The Honorable Board of Lyon County Commissioners met this day, Thursday, February 02, 2023 at 9:00 a.m. in the LYON COUNTY ADMINISTRATIVE COMPLEX, 27 S. MAIN STREET, YERINGTON, NV 89447.

1. Roll Call

Present: Chairman David Hockaday, Vice Chair Wes Henderson, Comm. Rob Jacobson and Comm. Scott Keller

Staff Present: County Manager Andrew Haskin, Comptroller Josh Foli, and District Attorney Steve Rye.

2. Invocation given by Matt Christensen of The Church of Jesus Christ of Latter-day Saints

Matt Christensen gave the invocation.

3. Pledge of Allegiance

4. Public Participation

Amanda Brinnand raised concerns about flooding events on Blackhawk Rd and Silver Lane due to a lack of drainage.

Rita Heidkamp requested the Lyon County Commissioners have a sign placed at the entrance to NF 463 advising that it is not a viable route.

5. For Possible Action: Review and adoption of agenda

Comm. Henderson moved to adopt the agenda and to remove item #6.a, and Comm. Jacobson seconded.

Comm. Hockaday called for a vote, and the motion passed 4-0.

6. Time Certain

   6.a. Time Certain at 9:00 AM: For Possible Action: Swearing in of appointed County Commissioner.

This item was removed from the agenda.

7. Presentation of awards and/or recognition of accomplishments

There were none given.

8. Commissioners/County Manager reports
Comm. Henderson reported he attended the NACo meeting last Friday when the new officers for the year were installed, and the upcoming legislative session was discussed. He noted Governor Lombardo appointed a County Liaison Officer Tim Rob. Comm. Henderson also attended the Legislative Coalition Meeting and the NACo Legislative Committee Conference Call last Friday and the Dayton Regional Advisory Board by Zoom on Wednesday night. He will attend the National Association of Counties next week.

Comm. Jacobson attended the Fernley City Council meeting on Wednesday night.

Comm. Keller attended the Silver Springs Advisory Board, the School Board meeting, the NNDA State of the Counties address and the State of the State address.

Comm. Hockaday attended the Western NV Legislative Coalition luncheon. At the request of Smith Valley residents, he addressed the Smith Valley Rotary regarding concerns and updates about Wilson Canyon and how the County is addressing it.

County Manager Andrew Haskin reported he will be attending the NACO Legislative Conference next Friday and he is working on meeting with the congressional delegation while in attendance. He spoke at the NNDA State of the Counties breakfast, as well as both the Dayton and Stagecoach advisory boards on Wednesday night. The Legislative session starts next week. He noted that signs have been placed on multiple dirt roads, such as Mason Pass, as routes being given by GPS are identified, and will have Dustin Homan look into signs such as the ones aforementioned by Rita Heidklamp. It is still recommended to go around through Carson City.

9. Elected Official's reports
   9.a. For Report Only: Dayton Justice Court
       - DEC 2022 - CRIMINAL AND CIVIL STATISTICS
   9.b. For Report Only: Canal Township Justice Court
       - DECEMBER 2022 FJC STATISTICS REPORT

Sheriff Brad Pope gave a report on the restructuring of the Sheriff’s Office, reduction of patrol zones, reopening the Silver Spring squad, and average response times for January. He stated he will be providing monthly reports on response time averages. He also reported on the results of the Fernley saturation patrol event and plans for future saturation patrol events in other locations.

Comm. Henderson asked for clarification as to where the Dayton zone ends now and Sheriff Pope clarified that the Dayton zone now goes from the Stagecoach line (instead of the Silver Springs line) to the Carson City line.

Sheriff Pope reported that the deputies living in Smith Valley are performing patrols in Smith Valley before taking Mason Pass to their assigned patrols elsewhere. He advised the 3 deputies are answering their phones after hours for quick response calls in Smith Valley.

10. Appointed Official’s reports
Human Services Director Shayla Holmes gave a report of the March for Meals national fundraising campaign. She mentioned the Yerington Senior Center meals fundraising event for Valentine’s Day. She encouraged the Commissioners to schedule a ride-along with Meals on Wheels drivers. Ms. Holmes gave an update of the request for the Community Project Funding. Senators Cortez Masto and Rosen are to fully expand the Big Brothers and Big Sisters mentoring programs for Lyon County.

Road Director Dustin Homan commented that he didn’t realize Google has been sending people over NF 463, and the last time he had checked, Google was sending people through Hudson Pass. He advised that Road Closed signs had been placed on the Mason Valley and Smith ends of NF 463. He stated that a Road Closed sign was placed next to the Good Samaritan sign. Mason Pass is not being promoted as a detour.

11. Advisory Board reports

There were none given.

CONSENT AGENDA

Andrew Haskin asked to pull #13.b from the consent agenda and to be heard separately.

Comm. Henderson moved to approve the consent agenda items #12.a. – 16.d, minus #13.b.

Comm. Keller seconded and the motion passed 4-0.

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.

-Secured Factual

Secured Property corrections totaled $1,585.23.

13. For Possible Action: Approve County Commission Minutes

13.a. For Possible Action: Approve the January 09, 2023 minutes.

The January 9, 2023 Minutes were approved.

13.b. For Possible Action: Approve the January 19, 2023 minutes.

Office Assistant Sandy Shipley stated for the record the corrections were made to item #8, Amodei was spelled incorrectly, and on item #15.a, the vote was incorrect and was updated from 3-2 to 3-1.


3-1

Comm. Jacobson moved to approve the resubmitted January 19, 2023 minutes.

Comm. Henderson seconded, and the motion passed 4-0.

14. Contracts
   14.a. For Possible Action: Approve Sciarani & Co. as the auditor for the County with the fiscal year costs for fiscal years 2023, 2024, and 2025 being $75,000, $77,500, and $80,000.
   - Lyon Co Audit Fee Proposal 2023-2025

15. Grants
   - CE GIA Geddes conference

16. Other Consent Items
   16.a. For Possible Action: Approve a budget transfer from General Fund contingency in the amount of $63,066 to purchase replacement battery systems for three mountaintop communication sites.

   16.b. For Possible Action: Approve a resolution of the Lyon County Board of Commissioners to designate signers on bank and investment accounts.
   - Resolution for Bank Account Signers

   16.c. For Possible Action: Review and accept claims and financial reports.
   - Claims Report 1-1-23 to 1-15-23
   - Cash Report 1-15-23

The cash balance as of January 15, 2023 was $108,455,514.03. County claims totaled $1,400,769.92 and payroll totaled $1,580,025.75.

   16.d. For Possible Action: Review and accept travel claims.
   - Travel Report 1-1-23 to 1-15-23

Travel claims totaled $2,308.88 as of January 15,2023.

**END OF CONSENT AGENDA**

Comm. Henderson moved to approve the consent agenda items #17.a. - 17.b. and Comm. Jacobson seconded.

Comm. Hockaday asked for public participation, there was none, and the motion passed 4-0.

17. PLANNING CONSENT ITEMS- (Action will be taken on all items)
17.a. For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificates of Completion, for the RIVERPARK PHSE 3, UNITS 16 & 17A, subdivision, located in Dayton, NV.

17.b. For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certificate of Completion, for the TRADITIONS VILLAGE 1, PHASE 1, subdivision, located in Dayton, NV

**END OF PLANNING CONSENT ITEMS APPLICATIONS**

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

18. Planning
18.a. For Possible Action - To approve a Conditional Use Permit request from John Miles to allow for the expansion of a nonconforming use (single-family residential in the CC-Community Commercial, zoning district) for the purpose of constructing a detached garage at 155 Pike Street in the Comstock Historical District – Dayton (APN 006-052-02) PLZ-2022-189.

Senior Planner Bill Roth gave a summary of the applicant's proposal, which included the construction of a detached, one-car garage with storage area, totaling approximately 368 square feet in size, in the rear yard of the property, which is located in the Comstock Historical District (Dayton Area). A proposed driveway measuring approximately 14 feet in width and 46 feet in length would connect the garage to the alleyway (24-feet width) that abuts the rear property line. The garage would be located 5 feet from both side property lines, similar to the existing house (circa 1908), which is set back 5 feet from the northern property line and 3 feet from the southern property line. The applicant owns the adjacent property to the south, which includes several small accessory buildings. The adjacent property to the north is owned by a separate party and includes a restaurant (Compadres Mexican Restaurant). Both adjacent properties are also zoned Community Commercial.

Commissioners and staff discussed how CUPs relate to commercial standards and the fact that the Historic District had already approved this CUP. There was also discussion about whether the Citizen Advisory Board had discussed this and the possibility of adding it to the reports in the future.

Comm. Hockaday asked for public participation and there was none.

Comm. Jacobson moved to approve a Conditional Use Permit request from John Miles to allow for the expansion of a nonconforming use (single-family residential in the CC-Community Commercial, zoning district) for the purpose of constructing a detached garage at 155 Pike Street in the Comstock Historical District – Dayton (APN 006-052-02) PLZ-2022-189, based on the Findings listed in the staff report and subject to the following Conditions of Approval:
Yerington, Nevada
February 02, 2023

1. No change in the terms and conditions of the Conditional Use Permit (CUP), as approved, shall be undertaken without first submitting the changes to Lyon County Community Development and having them modified in conformance with Lyon County Code.

2. The applicant shall comply with all applicable Fire, building, zoning and improvement code requirements and obtain any necessary public inspections.

3. All construction documents and separate applications must be submitted to the Central Lyon County Fire Protection District and the Lyon County Building Department for review and approval prior to issuance of a Building Permit.

4. All contractors doing any construction, modifications, or remodels must be licensed in the State of Nevada.

5. Exterior lighting for the garage, if any, shall be downward facing and shielded such that light is not shed onto adjacent properties.

6. The substantial failure to comply with the conditions imposed on the issuance of this conditional use permit or the operation of the conditional 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 conditional use may result in the institution of revocation proceedings. Failure to initiate the conditional use permit within one (1) year from the date of approval or to complete all work within two (2) years from the date of approval will result in the expiration of the conditional use permit approval.

Comm. Henderson clarified for the record that the motion was based on the findings and subject to the conditions of approval as listed in the staff report.

Comm. Keller seconded and the motion passed 4-0.

**END OF PLANNING APPLICATIONS**

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

19. Advisory Board
   19.a. For Possible Action: Appoint up to one (1) member to the Mound House Advisory Board, with a term expiring December 31, 2024.
      - Jeff Trowbridge, Application

Comm. Henderson moved to appoint Jeff Trowbridge to the Mound House Advisory Board, with a term expiring December 31, 2024.

Comm. Keller seconded and also questioned if spouses can be appointed to the same board and if this is a three or five person Advisory Board.

Advisory Board Liaison Erin Lopez answered that since it’s an advisory board they can, and it doesn’t stipulate they cannot in the Citizen Advisory Board Bylaws. The Mound House Advisory Board is a five member board.

Comm. Hockaday asked for public participation, there was none, and the motion passed 4-0.
20. County Manager

20.a. For Presentation Only: Presentation and update from Jeff Sutich, Executive Director of the Northern Nevada Development Authority (NNDA).

Jeff Sutich, Executive Director of the Northern Nevada Development Authority, gave a presentation and reviewed his staff, Tatjana Vukovic (Deputy Director), Amy Barnes (Director of Business Development), and Evelyn Wheeler (Office Manager). He gave a report of their vision and mission, and explained the five counties NNDA encompasses in the Sierra Region of Nevada. Jeff Sutich presented the strategic focus, the business development in from 2018 through 2022, and the community development in Lyon County. He also discussed workforce development, infrastructure, and NNDA’s programs.

20.b. For Possible Action: Approve the Resolution for Lyon County's proposal to exchange real property owned by Lyon County located at 158 Garnet Circle, Mound House, for real property owned by Central Lyon County Fire Protection District located at 56 Red Rock Road, Mound House, all for the purpose of establishing a community center in Mound House, and setting date for a public hearing on the proposed property exchange.

Andrew Haskin reported that Central Lyon County Fire Protection District has agreed to exchange property located in Mound House with Lyon County so that Lyon County can establish a community center at the property now owned by CLCFPD located at 56 Red Rock Road in Mound House. NRS 277.050 provides that the County can exchange property with another governmental entity. The County must approve a resolution at least two weeks before it holds a public hearing at which time the public can be heard regarding the proposed exchange. This is the first step in the process. CLCFPD will go through a similar process for transferring the property to Lyon County.

Comm. Hockaday asked for public participation and there was none.

Comm. Henderson moved to approve the Resolution for Lyon County's proposal to exchange real property owned by Lyon County located at 158 Garnet Circle, Mound House, for real property owned by Central Lyon County Fire Protection District located at 56 Red Rock Road, Mound House, all for the purpose of establishing a community center in Mound House, and setting date of March 2, 2023 for a public hearing on the proposed property exchange.

Comm. Keller seconded and the motion passed 4-0.

20.c. For Possible Action: Approve a novation agreement to migrate the master services agreement and task orders from Farr West Engineering to DOWL Engineering.

Andrew Haskin reported that Farr West Engineering merged with DOWL Engineering, the combined company retained the DOWL name. This agreement migrates the master services agreement and the task orders for the Community Development Department, Utilities Department and the Roads Department to DOWL.
Comm. Jacobson moved to approve a novation agreement to migrate the master services agreement and task orders from Farr West Engineering to DOWL Engineering.


Comm. Hockaday asked for public participation, there was none, and the motion passed 4-0.

20.d. For Possible Action: Approve, deny or amend a Resolution of the Lyon County Board of Commissioners terminating a Declaration of Emergency that was declared in Resolution 23-02.

Comm. Hockaday stated for the record, on January 9th, 2023, the BOCC approved Resolution 23-02 Declaring an Emergency in response to the severe weather event/flooding. Lyon County was being threatened by a series of severe weather events with possible flooding that had the potential to destroy significant amounts of property and threaten the lives of Lyon County residents. This Resolution ends the Declaration for Lyon County.

Comm. Keller moved to approve a Resolution of the Lyon County Board of Commissioners terminating a Declaration of Emergency that was declared in Resolution 23-02 with a termination of January 17, 2023.

Comm. Henderson seconded and the motion passed 4-0.

Comm. Hockaday asked for public participation and there was none.

21. District Attorney

21.a. For Possible Action: Acknowledgement of findings of fact and conclusions of law regarding open meeting law complaint OAG FILE NO.: 13897-420. The opinion from the Attorney General's Office is attached to the supporting materials.

District Attorney Steve Rye reported that an open meeting law complaint was filed against the BOCC relating to an agenda item on legislative matters. The Attorney General issued an opinion on January 16, 2023 finding the BOCC Agenda and action violated the Open Meeting Law. The opinion included some recommendations for how to address consideration of legislative items in the future. The NRS 241.0395 requires the BOCC to acknowledge the Findings of Fact and Conclusions of Law. DA Steve Rye clarified that the opinion is not required to be read into record, and that acknowledgement of receipt of the opinion is the action required. He reported a plan is being formulated to comply with the required changes provided as part of the opinion.

Comm. Hockaday asked for public participation and there was none.

Comm. Keller acknowledged the findings of fact and conclusions of law moved that the Lyon County Board of Commissioners acknowledge the opinion from the Attorney General's Office with the attached supporting materials and his findings of fact and conclusion of law regarding open meeting law complaint OAG FILE NO.: 13897-420. The opinion from the Attorney General's Office is attached to the supporting materials.
Comm. Henderson seconded and the motion passed 4-0.

22. Sheriff
   22.a. For Possible Action: Approve a line item in the Lyon County Sheriff’s Budget to accept and maintain donations to be utilized for the Junior Deputy Program.

Sheriff Brad Pope reported that the Junior Deputy Program will be launched for the Dayton High School on April 1st, 2023. Many Citizens are willing to donate money to help the program and expand it. The money raised would be utilized for supplies, uniforms for the participants, and program related activities etc.

Commissioners and staff discussed positive interactions between law enforcement and young people.

Comm. Hockaday asked for public participation and there was none.

Comm. Henderson moved to approve a line item in the Lyon County Sheriff’s Budget to accept and maintain donations to be utilized for the Junior Deputy Program.

Comm. Jacobson seconded and the motion passed 4-0.

23. Utilities
   23.a. For Possible Action: Issue a Notice of Award to Aspen Developers Corporation for being the successful bidder on the 10-mile Hill Tank Project in Dayton, authorize a contract with an amount not to exceed $4,144,000.00 and authorize the Utilities Director to sign project-related documents. Project funding will come from the Dayton Water Fund.

Utilities Director David Bruketta reported that the 10-mile Tank Project (PWP LY-2023-007) included constructing approximately 6,500 linear feet of water transmission main, a one million-gallon water tank, electrical & telemetry, site grading, rock excavation, and a gravel access road to the tank site from Highway 50. On January 17, 2023, a bid opening was held and Aspen Developers Corp. was the apparent low bidder, with a bid price of $4,144,000.00. Engineers from DOWL reviewed the bid submission and performed a due diligence check and found Aspen Developers Corp. to be Responsive and Responsible and recommended a construction contract award. There were three (3) additional contractor’s bids on the project: (1) Sierra Nevada Construction with a bid amount of $4,436,007.00. (2) Q&D Construction with a bid amount of $5,327,000.00. (3) MKD Construction with a bid amount of $5,692,050.00. The Engineers’ opinion of the probable cost was $5,526,660.00.

Commissioners and staff discussed the disparity between the Engineers’ opinion of probable cost and the winning bid.

Comm. Hockaday asked for public participation and there was none.
Comm. Keller moved to issue the Notice of Award to Aspen Developers Corporation for being the successful bidder on the 10-mile Hill Tank Project in Dayton, authorize a contract with an amount not to exceed $4,144,000 and authorize the Utilities Director to sign project-related documents. Project funding will come from the Dayton Water Fund.

Comm. Henderson seconded and the motion passed 4-0.

24. Agenda Requests

There were none.

25. Commissioner Comments

Comm. Jacobson requested for the Roads Dept. to review and assess Amanda Brinnand’s concerns regarding further deterioration in that neighborhood.

Comm. Hockaday advised the community to be careful traveling with the snow and slippery roads.

26. Closed Session

There was a closed session at 10:33 a.m.

27. Public Participation

Comm. Hockaday called for public participation and there was none.

28. Adjourn

Comm. Hockaday adjourned the meeting at 11:04 p.m.

LYON COUNTY BOARD OF COMMISSIONERS

DAVE HOCKADAY, Chairman

ATTEST

STACI LINDBERG, Lyon County Clerk/Treasurer

Book BT 61