoint a specific Deputy to act as a liaison for the town boards since they do not always work in the same areas or on the same shifts.

6. County Manager report

Interim County Manager Bob Hadfield thanked the Board for their confidence. He commented that he has spent the last two weeks getting to know the County operations and meeting with many of the department heads.

He mentioned that possibly, as soon as tomorrow, there will be a bill introduced to create a Tenth Judicial District comprised of Churchill and Mineral Counties. If this happens Lyon County will be alone in the Third Judicial District.

He spoke of the current financial challenges and the fact that legislatures do not understand the burdens that counties face.

7. Commissioner comments

Comm. Tibbals spoke of the RTC meeting that took place last week. He mentioned that there was not a quorum present at the meeting. He took a tour of the roads in the County with Road Manager Gary Fried. It is the opinion of Mr. Fried and Comm. Tibbals that road maintenance projects should be completed in house rather than contracting them out.

Comm. McPherson mentioned the progress of the V&T railroad.

Comm. Goodman mentioned he was not able to attend the Debt Management Meeting last week.

Comm. Milz spoke of the Carson Water Subconservancy District. He stated that at their last meeting they created the Andy Aldek award. This award will be given annually to someone who is committed to protecting the watershed.

Comm. Hunewill testified on the jail bill coming before the legislature. There will be a meeting with Churchill County to talk about the proposed juvenile detention center.

8. Public participation

Dayton Chamber of Commerce Executive Director Kerry Dyer gave details of the Oodles of Noodles event that will be held in Dayton.

Mr. Dyer is expecting twenty contestants at this years event. He presented the Board with a poster of the event and challenged the Board to put together a team.

****CONSENT AGENDA****

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

10. Review and possible approval of business license applications

- a. Obermayr, Erich & Spangler, Joseph; *Aeo Screens, Ltd.*; 480 Buckeye Street, Silver City, NV; Change of Name and Entity ONLY!
- b. Butler, James L.; *B & B Better Built Barns & Sheds*; 3060 East Third Street, Silver Springs, NV; On-site Building of Mini Barns and Sheds
- c. Vincent, Michael D.; *Comstock Drywall, LLC*; 145 Belmont Lane, Dayton, NV; Drywall Contractor
- d. Haas, Daniel P. & Patsy; Dockins, Sarah L. & Gregory L.; CAD Pest Control Services, Inc. dba/ *Cutting Edge Tree Care Services*; 1805 W. Huffaker Lane, Reno, NV; Tree Trimming & Tree Care Services
- e. Sanchez, Jose G. & Enriquez, Celso S.; *Desert Winds Café*; 2840 Hwy 95A South, Silver Springs, NV; Restaurant

- f. Balasko, Emil S.; *Emil S. Puschmann Antiques*; 10190 Hwy 50 East, Mound House, NV; Antique Store
- g. Buchanan, Gerald; *Gerald Buchanan, Ltd.*; 5915 Apache Drive, Stagecoach, NV; Independent Real Estate Agent for Stagecoach Properties
- h. Gordon, Linda M.; *Linda Gordon – Agent*; 5915 Apache Drive, Stagecoach, NV; Independent Real Estate Agent for Stagecoach Properties
- i. Fairbanks, Kimberly J.; *Grave Groomers of Nevada*; 2725 East 9th Street, Silver Springs, NV; Maintaining Grave Headstone and Sites
- j. Sturgill, Deborah H.; *Hair Artistry by Debbie*; 2881 Hwy 208, Wellington, NV; Hair Salon
- k. *Kramer, Robert M.*; 133 Ring Road, Dayton, NV; Mobile Sales of Amsoil Product
- l. Remington, Ron D. & Judith A.; *Lavender Hill*; 23 Panavista Circle, Yerington, NV; Growing, Drying & Selling Lavender Plants as well as Items Made with Lavender (on Consignment and Internet)
- m. Roth, Nancy J.; *Nancy House Cleaning Service*; 591 Jenni Lane, Mound House, NV; Cleaning Service
- n. Ellis, David R.; *Natures Design Lawn Service*; 5445 Tamarack Avenue, Silver Springs, NV; Lawn & Yard Maintenance Service
- o. Poshepny, Gail E.; *Po-Creations*; 408 Valley Circle, Unit A, Dayton, NV; Independent Artist and Custom Framing
- p. Jauron, Michael & Terri; Horner, Alan; Precision Copier Service, Inc. dba/ *Sierra Office Solutions*; 4710 Longley Lane, Reno, NV; Sales & Service of Office Equipment
- q. Stanton, Steve J.; *SNS Construction Solutions*; 2420 Shena Terrace #E, Gardnerville, NV; General Contractor
- r. Lytle, Roger & Maureen; *Spherion Staffing of the Sierras*; 5580 Mill Street, #100, Reno, NV; Business Services and Temporary Staffing
- s. Taylor, Stephanie Lynn & Sharma, Ajay Kumer; *Stashley's Market*; 5915 Apache Drive, Stagecoach, NV; Convenience Store
- t. Flint, Charles T.; *Tom Flint Overhead Crane Consultants, LLC*; 16005 Ironhorse Drive, Reno, NV; Overhead Crane Consulting
- u. Goldston, Tom A.; *Tom Goldston Roofing, Inc.*; 842 Russell Way, Gardnerville, NV; Roofing Contractor
- v. Waters, Barry & Janeth; *Water Plumbing, Inc.*; 1755 Hymer Avenue, Sparks, NV; Change of Location ONLY!

11. Review and accept travel claims as presented by Comptroller

Travel claims totaled \$6,509.40 and registrations totaled \$2,187.00

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

County claims totaled \$1,537,279.95 and payroll totaled \$902,284.89

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

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

RECESS TO CONVENE AS THE LIQUOR BOARD FOR LYON COUNTY

13. Review and possible approval of liquor license application

- a. Sanchez, Jose G. & Enriquez, Celso S.; *Desert Winds Café*; 2840 Hwy 95A South, Silver Springs, NV; Full Saloon

Comm. McPherson made a motion to approve as presented. Comm. Goodman seconded and the

motion passed unanimously 5-0.

14. Review and possible action of temporary liquor license application

- a. *Lyon County Fly-In*; 2007 Lyon County Fly-In; Silver Springs Airport, Silver Springs, NV; Temporary Liquor Permit for: **May 19 & 20, 2007 ONLY!**

Comm. Goodman 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

PUBLIC HEARING ON PLANNING APPLICATIONS

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

- 15. MENDOZA, JORGE NEGRETE – REVERSION TO ACREAGE MAP** – The applicant has filed for a reversion to acreage map on approximately 5.22 total acres; located at 65 & 69 Wilson Canyon Drive, Mason Valley (APN 04-391-09 & 10)
- 16. MENDOZA, JORGE NEGRETE – EASEMENT ABANDONMENT** – The applicant has filed to abandon a public utility and drainage easement in conjunction with a reversion to acreage map submitted concurrently, on approximately 5.22 total acres; located at 65 & 69 Wilson Canyon Drive, Mason Valley (APN 04-391-09 & 04-391-10)
- 17. LYON COUNTY – REVERSION TO ACREAGE MAP** – The applicant has filed for a reversion to acreage map on approximately 1.56 total acres; located at 385 High Street, Silver City (APN's 08-025-02 & 08-026-01)
- 18. MARTY, HANS B. – SPECIAL USE PERMIT** – The applicant has filed for a special use permit to utilize a mobile home for watchman's quarters on approximately 1.02 total acres; located at 29 Red Rock Road, Mound House (APN 16-235-06)
- 19. WHITE SAGE SUBDIVISION / WHITE SAGE PHASE II HOMES LLC – TENTATIVE MAP EXTENSION OF TIME** – The applicant has filed for a one year extension of time on the Tentative Subdivision Map for a proposed 31 residential lot development known as White Sage Subdivision, on approximately 17.36 total acres; located within a portion of the NE ¼ of Section 25 T18E, R24E, off of Idaho Street, Silver Springs (APN 18-544-01)
- 20. SANTA MARIA RANCH / DAYTON LAND DEVELOPERS, LLC / NEVADA LAND ASSETS, LLC / NORTH TAHOE INVESTMENT GROUP / WINTERS, JOHN D. CO-TRS, ETAL – PLANNED UNIT DEVELOPMENT TENTATIVE MAP EXTENSION OF TIME** – The applicant has filed for a one year extension of time on the Tentative Subdivision Map for a proposed 554 residential lot development known as Santa Maria Ranch Planned Unit Development, on approximately 970.18 total acres; located within portions of Sections 26, 27, 34 & 35, T16N, R21E, off of Highway 50, Dayton (APN 16-151-94, 16-261-07, 11, 12, 14, 15 & 17)

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

Comm. Tibbals made a motion to approve the planning consent agenda. Comm. Goodman seconded and the motion passed unanimously 5-0.

****PUBLIC HEARING ON REGULAR PLANNING APPLICATIONS****

- 21. WALKER, MICHAEL D. – MASTER PLAN AMENDMENT** - The applicant has filed to amend the master plan from Low Density Residential to Commercial on that portion of a 40.00 total acre parcel, lying outside the floodway of the Carson River as delineated on FIRM #320029 141C, dated September 30, 1992; located off of River Road, Dayton (APN 16-322-07)

Lyon County Planner Paul Esswein presented this item.

Kevin Verre, TEC Engineering, represented the applicant. He gave details of the request and used a map to show the subject acreage.

Comm. Hunewill mentioned that at the DRAC meeting there was some concern about the state park next to the subject property. Mr. Verre stated that he contacted Nevada State Parks and they had no concerns with this change.

Comm. Milz pointed out that there are two irrigation ditches on the property and they both have water righted users.

A letter from David and Karen Hardy was read into the record that stated the following:

David and I wanted to be on public record and to bring to both the County's and Mr. Walker's attention that there are two ditches through Mr. Walker's parcel that are both currently in use (the Cardelli Ditch and the Frugoli or Rock Point Ditch). Both these ditches have downstream users with legitimate water rights.

Sincerely,
David and Karen Hardy

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

22. WALKER, MICHAEL D. – ZONE CHANGE - The applicant has filed to increase and define the C-2 portion of a 40.00 total acre parcel currently zoned both RR-1 (First Rural Residential District – 1 acre minimum) and C-2 (General Commercial). The portion of the parcel requested to be changed from RR-1 to C-2 is described as that portion lying between the floodway boundary of the Carson River, as delineated on FIRM #320029 141C, dated September 30, 1992, and the area of the property which is currently zoned C-2; located off of River Road, Dayton (APN 16-322-07)

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

ITEM #30 WAS HEARD AT THIS TIME

23. FREEMAN, ROBERT/SILVER STATE FINANCE COMPANY, INC. – SPECIAL USE PERMIT – The applicant has filed for a special use permit to utilize a mobile home for watchman's quarters on approximately .57 total acres; located at 1070 Virginia Street, Silver Springs (APN 18-102-06)

Lyon County Planner Paul Esswein presented this item. He mentioned that in order to grant a Special Use Permit the need for a watchman's quarters must be proven.

Applicant Robert Freeman spoke of businesses currently surrounding the subject property that are utilizing watchman quarters. He then mentioned that he has been living on the property for the past nine years and believed it was legal for him to have his residence on this property.

Mr. Freeman is currently working with the State Department of Services for the Blind and trying to obtain a real estate license and a mobile home dealership license.

Comm. Hunewill mentioned that the Silver Springs Advisory Board voted unanimously to deny the special use permit as there is currently no business on this parcel.

Property Manager Dick Linderman informed the Board that it will take approximately three years to become licensed for the type of business that Mr. Freeman is seeking. He also feels that a legitimate business should be in place prior to applying for a special use permit.

Planning Commissioner Ray Johnson mentioned that he had abstained from the planning commission decision. He gave a history of the property and feels the SUP is premature at this time.

Larry Lapkin, Silver State Finance Company, gave details of the property and spoke of the needs created by Mr. Freeman's disability. He feels that disabled persons should be granted certain privileges because of their disabilities.

Comm. McPherson made a motion to deny the request based on the following findings:

1. That the nature of the business to be conducted on-site, i.e., property management, does not constitute a use requiring watchman services.
2. That value of the property belonging to the business does not warrant the security provided by watchman services.
3. That tangible property and fixtures of the business do not demonstrate sufficient mobility to warrant the security provided by watchman services.

Comm. Milz seconded and the motion passed unanimously 5-0.

A BREAK WAS TAKEN AT THIS TIME

24. Discussion and possible action to accept the low bid of \$813,610.00 as proposed by Gradex Construction for the construction of phase I of the approved master plan for Mark Twain Park

County Engineer Dick Faber presented this item.

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

25. Discussion and possible action to approve reclassification of Clerk III position to Bailiff for the Walker River Justice Court

Justice of the Peace Michael Fletcher presented this item. He gave reasons for the need for a bailiff.

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

26. Discussion and possible action to approve the addition of 6.8 Full-Time Equivalent (FTE) employees in the After School and Recreation Fund

Comptroller Josh Foli presented this item. He explained that this is a self funded program and the revenue is sufficient to cover the cost of these positions.

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

27. Discussion and possible action to approve an automobile allowance for the Court Services Officer of \$600 per month

Comptroller Josh Foli presented this item.

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

28. Discussion and possible action on canceling travel to the Planning of New Institutions (PONI) conference that addresses planning for a new jail facility

Interim County Manager Bob Hadfield presented this item. He explained that this process needs to be postponed until the funding for a new jail is available as circumstances could change prior to that time.

Sheriff Allen Veil gave his reasons for requesting a postponement of this conference.

Emergency Manager Jeff Page commented that none of the past participants of this conference are involved with the jail planning process.

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

29. Discussion and possible action to approve an amendment to the Interlocal Agreement for the Western Nevada Regional Youth Center to change the funding formula of the member counties

Comptroller Josh Foli presented this item. He explained how the new calculations would be implemented.

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

30. Discussion and possible action to amend the Interlocal Agreement with the City of Yerington where the County pays the City an annual amount of \$200,000 for ad valorem and state gaming taxes

Yerington City Manager Dan Newell presented this item. He read the following statement into the record:

In 1968, at Lyon County's request, the City of Yerington surrendered tax rate in compliance with NRS 354. The intent of this cooperative effort was to increase revenue for both the City and the County, which it did. Between 1968 and 1981 the City received \$661,355.00 of the County's tax table apportionment. During the same period and as a direct result of the City surrendered tax rate, the County enjoyed \$7,931,384 in revenue which it would not have received otherwise. All is shown in the Lyon County Commission minutes dated May 22, 1980. As shown in the Commission minutes dated March 5, 1981, the City gave the County the rest of the City's tax rate, which by then totaled 95.7 cents. Again, the intent was to increase overall revenue for both entities, which it did.

Cities may no longer give their tax rate to Counties. Further the State has imposed a mandatory \$3.64 tax cap. As a result of the City relinquishing its entire tax rate to Lyon County, Yerington can never regain the tax revenue lost. At the same time the County continues to enjoy significantly greater tax revenues as was anticipated when the City relinquished its tax rate. The City relied and continues to rely upon the County to ensure it receives at least those revenues it would have received, had it not surrendered its tax rate to the County.

In order to resolve this situation once and for all and make our agreement easier to administer while still being equitable to the City, the City requests an agreement providing the County will pay the City \$200,000 annually with no CPI increases in the future. As shown on the attachment, History of County/City Ad Valorem Agreement spreadsheet, the City has lost \$2,148,717 and the County has gained \$64,218,702 as a result of the initial agreement requested by the County. Equity and good conscience suggest that the City should not suffer as a result of its cooperation with the County nearly 40 years ago. The City suggests that an agreement for the payment of \$200,000 per year recognizes the City's past sacrifice, a sacrifice which itself will continue to benefit the County in the future. The loss of \$200,000 per year to the City is comparable to Lyon County losing \$4,401,694 each year. At this time the City respectfully requests your approval of the agreement as previously stated.

Comm. Goodman feels that this item is premature due to the upcoming budget session. He realizes this puts the City of Yerington in limbo but feels they can look at their budget both ways.

Comm. Milz feels that this item needs to be reviewed before a decision can be made. He also stated that he will always support the City of Yerington. He asked Comptroller Josh Foli if the \$200,000 was already included in the budget figures. Mr. Foli responded that it was.

Comm. Hunewill asked if the City of Yerington would be willing to have a joint workshop to address this item.

Deputy District Attorney Bob Bryant has concerns with agreements that run in perpetuity.

Yerington City Manager Dan Newell pointed out that the tax rate was given to the County in perpetuity and the City will never get back what they have given.

Comm. Tibbals feels the City of Yerington is deserving of the tax but a decision needs to be postponed until after budget hearings.

It was the consensus of the Board to hold a joint workshop with the City of Yerington after March 15, 2007 to discuss this item.

31. Discussion with possible action related to a request from the Utilities Director to accept the Rolling A Infiltration Well as completed and authorize the reimbursement of \$2,463,908.07 to Riverpark Properties as previously approved by the Board in an agreement dated July 6, 2006

Utilities Director Mike Workman presented this item.

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

32. Discussion with possible action related to a request by the Utilities Director for the Board to approve water monitoring well licensing agreements with various land owners in the Dayton area, authorize the Board Chairman to sign the agreements on behalf of the County and authorize the Board Chair to sign identical agreements in the future on behalf of the Board without bringing each one to the Board for approval

Utilities Director Mike Workman presented this item.

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

33. Discussion with possible action related to a request by the Utilities Director to negotiate change orders for piping and pump installation with contractors that are currently working on the Rolling A Wastewater Treatment Plant Phase III and the 25,000 foot pipe line that connects Rolling A treatment plant to South Dayton Wastewater Treatment Plant

Utilities Director Mike Workman presented this item and gave details of the project.

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

34. Approve Minutes

Comm. Tibbals made a motion to approve the minutes of February 15, 2007. Comm. McPherson seconded and the motion passed unanimously 5-0.

The meeting was adjourned.

LYON COUNTY BOARD OF COMMISSIONERS

PHYLLIS HUNEWILL, Chairman

ATTEST:

NIKKI BRYAN, Lyon County Clerk/Treasurer