

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, Don Alt and Ken Gray. Also present: County Manager Jeff Page, Deputy District Attorney Moreen Scully and Deputy Clerk Donna MacGill.

1. Roll Call

Present: Bob Hastings, Joe Mortensen, Greg Hunewill, Don Alt and Ken Gray.

Comm. Hastings also welcomed Mr. Jack Hammonds and the students from the Faith Baptist Academy in Silver Springs who came from the school to be a part of the meeting and learn more about local government. A couple of the students sat up front with the commissioners to participate in the meeting.

2. Invocation by Archie Walker

Pastor Archie Walker of the Smith Valley Baptist church gave the Invocation.

3. Pledge of Allegiance

4. Time Certain

4.a. Time Certain at 9:15 A.M: Presentation given by Sherry Stone for the Public Guardian Department.

-Presentation

Outline

Sherry Stone said she has been in the Public Guardian position since 2003. The public guardianship is under the purview of NRS chapters 159 and 253. She explained the different types of guardianships that are handled in her office. A public guardian is used when nobody else is available to handle the individual's affairs. She explained what information that is required prior to taking on the guardianship. She explained the filing of the petition with the courts. She is the only person in her office and she prepares any documents needed. Referrals come from various sources. She currently has 18 people who are under guardianship. Not all of her guardians are in Lyon County. She talked about a study that was organized by Supreme Court Justice Hardesty where 27 individuals were brought together to do a study on the administration of guardianships. The study took place over a period of 18 months. Representation by the rural counties was very limited. She feels the study was the result of an incident in Clark County where a private professional guardian embezzled from the guardianship's estate. Some of the BDR's that were presented to the Legislature were enacted as of July 1, 2017. She explained the sequence of events that occur after the required court hearing. She said that an appraisal must be done on anything with a value over \$100. The cost of the appraisal can hopefully be recouped when the property is sold. She said that items are first offered to family members but they need to pay fair market value for any item. She discussed the filing requirement for an individual. She discussed the bill of rights that now exists for anyone under guardianship. A Guardianship Compliance Office has now been established.

**4.b. Time Certain at 9:30 A.M: Presentation by the Sheriff to the Board of County Commissioners of the --2017 LCSO Annual Report.
-2017 LCSO State of the Agency (8 Jan 2018)**

Sheriff Al McNeil presented the 2017 Lyon County Sheriff's office annual report. He reported the reduction in crimes. He discussed the various types of crimes. He commented on what the VIP's are doing. He said there has been an increase in driving under the influence arrests due to the legalization of marijuana. He discussed policing strategies. He talked about the number of deputies he has to cover Lyon County. He said there have been 154 felony level arrests in Fernley. He discussed the cash forfeitures that stay in Lyon County. He discussed the patrol dogs that assist the deputies. He talked about the percent of repetitive offenders. He said there has been a reduction in overdoses in Lyon County. He also discussed dispatcher responsibility. He talked about the drive time for the deputies. He talked about the average daily prisoner population. The Sheriff also serves as coroner for Lyon County. He discussed response times. He said the average cost is about \$7.00 per day for feeding a prisoner.

There were question from the students from Dayton who were present.

4.c. 9:45 A.M. Public Hearing - Bill No. 18-01: For Possible Action: Approve an ordinance Amending Lyon County Code Title 10/15 - Land Use Regulations; By amending Chapter 1 - Purpose and Interpretation; Definitions and 4 - Non Residential Districts; Adding Chapter 23 - Medical and Recreational Marijuana; and other matters properly related thereto.
BILL NO. 18-01, ORDINANCE NO. 597

County Manager Jeff Page addressed the medical marijuana ordinance. He said today is the public hearing for the ordinance that was proposed last month. He said that Rob Pyzel was present to answer any questions regarding the zoning. He noted two corrections under section 10.23.03, permit for construction of a medical or recreational marijuana cultivation processing or testing laboratory facility in a ME zone or M-1 zone, and a typographical error to change the Lyon County Sheriff's Department to the Lyon County Sheriff's Office. There was also a conflict in the hours where a facility could load and unload. They proposed that the hours reflect 8:00 a.m. to 6:00 p.m. They also listed some actual locations for discussion under 10.22.04.

Comm. Hastings explained marijuana was legalized at the last election. This is a state law and now Lyon County is trying to decide how these issues will be handled.

Planner Rob Pyzel discussed the removal of the current ban on marijuana. He explained the differences in the medical and recreational marijuana. He noted some of the corrections that were made.

Deputy District Attorney Moreen Scully said the Federal Government will not try to regulate state law with regard to recreational or medical marijuana.

Comm. Alt said the commercial aspect should be kept out of it. He feels there should be some sort of regulation on growing marijuana.

County Manager Jeff Page said the Federal Government has not regulated prostitution in Nevada even though prostitution is not legal on a federal level. He discussed sales tax and did not feel that Lyon County will profit from the sale of marijuana. He also talked about the City of Fernley establishing some guidelines.

The Commissioners had questions and comments.

Sheriff Al McNeil addressed the 25 mile radius.

Comm. Mortensen moved to approve agenda Item 4.c. as presented with the corrections under section 10.23.03, permit for construction of a medical or recreational marijuana cultivation processing or testing laboratory facility in a ME zone or M-1 zone, and a typographical error to change the Lyon County Sheriff's Department to the Lyon County Sheriff's Office. Comm. Gray seconded the motion.

Jim Dunlap had questions regarding the 25 mile boundary and what will happen to the property within the boundary.

Comm. Hastings called for the vote and the motion passed 3 – 2. Opposed: Comm. Alt and Comm. Hunewill.

4.d. 10:00 A.M. Public Hearing - Bill No. 18-02: For Possible Action: Approve an Ordinance amending Lyon County Code Title 5 by adding Chapter 10 pertaining to Licensing of Marijuana and Medical Marijuana Establishments; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto.
BILL NO. 18-02, ORDINANCE NO. 598

Comm. Mortensen moved to approve Bill No. 18-0, an Ordinance amending Lyon County Code Title 5 by adding Chapter 10 pertaining to Licensing of Marijuana and Medical Marijuana Establishments; and providing for the severability, constitutionality and effective date thereof; and other matters properly relating thereto. Comm. Gray seconded the motion.

The commissioners had questions regarding the licensing fees.

Comm. Hastings called for the vote and the motion passed 3 – 2. Opposed: Comm. Alt and Comm. Hunewill

5. Public Participation

Jim Dunlap of Mason Valley said at the last meeting there was an agenda item regarding the opioid epidemic. He said the commissioners entered into an agreement to file a lawsuit against the pharmaceutical companies. He commented on how pharmaceutical companies operate.

6. For Possible Action: Review and adoption of agenda

County Manager Jeff Page said Items #14.a. and #18.a. will be pulled.

Comm. Mortensen moved to approve the agenda with Items #14.a. and #18.a. be pulled from agenda. Comm. Gray seconded and passed 5 – 0.

7. Presentation of awards and/or recognition of accomplishments

There were no awards or recognitions of accomplishments.

8. Commissioners/County Manager reports

Comm. Gray commented on Tommy Cartwright being in poor health and asked that we keep him and his family in our prayers. He also said they will be leaving for the NACO Legislative conference tomorrow with some visits to the hill. He wanted to thank the board for the opportunity to do that on behalf of Lyon County.

County Manager Jeff Page said we will hear by the end of March on the Silver Springs Airport Master Lease. There has been a conference call in regards to the Silver Springs Airport Improvement Plan. We will be leaving in a project that dealt with fencing because the NEPA study was done with the fencing project included. He met with several other staff members yesterday and discussed Public and Behavior Health. West Care came in with a very high price on the Community Crisis Care Center as well as the proposal for the MOST contract. He said Lyon County is done with doing business with West Care. He has met with the Sheriff and the Comptroller and we have exceeded the overtime budget with the communication center. He will be coming back to the commissioners with a request for funds to hire additional dispatchers immediately. Dispatch will go from 12 hour shifts back to eight hour shifts since they are not law enforcement and it will help decrease the overtime. He also said that he and Comptroller Josh Foli have met with the majority of the department heads regarding each of their budgets and will be coming back to the board with a balanced budget. He talked about hiring a code enforcement officer. The additional cost will be built into the budget presented to the commissioners the first week of April. He talked about an email he received with regard to sales tax. He also discussed next year's bill draft presentation. He discussed behavior health issues and drug court concerns. He also talked with the Attorney General's office in regard to their investigation of the opiate manufacturers. They did not recommending any litigation one way or the other regarding this issue. They will be sending each county a copy of their findings. He and other members of staff will be interviewing for the utility director position. He feels we have some great candidates for the position.

9. Elected Official's reports

Sheriff Al McNeil said that his staff met with school board staff to discuss school safety. They will address the issue of pulling the fire alarms and the student congregating in the halls of the school. They are trying to determine the best practice.

10. Appointed Official's reports

Director of Lyon County Human Services Edrie LaVoie updated the board on Yerington Senior Center. She discussed the transition time line. She said they will be recruiting for five positions.

She said Older Americans of Lyon County will change from a decision making role to an advisory role. She also talked about vacant positions on the advisory board. She discussed the repairs needed and the grant requirements. They met with the state on congregate meals for Yerington Senior Center. They are in the process of writing another grant for Yerington Senior Center for needed items. They also met with the state public and behavior health regarding enhancing their partnerships. She talked about developmental services for children. A 17 year old man will be placed in another facility. We will be paying for his room and board. She is waiting for cost estimate. The young man will be under 24/7 supervision.

Juvenile Probation Officer Eric Smith said the detention numbers are fairly stable. He gave an update on what has been going on in juvenile probation. They do continue to work with kids and families. He talked about the direct services that are provided.

Comm. Gray felt the parents should be responsible for the cost of detaining their child.

- 11. Advisory Board reports**
 - 11.a. Mound House Advisory Board**
-Minutes
 - 11.b. Wildlife Advisory Board**
-Minutes
 - 11.c. Silver Springs Advisory Board**
-Minutes
 - 11.d. Dayton Regional Citizens Advisory Board**
-Minutes

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 3-1-18 Unsecured.

Unsecured Property factual corrections totaled \$183.42.

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

- 14. Contracts**
 - 14.a. For Possible Action: Approve Contract for Services of Independent Contractor with WestCare to provide a licensed Behavior Health Clinician and Telehealth Services for the Mobile Outreach Safety Team (MOST) in Lyon County.**
-WestCare MOST Contractor Agreement
-WestCare Contract Statement of Work

Item #14.a. was removed from the agenda.

- 14.b. For Possible Action: Approve the Contractual Agreement between the Lyon County Sheriff's Office and Independent Contractor Winona Holloway for prisoner behavioral health assessments.**
-Cy2018 LCSW Contract
- 14.c. For Possible Action: Approve a contract through September 30th, 2019 with Community Chest not to exceed the amount of 93,000 annually for Juvenile Probation behavioral health intervention and care coordination to be funded by a state grant.**
-Contract- Community Chest
-JPO & CCI Scope of Work
-CCI Liability Insurance 2018

15. Other Consent Items

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

-Claims Report 2-1-18 to 2-15-18

-Cash Report 2-15-18

The cash balance as of February 15, 2018 was \$53,831,417.73. Claims totaled \$1,215,979.95 and payroll totaled \$2,119,840.83.

15.b. For Possible Action: Review and accept travel claims.

-Travel Report 2-1-18 to 2-15-18

Travel claims totaled \$7,353.11.

Comm. Mortensen moved to approve the consent agenda, Items #12 through 15.b, with Item #14.a. being removed from the agenda. Comm. Alt seconded and the motion passed 5 – 0.

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

PUBLIC HEARING ON PLANNING ITEMS

16. Planning

- 16.a. For Possible Action: WILBERT T BOOK, ETAL, Trustees of the BOOK LIVING TRUST - ZONE CHANGE – Request to change the zoning of two (2) adjacent parcels totaling 7.51 acres, from RR-3T (Rural Residential-5 acre minimum with Trailer Overlay) to C-2 (General Commercial); located at 3650 & 3710 Ramsey Weeks Cut-Off, Silver Springs, NV (APNs 18-355-05 & 18-355-06) PLZ-18-0004**
-Staff Report

Planner Rob Pyzel presented. He said the designated zoning is RR3T. He discussed employment and surrounding businesses. He said the Planning Commission recommended approval. He noted that the Silver Springs Advisory Board recommended denial.

The commissioners had questions and comments

Comm. Mortensen said he is in favor of changing residential to commercial.

Comm. Mortensen moved to approve the zone change with findings a – d. Comm. Hunewill seconded the motion.

Scott Keller of the Silver Springs Advisory Board said there is an oversaturation of commercial in that area. There was commercial in the old master plan. They did not want commercial across from the school.

Marcia Litsinger said she is concerned about children crossing Ramsey/Weeks.

Vida Keller said Comm. Mortensen was here during the master planning. She discussed zoning and feels this should be denied.

Halee Gahr feels this would be a safety issue if it were passed.

Rob Pyzel explained the reasons for development in the area.

Comm. Gray had questions regarding advisory boards and planning commission.

Comm. Hunewill had question for Scott Keller. There were concerns regarding the Silver Springs Airport.

Comm. Hunewill rescinded the second.

The motion died for lack of a second.

Comm. Gray moved to deny the application for the rezoning of APN's 18-355-05 and 18-355-06 with a 24 month prejudice including findings a through d. Comm. Alt seconded the motion.

Scott Keller asked about the 24 month prejudice.

Rob Pyzel said the 24 month prejudice is that an application to rezone could not be accepted for a two year period.

Comm. Alt rescinded the second.

The motion died for lack of a second.

Comm. Gray moved to deny the application for the rezoning of APN's 18-355-05 and 18-355-06 with the findings a through d. Comm. Alt seconded and the motion passed 5 – 0.

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

REGULAR AGENDA

17. County Manager

17.a. For Possible Action: Approve a request from LaCausa Development Nevada, LLC to abate 60% of building fees (approximately \$441,000.00) for development of 147 affordable homes in the Dayton Area.

-Lyon Co Presentation 2-2018 Eddie Hult

-Request Letter from Eddie Hult

Eddie Hult of Dayton Gold Canyon Estates addressed affordable housing. He said the proposed project is to build 147 affordable homes in the Dayton area. He explained the basis for home ownership. He said these people cannot afford a market rate home. He also said the families would be able to save on energy costs. He was asking for help from Lyon County to abate some of the building fees. He explained that he has obtained the land for the development of this project. He is asking for approximately \$441,000 from Lyon County in abatements. He also explained some of the future projects he would like to build in the area.

The commissioners had questions and comments.

Josh Foli said he is not asking for a reduction in planning fees. He said those are hard costs on the building department side. Mr. Foli said there is funding available from the State and Federal government. He can't see where Lyon County has the ability to subsidize the project at this time.

County Manager Jeff Page said it does cost the county for other services provided with additional housing.

Comm. Gray said it could be hurting the residents of the county and surrounding areas. He also said that we could be setting precedence if this was approved.

Comm. Alt moved to deny Item 17.a. Comm. Gray seconded and the motion passed 5 – 0

18. Sheriff

18.a. For Possible Action: Approve 287(g) Delegation of Authority Program Memorandum of Agreement (MOA) between U.S. Immigration and Customs Enforcement (ICE) and the Sheriff's Office.

-287g Contract 2018

-287g Contract Appendixes 2018

Item #18.a. was removed from the agenda.

****END OF REGULAR AGENDA****

RECESS TO RECONVENE AS WILLOWCREEK GENERAL IMPROVEMENT DISTRICT BOARD

19. Public Participation

There was no public participation.

20. For Possible Action: Review and Accept Claims and Financial Report

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

-Claims Report 2-1-18 to 2-15-18

-Cash

Report

2-15-18

The cash balance as of February 15, 2018 was \$333,910.83. Claims totaled \$300.00; there was no payroll.

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

21. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS MASON VALLEY MOSQUITO ABATEMENT DISTRICT BOARD

22. Public Participation

There was no public participation.

23. For Possible Action: Review and Accept Claims and Financial Report

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

-Claims Report 2-1-18 to 2-15-18

-Cash

Report

2-15-18

The cash balance as of February 15, 2018 was \$385,021.93. There were no claims; payroll totaled \$6,703.39.

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

24. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS WALKER RIVER WEED CONTROL DISTRICT BOARD

25. Public Participation

There was no public participation.

26. For Possible Action: Review and Accept Claims and Financial Report

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

-Claims Report 2-1-18 to 2-15-18

-Cash

Report

2-15-18

The cash balance as of February 15, 2018 was \$134,368.37. Claims totaled \$1,975.00; there was no payroll.

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

27. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS CENTRAL LYON COUNTY VECTOR CONTROL DISTRICT BOARD

28. Public Participation

There was no public participation.

- 29. For Possible Action: Review and Accept Claims and Financial Report**
- 29.a. For Possible Action: Review and accept claims and financial reports.**
- Claims Report 2-1-18 to 2-15-18**
- Cash Report 2-15-18**

The cash balance as of February 15, 2018 was \$325,784.45. There were no claims or payroll.

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

30. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS SILVER SPRINGS GENERAL IMPROVEMENT DISTRICT BOARD

31. Public Participation

There was no public participation.

- 32. For Possible Action: Review and Accept Claims and Financial Report**
- 32.a. For Possible Action: Review and accept claims and financial reports.**
- Claims Report 2-1-18 to 2-15-18**
- Cash Report 2-15-18**

The cash balance as of February 15, 2018 was \$1,826,169.03. Claims totaled \$6,420.20; there was no payroll.

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

33. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

34. Commissioner Comments

Comm. Alt is going to Lincoln County to discuss the Public Lands and who was going to Washington D.C. He also talked about the water on the lands and the preexisting rights.

Comm. Hunewill attended NACO meeting and he set out copies

Comm. Hastings commented on the pleasure of having the young people present. He commented on the number of meetings he has seen Halee Gahr attend.

35. 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)

36. Public Participation

Scott Keller talked about the Silver Springs Advisory board. He would like to see about holding a retreat to have an informal meeting with the advisory boards and the board of commissioners to discuss openly what needs to be done.

37. Adjourn

The meeting was adjourned.

LYON COUNTY BOARD OF COMMISSIONERS

BOB HASTINGS, Chairman

ATTEST

NIKKI BRYAN, Lyon County Clerk/Treasurer