

The Honorable Board of Lyon County Commissioners met this day in regular session with the following present: Chairman Bob Hastings, Vice-Chairman Joe Mortensen, Commissioners Greg Hunewill, Vida Keller and Ken Gray (by phone). Also present: County Manager Jeff Page, Deputy District Attorney Olga Walter, Clerk and Treasurer Nikki Bryan.

### **1. Roll Call**

Present: Bob Hastings, Joe Mortensen, Greg Hunewill, Ken Gray (by phone) and Vida Keller.

### **2. Invocation given by Bob Weiser with the United Methodist Church**

Bob Weiser with the United Methodist Church gave the Invocation.

### **3. Pledge of Allegiance**

### **4. Time Certain**

#### **4.a. Time Certain at 9:00 AM: For Possible Action: Swearing in of newly elected and re-elected officials by the Third Judicial Court.**

Judge Aberasturi was present to swear in the newly elected officials.

#### **4.b. Time Certain at 9:00 AM: For Possible Action: Elect the Board of County Commissioners Chair and to fix the term of office for the Chair as required by NRS 244.070.**

Comm. Hunewill moved to appoint Comm. Hastings to serve as Chairman until the first meeting of January, 2020. Comm. Mortensen seconded and the motion passed 5 – 0.

#### **4.c. Time Certain at 9:00 AM: For Possible Action: Elect the Board of County Commissioners Vice Chair and to fix the term of office for the Vice Chair as required by NRS 244.070.**

Comm. Hunewill moved to appoint Comm. Mortenson to serve as Vice-Chair until the first meeting of January, 2020. Comm. Hastings seconded and the motion passed 5 – 0.

#### **4.d. Time Certain at 10:00 AM: For Possible Action: To develop goals for calendar year 2019 in the areas of addressing poverty, public and behavioral health, public safety, public works, and other areas.**

County Manager, Jeff Page, requested direction from the Board to give staff goals for this year. With the economic and population challenges, he would recommend creating a Task Force to identify what resources are available and to work together. Topics discussed are employment and work force training, transportation, affordable housing for the lower income, providing services for the community, poverty, road maintenance, storm drainage, public, public safety and behavioral health. The Resolution that's to be drafted, will allow staff to create the Task Force and to work with State and Health Services.

Comm. Gray suggested education and working with WNC, transportation, and possible community resources such as church groups.

Comm. Hastings agrees with creating a Task Force, utilizing opportunities that the public is not aware of, identify the duplicate infrastructures and to organize the needs of the community. He states that the Board will contact Jeff Page with more goals by Monday.

Comm. Mortensen would like to see a bus system similar to the system that was running prior to the recession with the increase demand for transportation services.

Comm. Hastings opened the item up for public comment, there was none.

### **5. Public Participation**

There was no public participation.

### **6. For Possible Action: Review and adoption of agenda**

Comm. Mortensen moved to adopt the agenda as presented. Comm. Keller seconded, and the motion passed 5 – 0.

## **7. Presentation of awards and/or recognition of accomplishments**

There were no awards or recognitions.

## **8. Commissioners/County Manager reports**

Comm. Gray states it's great to have Jeff back and welcomes Comm. Keller to the board.

Comm. Hunewill states it's great to have Jeff here and wishes everyone a wonderful new year.

Comm. Hastings congratulated newly and re-elected officials.

County Manager, Jeff Page, addressed his recent medical issue and indicated he is doing well. He stated the county code needs an amendment clearly outlining the line of succession in the event there is a need for a person to stand in as the Lyon County Manager. Currently, there is no clear direction should such a situation arise. He will work with staff on those updates and bring a draft resolution to the board. Updates will be given from FAA in the future on the Silver Springs Airport. Edrie LaVoie has retired and Shayla Holmes has taken over as the Director of the Human Services department in Lyon County. Jeff will work part time as he gains his health back.

## **9. Elected Official's reports**

No Elected Official reports were given.

## **10. Appointed Official's reports**

Facilities Director, Rob Dunbar, gave updates on the William Pennington Complex, Jail, Animal Shelter and the Silver Springs Senior Center HVAC upgrade.

## **11. Advisory Board reports**

Chairman, Scott Keller, of the SSAB gave a report noting a presentation before the Advisory Board from the principal of the Silver Springs High School, Mr. Peters. Mr. Peters reported on school census, growth in the community, and the 92 percent graduation rate at the SSHS to the SSAB.

## **CONSENT AGENDA**

### **12. Assessor's Corrections**

**12.a. For Possible Action: Approval of changes on Assessor's tax roll due to correction in assessments and review of tax roll changes.**

**-Comm Delete 1-7-2019 Secured.**

**-Comm Delete 1-7-2019 Unsecured.**

Secured Property factual corrections totaled \$487.28 and Unsecured Property factual corrections totaled \$1,112.14.

### **13. For Possible Action: Approve County Commission Minutes**

**13.a. For Possible Action: Approve the December 20, 2018 Minutes.**

**- December 20, 2018 Minutes**

The December 20, 2018 Lyon County Commissioners' minutes were approved.

### **14. Contracts**

**14.a. For Possible Action: Renewal of the Lease Agreement with Fernley Commerce Center for Lyon County Human Services' Fernley office space for the one year period ending January 1, 2020.**

**-2019 Fernley Lyon County Human Services Lease**

**14.b. For Possible Action: To approve and authorize the Board Chairman to sign a Water Rights Banking and Dedication Agreement with LD Lots, LLC.**

**-Water Right Banking Agreement, LD Lots, LLC**

**-Due Diligence Review and Supporting Information**

### **15. Other Consent Items**

**15.a. For Possible Action: Review and accept claims and financial reports.**

**- Claims Report 12-1-18 to 12-15-18**

**- Cash Report 12-15-18**

The cash balance as of December 15, 2018 was \$58,465,837.41. County claims totaled \$1,121,212.78 and payroll totaled \$1,319,432.26.

**15.b. For Possible Action: Review and accept travel claims.  
- Travel Report 12-1-18 to 12-15-18**

Travel claims totaled \$5,352.59.

**15.c. For Possible Action: Approve replacement of tank on a Road Department water truck in the amount of \$40,214, with funding to come from a budget transfer from the Road Fund contingency.**

**15.d. For Possible Action: Accept a Maddie's Pet Project grant for \$14,000 from the Humane Network to be used for spay/neuter costs for the Animal Shelter pets prior to adoption and to waive the fees to the public for the spay/neuter component of the adoption fee for the pets paid for under this grant.**

**- Maddie's Fund Spay Neuter Grant**

**15.c. For Possible Action: Review and accept travel claims.  
- Travel Report 11-16-18 to 11-30-189.**

Comm. Mortensen moved to approve the consent agenda, Items #12.a through #15.c., as presented. Comm. Keller seconded and the motion passed 5 – 0.

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

**PUBLIC HEARING ON PLANNING ITEMS - (ACTION WILL BE TAKEN ON ALL ITEMS)**

**16. Planning**

**16.a. For Possible Action: ERGS, INC./ SPRINGER, RICHARD G. – ZONE CHANGE – Request to change the zoning of two (2) adjacent parcels totaling 280.00 acres, from RR-3T (Rural Residential-5 acre minimum with Trailer Overlay) to NR-1 (Single Family, Non-Rural Resid. – 6,000 sq. ft. min.) on a 10 acre parcel (APN 18-517-01); and RR-1T (Rural Residential-1 acre minimum with Trailer Overlay) to NR-1 (Single Family, Non-Rural Resid. – 6,000 sq. ft. min.) on a 226 acre portion and NR-2 (Multiple Family, Non-Rural Resid. – 8,000 sq. ft. min.) on a 44 acre portion of a 270 total acre parcel (APN 15-131-06); All located at Spruce Avenue and Citrus Street, Silver Springs, NV; PLZ-18-0001  
- Staff Report**

Comm. Hastings read Items 16.a. and 16.b. together. As approved by the Board, both items were presented to the Board concurrently, but acted upon separately.

Comm. Keller discloses for the record potential conflicts of interests regarding the Public Hearing Planning item numbers 16.a. through 16.b. and recused herself from hearing and voting on both agenda items. Comm. Keller removed herself from the Commissioners Chamber dais.

Planner, Rob Pyzel, presented the application, findings, conditions and recommended approval of the Zone Change and the Tentative Map Request. He noted the delays in getting to this point involving water and local streets. He spoke of the Division of Water Resources concerns about Churchill Valley Basin 102 (Silver Springs) and the Division's January 31, 2018 letter about future residential developments within Silver Springs. He spoke about the local streets concerns from the County Engineer and Road Superintendent, lack of improvements and how to address the impacts of the project adequately. Mr. Pyzel stated that the final vote from the Planning Commission was 3 – ayes and 2 – nays with one Planning Commissioner recusing and one Planning Commissioner absent.

The applicants' representative, Melissa Lindell, gave an overview of the property owner and applicant's history, and their projected goals. She presented a PowerPoint Presentation of the project.

Marco Lucich, representing Mustang Ventures, the applicant, presented the different phases and sizes of the lots designed for the current market of the community. He noted that the phasing of the project was such that any one phase could be developed at any time and be able to stand alone (not being interdependent) in order to meet the needs of the project and current market to assist future growth.

The Board expressed concerns specifically regarding compatibility with the surrounding existing larger residential lots, the minimum lot size of six thousand square feet, and the water quantity/availability for this project.

County Manager Jeff Page addressed the Board, stating they need to consider the future growth with the need for housing. Larger lot sizes could create a financial problem with some of the community. There is currently a market of house buyers that are not interested in larger lot sizes. There is a need to consider the six thousand square foot lots for the lower income community and the current lack of housing stock.

Comm. Hastings noticed a SSAB representative in the audience and asked if they had any comment.

SSAB Vice Chair, Mike Irvin, gave a report from the community that they understand the need for growth. Their concern is the density, and they desire to keep the area rural. There is no guarantee that the larger lots will be developed.

Road Superintendent, Dustin Homan, was asked to address some of the Commission's concerns regarding roads in the area. Mr. Homan indicated that the recommended Conditions of Approval include one Condition wherein if the Road Department felt there is an issue with the roads, then they can assess the situation and address the issue before the next phase of the project.

Comm. Hastings opened the meeting for public comment.

**PUBLIC COMMENT:**

Don Alt: Concerned with the water availability and the roads maintenance with the increase of traffic.

John Ainsworth: Doesn't feel the project will fit the community, and there is not enough water.

Pete Jubin: Opposed to the development, and would like to keep the community rural. Concerned the homes will end up vacant, and with the amount of water available.

CJ Ainsworth: Opposed to the type of growth presented. She is concerned with the capacity at local schools, the lack of school bus drivers and impacts to roads with the increasing population.

Kay Bennet: Supports the County Manager's comments, staff, and the application proposed today.

Marjorie Gutenberg: Opposes project, and is concerned with the capacity of the schools and staffing, and water availability.

Mike Irvin: The SSAB secretary has previously sent in documentation to the board on the project.

Andy Sichak: Opposes project presented.

Comm. Hastings closed the public comment period and asked if the Board had any additional questions for staff or the applicant.

After being asked, Planner, Rob Pyzel, addressed the concern with water. He stated the state Division of Water Resources would have to be satisfied about water quantity associated with the water rights offered for dedication for each phase of the project before it can move forward to final map approval. He stated that the board is approving the Tentative Map and Zone Change today; the applicant will come back to the Board to approve each phase via a series of final map applications. The applicant must acquire Division of Water Resources' approvals for water quantity before each of series of the final map applications.

Melissa Lindell brought a report from the Lyon County School District demonstrating there is enough room for growth, and a LCSD census report that shows that there is also room for growth within the community.

Comm. Mortensen addresses the audience that in light of the need for the housing, he is going to make a motion to approve agenda items 16.a. and 16.b. Comm. Hunewill and Hastings agree with Comm. Mortensen.

Comm. Mortensen moved to approve the Request for a Zone Change for ERGS, INC./ SPRINGER, RICHARD G. to change the zoning of two (2) adjacent parcels totaling 280.00 acres, from RR-3T (Rural Residential-5 acre minimum with Trailer Overlay) to NR-1 (Single Family, Non-Rural Resid. – 6,000 sq. ft. min.) on a 10 acre parcel (APN 18-517-01); and RR-1T (Rural Residential-1 acre minimum with

Trailer Overlay) to NR-1 (Single Family, Non-Rural Resid. – 6,000 sq. ft. min.) on a 226 acre portion and NR-2 (Multiple Family, Non-Rural Resid. – 8,000 sq. ft. min.) on a 44 acre portion of a 270 total acre parcel (APN 15-131-06); All located at Spruce Avenue and Citrus Street, Silver Springs, NV; PLZ-18-0001 as presented with the Findings A through D as follows:

- A. The zone change is in substantial compliance with and promotes the Master Plan goals, objectives and actions.
- B. The proposed zoning promotes development that is commensurate with the character and current use of the surrounding land and will not have detrimental impacts to other properties in the vicinity.
- C. The proposed zoning is timely and contributes to the orderly and efficient arrangement of transportation and other public facilities and services.
- D. The proposed zoning will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.

Comm. Hunewill seconded and the motion passed by majority of 4 – 0 (Comm. Keller recused).

**16.b. For Possible action: BUCKLAND CROSSING/ERGS, INC./SPRINGER, RICHARD G. – MERGER AND RESUBDIVISION INTO A TENTATIVE SUBDIVISION MAP- Request to combine two (2) existing parcels totaling 280 total acres into 739 single family residential lots on a 236 acre portion and a 44 acre remainder parcel, on APN 15-131-06, and all of APN 18-517-01 into a Tentative Subdivision Map for the Buckland Crossing Subdivision; All located at Spruce Avenue and Citrus Street, Silver Springs, NV; PLZ-18-0002 - Staff Report**

Comm. Mortensen moved to approve the Request for a Merger and Resubdivision into a Tentative Subdivision Map for BUCKLAND CROSSING/ERGS, INC./SPRINGER, RICHARD G. to combine two (2) existing parcels totaling 280 total acres into 739 single family residential lots on a 236 acre portion and a 44 acre remainder parcel, on APN 15-131-06, and all of APN 18-517-01 into a Tentative Subdivision Map for the Buckland Crossing Subdivision; All located at Spruce Avenue and Citrus Street, Silver Springs, NV; PLZ-18-0002 as presented and the 30 conditions as follows:

1. 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 presented to the Board of Commissioners within four (4) 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 Community Development Department, may grant to the developer a single extension of not more than two (2) years within which to record a final map after receiving approval of the tentative map.
2. The developer shall change the project name to avoid confusion with the existing Buckland Station. The proposed name shall be reviewed and approved by the Community Development Director or his designee prior to the submittal of a final map or first in a series of final maps for the project.
3. The applicant shall comply with all Federal, State, County and special purpose district regulations.
4. The developer shall provide the proposed Covenants, Conditions and Restrictions (“CC&Rs”), landscape maintenance association/homeowners association agreements, easements and/or other legal instruments containing sufficient detail to constitute enforceable provisions necessary for operation and maintenance by the developer and his successors, and assignees as well as the individual subdivision lot property owners as the project is subdivided and the individual lots sold for all common areas and storm drainage facilities (easements, channels and basins) as well as any associated landscaping within the common open space lots and storm drainage facilities and other provisions necessary and as proposed in the application materials for the subdivision (monument signage, streetscapes, fencing, building type, colors and materials) as approved, for review by the Community Development Director, the Utilities Director, the County Engineer and District Attorney’s Office. The approved legal instrument shall be signed and recorded prior to approval of a final map or first in a series of final maps for the project.
5. The applicant shall receive approval of a street-naming application prior to submittal of an application for a final map or first in a series of final maps. Should any requested street name(s) be denied, the Community Development 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.
6. A phasing plan must be submitted prior to the recordation of the first final map if the development is to be phased.

7. 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 or each final map in a series of final maps for the project.
8. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 15 of the Lyon County Code.
9. Required recording fees to be paid at time of recording a final map or each final map in a series of final maps for the project.
10. No lot shall be offered for sale or sold until the final subdivision map or each final map in a series of final maps for the project has been approved and recorded.
11. No building permits shall be accepted for processing until a final subdivision map or each final map in a series of final maps for the project has been approved and recorded.
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 Community Development Director prior to submitting the final subdivision map or each final map in a series of final maps for the project 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 Community Development Department prior to final subdivision map or each final map in a series of final maps for the project recording.
14. With the final map application or each final map in a series of final maps for the project, the applicant shall provide documentation from the Nevada Division of Water Resources that the applicant has demonstrated that the water right permit from which water service will be provided:
  - a. Is in good standing;
  - b. Has uncommitted water sufficient to fulfill the requested allocation; and
  - c. Has a priority date that is acceptable to the Division of Water Resources.
15. The applicant shall provide written evidence (i.e. 'will-serve' letters) demonstrating that the proposed parcels are able to be served by municipal water and sewer systems prior to recordation of a final subdivision map or each final map in a series of final maps for this project.
16. A final geotechnical report for the site-specific project improvements based on subsurface soil conditions is required to be submitted with the final map or each final map in a series of final maps for the project.
17. The applicant shall provide the final subdivision map or each final map in a series of final maps for the project 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.
18. The applicant shall comply with County requirements, in accordance with Chapter 15 of the Lyon County Code, mandating that a site improvement permit(s) be obtained for any site development work prior to any disturbance occurring on the subject site. The site improvement permit application shall also include documentation of approval of a Stormwater Pollution Prevention Plan ("SWPPP") with the Nevada Department of Environmental Protection (NDEP).
19. The applicant shall obtain any required Air Quality Permit(s) from the (NDEP) and apply appropriate dust abatement processes as part of the development construction prior to any disturbance on the site.
20. The improvements required by the terms of Title 15 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.
21. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.
22. The applicant shall comply with Lyon County improvement requirements as set forth in Title 15 of the Lyon County Code including, but not limited to:
  - a. The developer shall obtain all necessary encroachment permits and approvals as well as coordinate and comply with the requirements of the Roads Department;
  - b. The developer shall design the street alignments in compliance with AASHTO standards to the approval of the Road Superintendent;
  - c. The developer shall install all required signage, striping and traffic control improvements in compliance with Nevada Department of Transportation and Lyon County requirements;

- d. Street name signage shall be installed in compliance with the requirements of the Roads Department to the satisfaction of the Road Superintendent;
  - e. The developer shall install street lighting in compliance with the requirements of the Roads Department to the satisfaction of the Road Superintendent;
  - f. The developer shall submit a detailed geotechnical report with the final map(s) for the project that includes roadway structural sections and the structural section calculations demonstrating that the proposed structural section is adequate to support the weight of the anticipated traffic;
  - g. The developer shall provide a slurry seal onto the streets and roadways in compliance with the current County standards every five (5) years from the date of installation of asphalt concrete paving of the subdivision's streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the rights-of-way for all streets and roadways within the subdivision; and
  - h. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County rejects the offer of dedication at this time and will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.
  - i. The developer shall install a GlasPave fabric (or similar fiberglass grid fabric which performs equal to or better than GlasPave fabric) and two and one-half-inch (2.5") asphalt concrete ("AC") overlay a minimum twenty-four feet (24') wide on Spruce Avenue from the intersection of Spruce Avenue/Ramsey – Weeks Cutoff east to the Spruce Avenue/US 95A intersection in order to mitigate the construction and project's residents traffic impacts on Spruce Avenue during the construction of the project. At a minimum, the overlay will take place in conjunction with the subdivision improvements for Phase 5 of the project as shown on the phasing plan included in the application submittal packet unless the existing chip seal on Spruce Avenue is observed to be deteriorating before Phase 5 and the Lyon County Road Superintendent deems the overlay necessary prior to Phase 5 of the project.
  - j. The developer shall provide a surety (to the satisfaction of the Community Development Director, Road Superintendent and District Attorney) or cash deposit to guarantee a 10-year straight line depreciating warranty on the Spruce Avenue roadway overlay.
  - k. All construction traffic coming to and from the project shall be required to utilize Spruce Avenue to access the project site during all phases of construction within the project boundaries:
    - i. Provisions for this restriction shall be included into all agreements and/or contracts with contractors and subcontractors for each unit/phase of the project.
    - ii. This restriction shall be enforced by the developer and the County.
    - iii. Implementation shall include declaration of the restriction at each pre-construction meetings for the project's units/phases and signage posted at each access point within the project.
    - iv. If the restriction is not being complied with, Lyon County may withhold scheduling infrastructure inspections, building/utility inspections, withhold issuing Certificates of Occupancy until compliance with the restriction is achieved.
  - l. The developer shall submit an amendment to the December 2017 traffic study with the revisions to include examination of the Spruce Avenue/US Route 95A and Fir Avenue/US Route 95A intersection using the NDOT's 2017 Access Management Specifications and Standards to determine the impacts and mitigation measures to the satisfaction of NDOT District II Traffic Office prior to the submittal of a final subdivision map or first in a series of final subdivision maps for the project.
  - m. Opal Avenue as it approaches USA Parkway/US 50 roundabout will require an approach designed for the roundabout connection and will need to be improved to at a minimum collector road standards. The developer shall participate in future discussions and contribute financially with NDOT and County staff in regard to the Opal Avenue street improvements prior to Opal Avenue connecting to the US 50/USA Parkway roundabout.
  - n. The developer shall offer for dedication a minimum of 30-foot wide right-of-way for Aspen Street along the western boundary of the subject site prior to the recordation of a final map or first in a series of final maps for the project.
  - o. The developer to install at a minimum a 33-foot wide improved surface with 21-foot wide travel lane and 5-foot curb/gutter and sidewalk improvements abutting the project and one 12-foot travel lane with a 15-foot drainage ditch within the Fir Avenue, Aspen Street and Citrus Street rights-of-way concurrently with the development of the project's phases to the satisfaction of the Road Superintendent, County Engineer and Community Development Director.
  - p. The developer shall install Type 3 barriers and cattle guards at the terminus of all streets that terminate at the boundaries of the subject site and vacant undeveloped lands to the satisfaction of the Road Superintendent;
23. The applicant shall comply with Lyon County's 1996 drainage guidelines (as revised 2018). The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County

Drainage Requirements to the satisfaction of the County Engineer and Utilities Department Director prior to recordation of the final subdivision map. Major drainage facilities shall be constructed in the first phase of development and each phase of building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.

- a. The developer shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.
  - b. The applicant shall provide documentation that easements have been recorded to permit discharge of project generated stormwater to all off-site properties receiving stormwater discharges prior to recordation of a final subdivision map or first in a series of final maps for this project.
  - c. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary to protect source water from potential stormwater contamination have been designed and will be installed prior to approval of a final subdivision map or first in a series of final maps for this project.
  - d. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary for the treatment of stormwater prior to discharge have been designed and installed prior to approval of a final subdivision map or the first in a series of final maps for this project.
  - e. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.
  - f. Debris grates are required at the pipe inlets of the detention basins.
24. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer, Road Director, Utilities Director, Building Official, Central Lyon County Fire Protection District or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to recordation of a final subdivision map or first in a series of final maps for this project. There may be temporary restrictions to obtaining building permits even with an acceptable security instrument depending on the County's approval of the various systems. All facility construction shall be completed and inspected to the Building Official's satisfaction prior to the issuance of a Certificate of Occupancy will be allowed in any single family residence for this project.
25. The applicant shall comply with all applicable building and fire code requirements.
26. The water system must meet the requirements of the Silver Springs Mutual Water Company and Central Lyon County Fire Protection District and be constructed in accordance with the following:
- a. The location of fire hydrants shall be determined by the Central Lyon County Fire Protection District.
  - b. A minimum required fire flow is required for each fire hydrant as directed by the Central Lyon County Fire Protection District.
  - c. Prior to any combustible materials being brought on site the following shall occur:
  - d. All required fire hydrants are to be installed and fully operating.
27. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
28. 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.
29. 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:
- a. No loud music;
  - b. No alcohol or drugs;
  - c. Dispose of personal trash and site debris;
  - d. Clean up any mud and or dirt that is deposited from the construction parcels onto the streets; and
  - e. No burning of construction or other debris on the property.
30. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Community Development.



Comm. Hunewill seconded and the motion passed by majority of 4 – 0 (Comm. Keller recused).

**16.c. For Possible Action: SACRAMENTO VALLEY LP dba VERIZON WIRELESS/  
TWITCHELL, BESSIE R. – SPECIAL USE PERMIT FOR A WIRELESS  
COMMUNICATIONS FACILITY - Request for an 90’ monopole, communications tower  
including twelve (12) panel antennas, and a ground-level, outdoor equipment shelter, all on  
an approximately 5.12 acre parcel; located at 5 Yermo Lane, Yerington, NV (APN 004-332-  
01) PLZ-18-0059 - Staff  
Report**

Planner Rob Pyzel presented and recommended the board to approve the continuance request to the February 21, 2019 Board of Commissioners meeting from the applicant per their December 21, 2018 letter.

Deputy District Attorney, Olga Walther, presents to the Board with the Tolling Agreement that would extend the time for the applicant to come back before the Board.

Comm. Mortensen moved to approve the Request for a continuance of sixty days and authorizing the Chairman to sign the tolling agreement.

Comm. Hunewill seconded and the motion passed 5 – 0.

**\*\*END OF PLANNING APPLICATIONS\*\***

**REGULAR AGENDA - (Action will be taken on all items unless otherwise noted)**

**17. County Manager**

**17.a. For Possible Action: Appoint County Commissioners and staff to the following Boards, Commissions, or Committees for calendar year 2019:**

**Comstock Historic District – Comm. Gray**

**Debt Management Commission – Comm. Mortensen**

**Dayton Valley Conservation District – Comm. Gray**

**Mason Valley Conservation District – Comm. Hunewill**

**Smith Valley Conservation District – Comm. Hunewill**

**Nevada Public Agency Insurance Pool – Josh Foli**

**Public Agency Compensation Trust – Josh Foli**

**Nevada Association of Counties**

**1. Board of Directors- Up to 2 Commissioners 1**

– Comm. Hunewill and Comm. Keller as the alternate

**2. Legislative Committee - Up to 2 Commissioners**

– Comm. Gray and Comm. Keller

**3. Public Lands and Natural Resources Committee - Up to 2 Commissioners**

– Comm. Hunewill and Comm. Keller

**Local Emergency Planning Committee – Comm. Gray**

**Northern Nevada Development Authority**

– County Manager Jeff Page and Comm. Keller

**Nevada WORKS – Comm. Hastings**

**Walker River Irrigation District – Comm. Hunewill**

**Carson Water Subconservancy District – Comm. Gray**

**Lyon County Room Tax Board – Comm. Mortensen**

**Quarterly Jail Inspection – Comm. Gray**

**Truckee Canal Safety Commission – Comm. Mortensen**

**Lyon County Regional Transportation Commission – Comm. Keller**

**Quad County Legislative Coalition – Comm. Hastings and Comm. Mortensen**

**Carson Area Metropolitan Planning Organization – Comm. Keller**

**- General Responsibilities**

**- 2018 Commissioner Appointments to Boards**

The commissioners voted 5 – 0 to appoint the commissioners and staff, as stated by Chairman Hastings, to the various boards.

**17.b. For Possible Action: Authorize the expenditure of up to \$4000.00 to send the NACO Legislative Representative (or other designated County Commissioner) and County Manager to the National NACO 2019 Legislative Conference March 2, 2019 thru March 6, 2019 with funding to come from a contingency budget transfer.**  
**- NACO Registration Fee**

County Manager, Jeff Page, states that Comm. Gray requested the item be placed on the agenda. Comm. Hunewill requested to attend the NACO 2019 Legislative Conference and also Comm. Gray.

Comm. Mortensen moved to approve the expenditure of up to \$4000.00 to send Comm. Hunewill to the NACO Legislative Representative (or other designated County Commissioner) and County Manager to the National NACO 2019 Legislative Conference March 2, 2019 thru March 6, 2019 with funding to come from a contingency budget transfer this item for a later date. Comm. Keller seconded and the motion passed 4 – 1. Comm. Gray Opposed.

**17.c. For Possible Action: Approve the Fair Board to send 6 representatives to the Western Fairs Association at a cost of \$1,575, and approve a resolution to augment the Lyon County Fair & Rodeo Fund budget in the amount of \$1,575.**  
**- Lyon County Fair & Rodeo Augmentation Resolution 2019**

Comptroller, Josh Foli, presented and stated that the Fair Board budget was short so the funds needed to be augmented. Staff recommends sending two. There are not funds in the Contingency Funds for this request.

Fair Board Secretary, Lisa Tibbals, expressed the value of the board attending. They requested the six members to attend because three of them are new members. After the posting of the agenda, she received an update that the cost would be \$1,000 to attend, and not the listed amount of \$1,575.

Comm. Mortensen moved to approve the Fair Board to send 6 representatives to the Western Fairs Association at a cost of \$1,575, and approve a resolution to augment the Lyon County Fair & Rodeo Fund budget in the amount of \$1,575. Comm. Keller seconded and the motion passed 4 – 1. Comm. Hunewill opposed.

**RECESS TO RECONVENE AS WILLOWCREEK GENERAL IMPROVEMENT DISTRICT BOARD**

**18. Public Participation**

There was no public participation.

**19. For Possible Action: Review and Accept Claims and Financial Report**

- 19.a. For Possible Action: Review and accept claims and financial reports.**  
**- Claims Report 11-16-18 to 11-30-18**  
**- Cash Report 11-30-18**

The cash balance as of December 15, 2018 was \$ 393,217.73. Claims totaled \$ 826.89; there was no payroll.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Hunewill seconded and the motion passed 5 – 0.

**20. Public Participation**

There was no public participation.

**ADJOURN TO RECONVENE AS MASON VALLEY MOSQUITO ABATEMENT DISTRICT BOARD**

**21. Public Participation**

There was no public participation.

**22. For Possible Action: Review and Accept Claims and Financial Report**

- 22.a. For Possible Action: Review and accept claims and financial reports.**  
**- Claims Report 11-16-18 to 11-30-18**  
**- Cash Report 11-30-18**

The cash balance as of December 15, 2018 was \$ 428,714.18. Claims totaled \$ 48.38 and payroll totaled \$ 3,804.23.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Hunewill seconded and the motion passed 5 – 0.

**23. Public Participation**

There was no public participation.

**ADJOURN TO RECONVENE AS WALKER RIVER WEED CONTROL DISTRICT BOARD**

**24. Public Participation**

There was no public participation.

**25. For Possible Action: Review and Accept Claims and Financial Report**

- 25.a. For Possible Action: Review and accept claims and financial reports.**  
- Claims Report 11-16-18 to 11-30-18  
- Cash Report 11-30-18

The cash balance as of December 15, 2018 was \$ 139,074.03. Claims totaled \$ 262.70 and payroll totaled \$ 581.31.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Hunewill seconded and the motion passed 5 – 0.

**26. Public Participation**

There was no public participation.

**ADJOURN TO RECONVENE AS CENTRAL LYON COUNTY VECTOR CONTROL DISTRICT BOARD**

**27. Public Participation**

There was no public participation.

**28. For Possible Action: Review and Accept Claims and Financial Report**

- 28.a. For Possible Action: Review and accept claims and financial reports.**  
- Claims Report 11-16-18 to 11-30-18  
- Cash Report 11-30-18

The cash balance as of December 15, 2018 was \$ 294,043.57. Claims totaled \$.0; there was no payroll.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Keller seconded and the motion passed 5 – 0.

**29. Public Participation**

There was no public participation.

**ADJOURN TO RECONVENE AS SILVER SPRINGS GENERAL IMPROVEMENT DISTRICT BOARD**

**30. Public Participation**

There was no public participation.

**31. For Possible Action: Review and Accept Claims and Financial Report**

- 31.a. For Possible Action: Review and accept claims and financial reports.**  
- Claims Report 11-16-18 to 11-30-18  
- Cash Report 11-30-18

The cash balance as of December 15, 2018 was \$2,351,353.51. Claims totaled \$535.28; there was no payroll.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Keller seconded and the motion passed 5 – 0.

### **32. Public Participation**

There was no public participation.

## **ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS**

### **33. Commissioner Comments**

Comm. Keller indicated that she had spoken with a member of the Planning Commission. This person stated that they would like to see a Board of Commission member appointed as an Ex Officio on the Planning Commission as had been a past practice in Lyon County. She requested to have staff place the item on the next agenda.

Comm. Hastings gives thanks for the support of his fellow Commissioners.

### **34. Closed Session pursuant to NRS 241.015(3)(b)(2) - Closed Session to receive information from the District Attorney regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory power, and to deliberate toward a decision on the matter (requested by District Attorney)**

Deputy District Attorney, Olga Walther, states there is no close session.

### **35. Public Participation**

There was no public participation.

### **36. Adjourn**

The meeting was adjourned.

## **LYON COUNTY BOARD OF COMMISSIONERS**

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**BOB HASTINGS, Chairman**

**ATTEST**

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**NIKKI BRYAN, Lyon County Clerk/Treasurer**

January 7, 2019

Board of County Commissioners meeting

Vida Keller, Lyon County Commissioner

Full disclosure agenda item;

*Public hearing on planning items*

16a. ERGS Inc. zone change request

16b. ERGS Inc. tentative subdivision map

All located at spruce and citrus, Silver Springs Nevada.

My husband and I are owners of Keller construction and Development, Scott Keller is currently under contract with ERGS Inc. for the construction of 3 single family homes on property owned ERGS Inc. Scott Keller's current contracts do not rely on any future land use or development put forth by ERGS Inc. in Lyon county. The decision today for or against the proposed agenda items has no present or future decreased or added benefit to Keller Construction and Development.

I, Vida Keller, presented a project to this commission early in 2018 for a zone change and tentative map known as Downtown Silver Springs located at Spruce and Opal. This project was submitted in conjunction with ERGS Inc. the underlying property owner. There is no direct or implied benefit to myself or to Downtown Silver Springs LLC, however any decision today can and will be a direct impact for ERGS Inc.

In preparing this disclosure today, I have personally sought out the advice of legal counsel from the Lyon County Dist. Atty. Stephen Rye. I also refer to NRS 281A.420 requirements regarding disclosure and conflicts of interest and abstention from voting because of certain types of conflicts; effects of abstention on quorum and voting requirements.

My decision to abstain on the matter before us comes directly from the recommendation of the District Atty. Stephen Rye.

So please let it be on record that I Vida D Keller will be abstaining from this planning items.



Vida D. Keller