The Honorable Board of Lyon County Commissioners met this day, Thursday, March 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, Comm. Scott Keller and Comm. Tammy Hendrix

Absent: None

Staff Present: County Manager Andrew Haskin, Comptroller Josh Foli, Emergency/Communications Manager Taylor Allison, and District Attorney Steve Rye.

2. Invocation given by John Poundstone of Joy Church

John Poundstone gave the invocation.

3. Pledge of Allegiance

4. Public Participation

Jim Denning, a Yerington resident addressed a problem that has been going on for about five years at 20 Palomino Dr. and there seems to be some confusion on what entities are involved and what they can and can’t do (referring to the District Attorney, the Sheriff, Code Enforcement and the County Commissioners). He suggested that these four entities get together or form a committee to raise a plan to deal with these people because there is ongoing illegal activity and it’s County-wide. Mr. Denning stated this community is getting a really bad reputation, and he has heard from people in Reno, Incline Village, and other areas that don’t want to come to our County because it is drug infested. He noted the situation is getting worse again because the guy gets out of jail and within a half hour there is traffic, people walking around the area and vagrants staying on the property. There has been a fire there and he believes the property has been red tagged so nobody is supposed to be living there accept the owners, one of which is a prominent dealer. He would like the Commissioners to get together and find a solution before it gets out of hand.

Eric Allison, owner of Sunrise Ranch, is concerned with revenue loss in the community, unsafe driving, disrespecting private property, wildlife deaths and large amounts of litter, due to the excess of traffic that is diverted to Miller/Aiazzi and Pete Hendricks roads instead of being routed through town. There are signs that large trucks are not allowed on the road, but they still use the road. The rumble strips and flashing lights have not helped.

David Sceirine also has complaints about Miller Lane. He would like to add that he has had to fix the fence multiple times, and has been run off the road more than once. There is just too much traffic on this road. He would like a flashing stop light to be installed because drunks go
right through the intersection. There is too much traffic for the infrastructure and the roads are breaking down on the sides.

Charles Bolton spoke on the issues on Palomino Drive. He stated this has been an ongoing problem since he moved there in 2007. Mr. Bolton stated that the fire halted activity for a while but it has started up again. He asked the Commissioners to drive out to the property and check it out. The owners have a right to work on the property and bring it up to code but they don't have a right to live there. The activities at midnight and two in the morning and the speeding up and down the roads in unregistered vehicles needs to be addressed.

Omar Lopez requested something be done about Miller Lane. He stated he drove the road daily for five years for his job with Peri and Sons, and saw a thousand to fifteen hundred vehicles a day on Pete Hendrichs and Miller Lane. He said he has seen many vehicles in the ditch, seen people stop to urinate on the side of the road, was run off the road, had to pull off the road multiple times to avoid being run off the road and witnessed people driving about 65 mph. Mr. Lopez feels those vehicles should be routed through town, and noted that people are not choosing to go that way, Google maps is directing them that way. He wants the speed limit lowered because Google would then reroute them through town where they would utilize local businesses. Routing them down Miller Lane is causing revenue loss for Yerington businesses.

5. For Possible Action: Review and adoption of agenda
Comm. Keller moved to adopt the agenda as written.
Comm. Henderson seconded, and the motion passed 5-0.

6. Time Certain
6.a. Time Certain at 9:00 AM: For Possible Action: Public Hearing to consider and approve 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. If approved, the Board can authorize the Chair to execute any documents necessary to complete the exchange.

County Manager Andrew Haskin stated this is the second hearing on this topic and is the time for public comments if they are for or against.

Comm. Henderson and Comm. Jacobson agreed that this is the best solution to get a community center in Mound House.

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

Lyon County Board of County Commissioners
March 2, 2023
Comm. Henderson moved to approve 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 authorize the Chair to execute any documents necessary to complete the exchange.

Comm. Hendrix seconded, and the motion passed 5-0.

7. Presentation of awards and/or recognition of accomplishments
There were none.

8. Commissioners/County Manager reports
Comm. Hendrix attended the ribbon cutting at Boys and Girls Club, and stated it is an amazing facility and it opened at full capacity. She also attended the Silver Springs and Stagecoach Advisory Board meetings.

Comm. Henderson attended the Nevada Association of Counties Public Lands and Natural Resources Committee meeting. AB 102, which prohibits competitions in which certain animals are taken, was discussed. This would outlaw coyote shooting contests and some counties are concerned with this because of the over population of coyotes and the damage they do. SLUPAC and NACO submitted comments on solar PEIS, because they are concerned that there are big solar fields being built all over Nevada and all the energy is going to California. He also attended the NACO board of Directors meeting and the Western Nevada coalition meeting. He appeared before the Senate Government Affairs Committee and testified in opposition of SB81.

Comm. Jacobson gave condolences to lives lost in the medical plane crash. He attended Fernley council meeting via Zoom and attended the Stagecoach advisory Board meeting.

Comm. Hockaday attended the Legislative Coalition meeting.

9. Elected Official’s reports

9.a. For Report Only: Canal Township Justice Court
- JANUARY 2023 FJC STATS.

County Manager Andrew Haskin extended condolences to families of plane crash. He attended the Senate Government Affairs Committee meeting and testified in opposition of SB81. He attended the Stagecoach Advisory Board meeting where Doug Homestead gave a presentation on the Community Center. He gave a presentation/discussion on the Lands Bill.

Sheriff Brad Pope reported that response times are steady. He gave a brief update on activities in Lyon County including the active shooter in Mound House and the plane crash.
10. Appointed Official’s reports

Comptroller Josh Foli reported that on March 6, 2023, the remodel of the Justice Complex will be going out for bid. He is hoping that the end of May or beginning of June they will start construction. He and Andrew Haskin met with department heads. Mr. Foli stated that the item regarding attorneys’ salaries in the District Attorney’s Office probably needs to be brought back to the board prior to approving the budget. In surrounding counties they are unionizing and doing salary studies. This will be brought back on the next agenda.

11. Advisory Board reports

Amanda Brinnand, Vice Chair, commented on the Stagecoach Advisory Board meeting. She thanked Lyon County staff for their presentations and looks forward to the public meetings on the Public Lands Bill.

CONSENT AGENDA

Comm. Henderson requested item 12.b be pulled and heard separately.

Comm. Hendrix requested to pull 12.a because she needs to abstain.

Comm. Jacobson moved to approve the consent agenda pulling items 12.a and 12.b for further discussion and approve items #13 – 14.b. as written.

Comm. Henderson seconded, and the motion passed 5-0.

12. For Possible Action: Approve County Commission Minutes
   12.a. For Possible Action: Approve the February 2, 2023 minutes.

Comm. Keller made a motion to approve the Feb 2, 2023 minutes.


Comm. Hockaday asked for public comment, there was none.

Motion passed 4-0 with Comm. Hendrix abstaining because she was not on the Board at the time.

12.b. For Possible Action: Approve the February 16, 2023 minutes.

Comm. Henderson requested the correction of an error on page 18 for the spelling of a name.

Comm. Hendrix requested a change on item page 4 to correct the name of a city mentioned.

Comm. Hockaday asked for public comment, there was none.
Comm. Keller made a motion to approve 12.b with the two corrections.

Comm. Hendrix seconded, and the motion passed 5-0.

13. Grants
  13.a. For Possible Action: Accept supplemental grant award from the State of Nevada Department of Health and Human Services (DHHS), for the Community Services Block Grant (CSBG), in the amount of $2,018.

14. Other Consent Items
  14.a. For Possible Action: Review and accept travel claims.
    - Travel Report 2-1-23 to 2-15-23

Travel claims totaled $13,751.60 as of February 15, 2023.

  14.b. For Possible Action: Review and accept claims and financial reports.
    - Claims Report 2-1-23 to 2-15-23
    - Cash Report 2-15-23

The cash balance as of February 15, 2023 was $110,259,690.28. County claims totaled $927,587.62 and payroll totaled $1,419,906.85.

**END OF CONSENT AGENDA**

PLANNING CONSENT ITEMS

15. Planning Consent Items
  15.a. For Possible Action: Approval to release the Improvement Bond, accept the Maintenance Bond and accept the Certification of Completion, for the Traditions Village I Phase 5, subdivision, located in Dayton, NV.

  15.b. For Possible Action: Approval to release the existing Improvement Bond for the Traditions Village 1, Backbone Roadway Network Improvements; and Accept the Certificate of Completion; and replace with a 10% Maintenance/Warranty Bond for that portion of the Backbone Roadway Network improvements up to Sulphur Springs Road; AND, Accept a Reduced Improvement Bond, in the form of a Cashier's Check covering those improvements associated with the Traditions Village 1 Backbone Roadway Network, situated past Sulphur Springs Road; AND, Accept the Maintenance/Warranty Bond and accept the Certificate of Completion, for the portion of the Traditions Village 1, Backbone Roadway Improvements, up to Sulphur Springs Road.

Comm. Jacobson made a motion to approve items 15.a and 15.b as written.

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

Motion passed 5-0.

** END OF PLANNING CONSENT ITEMS APPLICATIONS**

PUBLIC HEARING ON PLANNING ITEMS

16. Planning

16.a. For Possible Action: To approve a Conditional Use Permit request from Lux Solar Center, LLC to allow a Commercial Solar Generation Facility on four parcels generally located between the Union Pacific Railroad tracks and Sierra Way in Wabuska, north Mason Valley (APNs 014-091-02/-03/-20/-21) in the RR-20 (Rural Residential 20 acre minimum) and LI-R (Light-Industrial - Rural) zoning districts. PLZ-2022-210.

The Applicant is requesting a Conditional Use Permit (CUP) to construct and operate a commercial solar power generating facility.

Bill Roth Senior Planner gave a presentation on the construction and operation of a commercial solar power generating facility on the proposed site plan, which was approved in 2019. The proposed project involves the construction and operation of a commercial solar power generating facility over an approximately 1,140-acre area within a four-parcel site totaling 2,462 acres. The subject property is located between the Union Pacific Railroad tracks and Sierra Way in Wabuska, North Mason Valley. A CUP (PLZ-19-0054) was approved for the same project in 2019 but has since expired because grid infrastructure upgrades by Nevada Energy (NVE) (upon which the proposed facility is reliant) have been delayed until 2028. The Applicant now seeks a CUP with the same project description and the same conditions of approval as the previously approved CUP, but with initiation of the project required no sooner than 2030 to ensure the necessary NVE upgrades are in place. PLANNING COMMISSION 93 Page 2 of 18 BOCC – Mar 2, 2023 Lux Solar, LLC - CUP Planning-BR. At the February 14, 2023 Planning Commission meeting, the Commission voted 6-0 to recommend approval of the proposed project to the Board of Commissioners. There was limited discussion regarding the project timeline and questions concerning the proposed period of validity of the CUP and whether a bond was included with the decommissioning plan that the applicant provided as part of their submittal materials. In regard to the proposed validity of the CUP, staff responded that the Lyon County Code does not prohibit the approval of a CUP duration period that is longer than the standard two years provided in the Code and that the extended duration was requested by the applicant due to the fact that the NV Energy facility to which the proposed project would connect has been delayed and is not anticipated to be completed until 2028. In regard to whether a bond was included with the applicant’s proposed decommissioning plan, the applicant confirmed that no bond was proposed. Staff stated that a Condition of Approval to include such a bond could be added at the recommendation of the
Planning Commission, but the Planning Commission chose not to require such a condition be added to the proposed project.

Walker Irrigation District did send a letter in support of the project and wanted to make sure that condition of approval item 12 is in place.

Comm. Hendrix requested that a mitigation bond be attached as a condition to this project.

Andrew Haskin wanted to verify with the applicant, Thomas Gentry, if they are OK with that request, and Thomas replied they would be on board with that.

Comm. Henderson moved to approve a Conditional Use Permit request from Lux Solar Center, LLC to allow a Commercial Solar Generation Facility on four parcels generally located between the Union Pacific Railroad tracks and Sierra Way in Wabuska, north Mason Valley (APNs 014-091-02/03-20/-21) in the RR-20 (Rural Residential 20 acre minimum) and LI-R (Light-Industrial - Rural) zoning districts. PLZ-2022-210 based on the findings 1.a-g and subject to the conditions 1-16 and to include the requirement of a bond as discussed.

Comm. Hendrix seconded.

Comm. Jacobson questioned the approval of another solar company across the highway and whether the board required them to build a fence. Senior Planner Louis Cariola stated that former Chairman Keller had requested some form of screening along highway 95A and this could be in the form a landscaping also.

Comm. Hockaday asked for public participation. Vida Keller and Comm. Keller both questioned the issue of dust control during and after construction. Andrew Haskin stated they would need to get a permit from the Nevada Division of Environmental Protection and they will regulate the air quality.

Motion passed 5-0.

16.b. For Possible Action: To approve a Conditional Use Permit request from Lyon County School District to allow the addition of two office buildings on one parcel (APN 018-356-01) and a shared parking area on two parcels (APNs 018-356-01 and 018-356-02) located to the west of the intersection of Spruce Avenue and Ramsey Weeks Cutoff, south of U.S. Highway 50 in Silver Springs, in the RR-5 (Rural Residential 5 acre minimum) zoning district. PLZ-2022-197.

Bill Roth, Senior Planner, gave a presentation on the proposed project which consists of the construction of two modular office buildings and a parking area. The proposed buildings would be 3,600 square feet (60 feet x 60 feet) and 1,440 square feet (24 feet x 60 feet) in size, 5,040 square
feet total. Each building would be one-story, approximately 15 feet in height, with engineered wood siding and white roofing. The larger of the two proposed buildings would be used solely for administrative offices with a conference room, bathrooms, and a janitor’s closet, providing a total of 3600 square feet. The smaller building would provide two LCSD training rooms and bathrooms, for a total of approximately 1,440 square feet. The smaller building will be a scheduled-use facility for IT, Maintenance, and Food Services training.

Comm. Keller questioned the road and increased traffic issues. He would like this to be looked into and addressed.

Comm. Jacobson thinks it is a great idea to centralize in this location.

Comm. Hockaday asked for public comment, there was none.

Comm. Keller made a motion to approve a Conditional Use Permit request from Lyon County School District to allow the addition of two office buildings on one parcel (APN 018-356-01) and a shared parking area on two parcels (APNs 018-356-01 and 018-356-02) located to the west of the intersection of Spruce Avenue and Ramsey Weeks Cutoff, south of U.S. Highway 50 in Silver Springs, in the RR-5 (Rural Residential 5 acre minimum) zoning district. PLZ-2022-197 based on the findings a-g and subject to conditions of approval items 1-8.

Comm. Jacobson seconded, and the motion passed 5-0.

16.c. For Possible Action: To approve the request for a Zoning Map Amendment from Schaller Development LLC c/o Project One to change the zoning on nine (9) parcels comprising approximately 497.52 acres south of US Highway 50 in Stagecoach from RR-5 (Fifth Rural Residential District – 20 acre minimum) and RR-2 (Second Rural Residential District – 2 acre minimum) to RR-2 (Rural Residential – 2 acre minimum) in accordance with the Master Plan designation of Specific Plan (APNs: 015-365-01, 015-365-02, 015-365-03, 015-365-04, 015-371-05, 015-371-06, 015-371-07, 015-371-08, 015-451-01) PLZ-2022-206.

Comm. Keller stepped out of the room for a few minutes.

Louis Cariola, Senior Planner, gave a presentation on the nine parcels of the requested zoning change.

Mike Bailey, representing Schaller Development, also gave a presentation on the project and zoning changes. He stated they have listened to residents requests and as a result there is an 87% reduction in number of lots and they will maintain the roads to county standards.

Public Participation:
Amanda Brinnand from Stagecoach noted that at the March 2018 Stagecoach Advisory Board meeting, the applicant, Mr. Smith, stated that 200 homes would have negative impacts on the community. Mr. Smith has not stated what these negative impacts would be, but she thinks they would include an increased flooding risk, wildland fire risk, small lot sizes not complimentary to the surrounding area, well contamination, wells drying up, inadequate ground water supplies, and negative impacts to existing roads and residents. She claims the developer is not listening to the residents even though they ask for their input.

The Stagecoach Advisory Board sent a recommendation of denial with multiple reasons for the denial. No ground water studies have been completed, and the applicant stated they are not concerned with wells drying up because a turf farm has used more water than the development will. Ms. Brinnand is concerned about ground water and asked a specialist at the Stagecoach Drainage meeting who advised because of the larger foot print of the development and the number of homes in the irrigated area, the development will indeed use more water than the turf farm did. The applicant was just approved for a reduction in water rights also.

Betty Retzer lives adjacent to the turf farm and would like to dispute Mr. Cariola’s statement that this will be compatible with the neighborhood. She said it is not compatible at all. Two acre lots are not compatible with the 5-40 acre lots that surround the property.

Raymond Lee of Stagecoach has sent in comments that he is opposed to the project and rezoning. He is an RR10 and doesn’t want to downsize. Where he lives on Silver Lane has flooding and flooding will increase due to the increase in erosion and increase in traffic. He is also concerned about environmental damage and aquifer contamination. He asked that if this is allowed to go through they mandate an escrow or set aside funds for when their wells go dry the applicant pay for it. He also asked the Commission to fine the applicant for a nuisance for refiling any mention of rezoning again.

Jerry Culwell from Stagecoach stated he has been here five other times for the same problem. He showed pictures of flooding from March of 2019, asked that someone go look at the lake, and suggested staying with the existing master plan.

Gary Hensil via Zoom commented that at the Stagecoach Advisory Board meeting in November 2022, Schaller asked residents for their input and residents requested a road with a left and right turn out to the highway. Instead, Caroline Way and Black Hawk Road will be used and will disrupt quiet residential neighborhoods. Louis Cariola stated that new road access is not needed, but the residents have a different opinion. Mr. Gillis stated that there could be some alternative methods for infiltrating the water into ground, such as potential infiltration basins. Mr. Hensil urged the Board to vote no on this development.
Comm. Henderson made a motion to approve the request for a Zoning Map Amendment from Schaller Development LLC c/o Project One to change the zoning on nine (9) parcels comprising approximately 497.52 acres south of US Highway 50 in Stagecoach from RR-5 (Fifth Rural Residential District – 20 acre minimum) and RR-2 (Second Rural Residential District – 2 acre minimum) to RR-2 (Rural Residential – 2 acre minimum) in accordance with the Master Plan designation of Specific Plan (APNs: 015-365-01, 015-365-02, 015-365-03, 015-365-04, 015-371-05, 015-371-06, 015-371-07, 015-371-08, 015-451-01) PLZ-2022-206. Based on the findings contained in the staff report.

Comm. Jacobson seconded, and the motion passed 5-0.

**16.d. For Possible Action:** To approve the request from Schaller Development LLC c/o Project One of a Merger and Re-subdivision/Tentative Subdivision Map of nine (9) parcels comprising approximately 497.52 acres south of US Highway 50 in Stagecoach into 186 single family residential lots with a minimum lot size of 2 acres and a maximum size of 17.7 acres (APNs: 015-365-01, 015-365-02, 015-365-03, 015-365-04, 015-371-05, 015-371-06, 015-371-07, 015-371-08, 015-451-01) PLZ-2022-207.

Senior Planner Louis Cariola gave a presentation on the merger and re-subdivision/tentative subdivision map on nine (9) parcels totaling approximately 491.20 acres in Stagecoach proposing 186 residential lots ranging between 2 and 17.77 acres in size.

Mike Bailey, representing Schaller Development, also gave a presentation on the project and zoning changes. Schaller has reduced the density 87% in the total number of units, eliminated the multi-family component, redesigned to rural standards, proposed two acre or larger lots as requested and is only requesting about 75% of the number of units allowed. They will pave all roads to Lyon County standards. There will be no street lights as requested by residents. There will be an HOA.

Jason Gillis with Tech Engineering stated that the final design will adhere to all state and county codes. Potable water service is provided by the GID who is responsible to the State for keeping themselves in compliance. The GID did recently get a reduction in their dedication rate and this was not as a result of this project. It was granted by the state engineer and it was based on the GID going to the state with records of how much water their metered users are using. He explained their solutions to the flooding issues.

Comm. Hendrix requested to know what the maintenance schedule will be for all the ditches and ponds. Jason Gillis stated that during construction, they will have a SWPP permit that regulates they go out after every storm to make sure everything is still in place. After that, there will be scheduled maintenance through the HOA and drainage would be maintained twice a year by the developer. Comm. Hendrix also requested four acre lots on the boundary. Andrew Haskin stated we do not have any standard in code that require the lots to be matching but if the developer is
if the developer is willing they could go with that. Comm. Hendrix also was concerned with lighting and pedestrian walkways and asked that they consider putting in pedestrian walkways.

Senior Planner Louis Cariola commented that the County updated their drainage guidelines in 2018 so the preliminary studies that were submitted as part of the tentative map were designed in accordance with those drainage studies. The tentative map conditions of approval do denote the fact that there are still engineering reviews by the county engineer prior to recording of the final map in addition to a number of other qualities. At the February 14, 2023 Planning Commission meeting, the Commission elected to “Table” the vote on this Tentative Subdivision Map, with no action recommended to the Board. This occurred because a Zoning Map BOCC – March 2, 2023 SH Estates – TSM Planning-LC Page 2 of 16 Change for all nine subject parcels to amend the zoning to RR-2 (Rural Residential 2-acre minimum) also heard at the same meeting (PLZ-2022-206) resulted in a vote of 3 Ayes and 3 Nays, a “no approval or denial” outcome. The Commission recognized that without the appropriate zoning in place, the proposed subdivision would not be permitted.

Comm. Henderson questioned if the HOA would maintain the roads if they are not going to be paved. Andrew Haskin stated Lyon County would not accept the gravel roads but the roads will be built to county standards so Lyon County will maintain them. Comm. Henderson also questioned the use of xeriscaping and could that be required in the CCR. They can be.

Comm. Keller stated that water landing on your property has to be contained by the owner of the property per FEMA. He also questioned if they would establish a maintenance plan for the ditches and detention basin and whether they will consider making a plan from the start. He also asked if road could be straighter and have less angles.

Mike Bailey stated that as far as the pedestrian path, the road does have a four foot shoulder on each side. They will paint a fog line on side of the road to clearly define the travel lane. Schaller is willing to change the eight lots from two acres to four acres as requested.

Jason Gillis commented he would like to keep it at a 186 unit tentative map and stipulate the four acre lots on the Eastern side.

Public Comment:

Amanda Brinnand thanked Schaller for doing the four acre lots. She stated that Silver Lane is lower than the proposed subdivision. She attended the Stagecoach drainage master plan meeting and Stagecoach is an enclosed basin, what flows into the valley never flows out, and water either evaporates or seeps into the ground. They said at the meeting that Stagecoach has very unique flood risks and sedimentation is a huge issue. She is concerned that the flooding issues will be compounded by this new development, and wants to ensure that the developer pays attention to
where this water goes when it leaves the property. Ms. Brinnand stated this is a big safety issue because putting in drainage to get it off their property doesn’t stop it from flooding other properties.

Betty Retzer is concerned where the water will be routed to and doesn’t want it routed onto her property. They have had water standing in the neighborhood for two weeks so 24 hours will not make the water disappear. She asked what it means that the traffic will be routed internally, and would like to see at least five acre lots around the perimeter of the property. They say there will not be an impact on schools but the school was just here today requesting more land and more buildings. She questioned how the HOA will have funding for maintenance at first, expressed concern that there will be multiple developers because each person that buys a lot will have their own developer to build on that property, and also mentioned fencing due to wild horses.

Jim Walsh of Stagecoach stated that FEMA is giving Stagecoach funding to do a study on the flood plain and sediment and he requested they wait until this study is complete to vote on it.

Jim Mulkey, a resident of Stagecoach, asked about the access to certain lots and whether roads will be widened because residents do not currently have room on the roads for a vehicle and the garbage truck to be on the road at the same time. He also questioned who will be responsible when Churchill Ranchos gets flooded again.

Gary Hensil from Stagecoach questioned the lighting and with the HOA who and how will someone take care of the water management and drainage.

Vida Keller commented that many people are stating the developer is not listening to residents, but she had attended all the meetings when she was a Commissioner. She stated the community asked for 1-2 acre lots and the developer has addressed their requests. She also advised they will probably do a blanket HOA even though the lots are built by individual contractors.

Comm. Henderson moved to approve the request from Schaller Development LLC c/o Project One of a Merger and Re-subdivision/Tentative Subdivision Map of nine (9) parcels comprising approximately 497.52 acres south of US Highway 50 in Stagecoach into 186 single family residential lots with a minimum lot size of 2 acres and a maximum size of 17.7 acres (APNs: 015-365-01, 015-365-02, 015-365-03, 015-365-04, 015-371-05, 015-371-06, 015-371-07, 015-371-08, 015-451-01) PLZ-2022-207. Based on the findings in the staff report 1-11 and subject to the conditions of approval items 1-29 with the inclusion of requiring xeriscaping in the CCR and a stipulation that the eight lots on the East side be converted to four acre lot sizes.

Comm. Keller seconded, and the motion passed 5-0.

**END OF PLANNING APPLICATIONS**
17. Advisory Board

17.a. For Possible Action: Approve the Rules and Regulations for Hillcrest Cemetery in Smith Valley. (Requested by Comm. Hockaday).

Comm. Hockaday gave a presentation on the rules and regulations for Hillcrest Cemetery in Smith Valley including Federal, State and County laws, what remains are allowed in a plot, prices/fees, Veteran’s plots, indigent status, plot ownership, refunds, opening and closing of gravesites, markers, curbing/fencing, flowers/lighting, plants, animals and arrangements for services.

Comm. Henderson questioned that he thought the Board had already set the rules for all the cemeteries in the County. Comm. Hockaday stated Smith Valley is the only cemetery in the County with its own Board, so they do run under the County, but they also have a Director.

Comm. Henderson asked if these rules are the same as all other Cemeteries in the County. Facility Director Doug Homestead stated if there are any differences, they will get them updated.

Comm. Keller stated there should be something to state that current regulations would need to be followed even if the plot was already purchased.

Comm. Jacobson asked if people living now can purchase a plot for future use. Mr. Homestead stated they can.

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

Comm. Hockaday moved to approve the Rules and Regulations for Hillcrest Cemetery in Smith Valley.

Comm. Henderson seconded, and the motion passed 5-0.

18. County Manager

18.a. For Possible Action: Approve a 16 month contract with Porter Group, LLC for federal government affairs consulting services. The contract amount is $120,000.00 ($7,500.00 per month) plus allowable travel expenses, with $30,000.00 to be funded from contingency for the remainder of fiscal year 2023. (Requested by Commissioner Henderson)

County Manager Andrew Haskin stated Lyon County currently does not have a lobbyist like most other counties, so the Board directed Andrew Haskin to investigate this. He has received a proposal from Porter Group for a 16 month contract for $7,500.00 per month. He gave a description of what support the contract would include.
Porter Group can get more federal funding to our County and that money would be used for project funding for road construction projects, water main replacement, crisis response, Miller/Aiazzi, sewer, seniors and a LYSO training center. Total cost for these projects is projected to be $23,130,824.00

Comm. Hendrix asked how the Porter Group was chosen. Andrew Haskin stated that they came very well recommended by other counties.

Comm. Henderson stated we definitely need to have representation at the Federal level to secure funding for our County. This is an investment, not an expense.

Comm. Keller agreed and mentioned that Fernley met with the Porter Group also. They are on a first name basis and they are very experienced and thorough.

Comm. Jacobson questioned why the Cities and the County are not combining their resources and also asked if any businesses that benefit from actions of Porter Group could be charged a fee. Andrew stated it is better that the City and County are separate or they would be fighting over what projects would get priority and there would be competition, which would create an issue. They are likely to get more projects funded if they act separately. As far as charging a fee, that would need to be looked into, but it would be difficult.

Comm. Keller mentioned that there are pros and cons. He also pointed out Washington wants the Lands bill and we would definitely need representation in DC for this.

**Public Comment:**

Vida Keller commented that maybe they could do a share percentage discount to Fernley and Lyon County.

Congressman John Porter, a member of Congress who has also worked in local government and the Nevada Senate, is here to help and represent Lyon County.

Cameron Gresh is excited to represent Lyon County in Washington D.C.

Comm. Keller moved to approve a 16 month contract with Porter Group, LLC for federal government affairs consulting services. The contract amount is $120,000.00 ($7,500.00 per month) plus allowable travel expenses, with $30,000.00 to be funded from contingency for the remainder of fiscal year 2023.

Comm. Henderson seconded, and the motion passed 5-0.
18.b. For Possible Action: Appoint County Commissioners and staff to the following Boards, Commissions, or Committees for calendar year 2023:

Comstock Historic District
Debt Management Commission
Dayton Valley Conservation District (Assemblyman Ken Gray Requested by DVCD)
Mason Valley Conservation District
Smith Valley Conservation District
Nevada Association of Counties
1. Board of Directors- 1 Commissioner
2. Legislative Committee - Up to 2 Commissioners
3. Public Lands and Natural Resources Committee - Up to 2 Commissioners
Local Emergency Planning Committee
Northern Nevada Development Authority
Nevada WORKS
Walker River Irrigation District
Carson Water Subconservancy District
Lyon County Room Tax Board
Quarterly Jail Inspection
Truckee Canal Safety Commission
Lyon County Regional Transportation Commission
Quad County Legislative Coalition (Comm. Hockaday and Comm. Henderson appointed 01/03/2023)
Carson Area Metropolitan Planning Organization
State Land Use Planning Agency
Nevada Local Justice Reinvestment Coordinating Council
Nevada Commission of the Aging
Intergovernmental Executive Committee (Expanding Term of December 31, 2025)

This item was moved from the January 03, 2023 meeting per the Commissioners’ request.

Comm. Hockaday went over the process for appointing to Boards, Commissions, or Committees.

Comm. Jacobson suggested giving the floor to each interested person before they went on with a vote.

All Comms. agreed to do this.

Andrew stated it has to be staff or Commissioners that are appointed for these positions.

**Comstock Historic District** - Comm. Hendrix would like to take this position.
**Debt Management Commission** - Comm. Jacobson will take this position.
Dayton Valley Conservation District (Assemblyman Ken Gray Requested by DVCD) - This must be decided by the board. Comm. Jacobson and Henderson agree that these positions need to be filled by current elected or appointed officials of Lyon County. Comm. Henderson would like to serve on this Board.

Mason Valley Conservation District - Comm. Hockaday agreed to keep this position.

Smith Valley Conservation District - Comm. Hockaday agreed to keep this position.


1. Board of Directors - 1 Commissioner - Comm. Henderson will fill this position.
2. Legislative Committee - Up to 2 Commissioners - Comm. Henderson and Comm. Keller will fill the positions.

Local Emergency Planning Committee - Comm. Hockaday will take this position.

Northern Nevada Development Authority - Comm. Keller and Andrew Haskin will take this position.

Nevada WORKS - Comm. Jacobson and Andrew Haskin will take this position.

Walker River Irrigation District - Comm. Hockaday will take this position.

Carson Water Sub-conservancy District - Comm. Hendrix will take this position.

Lyon County Room Tax Board - Comm. Jacobson will take this position and Comm. Keller will be the alternate.

Quarterly Jail Inspection - Comm. Hockaday will keep this position. Comm. Jacobson would like to do a walk through with Comm. Hockaday one day.

Truckee Canal Safety Commission - Comm. Jacobson will take this position with Comm. Keller as alternate.

Lyon County Regional Transportation Commission - Comm. Henderson will take this position.


Carson Area Metropolitan Planning Organization - Comm. Henderson will take this position.

State Land Use Planning Agency - Comm. Henderson will take this position.

Nevada Local Justice Reinvestment Coordinating Council - Comm. Jacobson motioned to appoint the District Attorney's office. District Attorney Steve Rye agreed to this motion.

Nevada Commission of the Aging - Comm. Hendrix will take this position.

Intergovernmental Executive Committee (Expiring Term of December 31, 2025) - Comm. Keller will fill this position. Andrew Haskin will be the alternate.
Comm. Hockaday asked for public participation, there was none.

Comm. Henderson made a motion to make the committee assignments as discussed and on the spreadsheet.

Comm. Jacobson seconded, and the motion passed 5-0.

18.c. For Possible Action: Approve a Settlement Agreement dated November 14, 2022 ("Walmart Settlement") with Walmart and Subdivision Participation Form related to the Opioid Litigation and authorize the Chair to sign the necessary documents to implement the settlement for Lyon County, Nevada.

District Attorney Steve Rye stated this is part of the opioid settlement. Lyon County will receive about $284,000.00 and these funds will go into the opioid fund managed by Shayla Holmes.

Comm. Hockaday verified this will be over a six year period with first payment in the first year. Steve Rye agreed.

Comm. Hockaday asked for public comment. There was none.

Comm. Henderson moved to approve a Settlement Agreement dated November 14, 2022 ("Walmart Settlement") with Walmart and Subdivision Participation Form related to the Opioid Litigation and authorize the Chair to sign the necessary documents to implement the settlement for Lyon County, Nevada.

Comm. Hendrix seconded, and the motion passed 5-0.

19. Community Development

19.a. For Possible Action: Award the Lyon County Solid Waste Disposal Franchise based on the responses received for Request for Proposal #22/10; direct staff to enter into contract negotiations with the winning proposal.

County Manager Andrew Haskin gave some information on the requirements for purchasing for local Governments and how they choose the lowest responsive and responsible bidder. He also explained the process for the bid, and clarified that the property C & S Waste proposed for their site was sold. He gave a comparison of the three companies that have applied for the contract including locations and pricing. Staff recommendation is to go with Waste Management.

Andrew Haskin stated that they did not plan on having presentations from the proposers and planned they just speak during public comments. The commissioners agreed to this.
Comm. Keller questioned their experience and the fact that Silver Springs still doesn’t have a transfer station. He also stated that Silver Springs was supposed to get a transfer station years ago, which was on the first contract. Mr. Haskin answered that the experience is not just based on Lyon County. He also stated that the transfer station issue was heard at a prior meeting and the Board was aware of this.

Comm. Jacobson asked who has to pay for illegally dumped bulky items. Mr. Haskin answered whoever was awarded the bid would be responsible for this. Comm. Jacobson was concerned this would lead to illegal dumping. Comm. Jacobson also questioned whether D & S waste will still stay the subcontractor for Mason and Smith Valleys. Mr. Haskin stated that is in the proposal, but pointed out that D&S doesn’t have a written contract.

Comm. Henderson questioned that the rankings were based on the RFP with no consideration for past performance, and stated the scores alone don’t tell the whole story.

Comm. Hendrix stated that Waste Management put up a bond to ensure that the work would be done building the Silver Springs transfer station and the other two proposers would have to build two transfer stations. He asked what guarantee there is that work would be done in a timely manner. Andrew Haskin answered that there was no bond requirement, but they do have a $100,000.00 performance bond.

Comm. Hockaday stated it is implied that Oleese and C & S will set up a contract with D&S for Mason and Smith Valleys.

Damen Shay from C&S Waste Solution stated his company would thrive in Lyon County and they have the resources backing them, would set up a locally staffed yard and office, and will be involved in the community.

Comm. Henderson questioned the anticipated time line. Mr. Shay stated he doesn’t have any specifics, but they do have land in Silver Springs and would have more details after the award.

Comm. Hendrix asked about the option with the 96 gallon service, you get six additional 32 gal cans, but elsewhere stated that is no longer in place. Mr. Shay stated he would have to get back to her on this.

Oleese Waste owner, Tillio Oleese, gave a brief background of his business and all equipment they have and emphasized his team could be ready to go tomorrow. Comm. Henderson asked how soon a building could be built. Mr. Oleese answered 90 days. They will have a temporary transfer station in the Dayton yard so they are ready from day one.

Comm. Hendrix questioned why 75 pound containers cannot be used anymore. Mr. Oleese stated they cannot be used due to the safety of employees.
Kendra Kostelecky from Waste Management gave a brief presentation on her company and how responsive they are to their customers, emphasizing they are local and that 17% live and work in Lyon County.

Comm. Henderson confirmed it would take two years to complete and Kendra Kostelecky stated that is on the outside of the time frame. Comm. Henderson asked what the bond is for. Ms. Kostelecky stated it is to guarantee they are going to give a transfer station. Comm. Henderson stated that is not what the contract states and that if they fail to build within 36 months they will give Lyon County the money to build it. Comm. Henderson stated Waste Management has not built a transfer station in ten years.

Comm. Keller stated he had complaints in Silver Springs about Waste Management and it was a big burden to get properties cleaned up. They have not stepped up and this should have been done last year with the last contract. Kendra responded that 200 residents in Silver Springs came forward with a petition in support of them.

District Attorney Steve Rye clarified that the transfer station has been discussed several times and the board made the decision that a transfer station did not have to be built for a period of time.

Public Comment:

Brad Cea, area director for Waste Management, stated that as far as the bond goes, they have to tie it to something, which was completion of the transfer station. He agreed there is history here but the RFP should be based on the future. He pointed out all the employees in the room and that these people want to serve the members of the community with the best service at the best price.

Vida Keller wanted to go on the record that nobody has addressed what the cost will be to purchase land, build the transfer station and whether the bond will cover this. She also questioned that they have only three days a week service, not to include a weekend, for people to dump trash. She stated their drivers are great but corporate still continues to ignore the residents.

Andrew Haskin addressed the local issue and all three companies would be considered local companies.

Comptroller Josh Foli stated that looking at the rates, they should be considered and this will also affect indigent services.

Comm. Jacobson stated that at the Dayton meeting they were very clear that price for service is the bottom line. A lot of people were upset that monthly bills were raised. He questioned the rate increases and stated he is not comfortable increasing customer’s prices. He would award to Waste Management based on this.
Comm. Hendrix stated that it might be a perception that the existing people have an advantage but they also face a disadvantage because there are the ones that have had to endure the complaints.

Comm. Henderson talked about the costs difference of $1.65 a month and $3.65 month doesn’t add up to $40.

Comm. Keller was impressed with C&S and how they talked about every community being different and how they are involved in the community.

Comm. Hockaday commented that when they look at all other contracts in the county they add up all the expenses for the projects and decide what the best price is for people who live in the County.

Comm. Jacobson made a motion to award the Lyon County Solid Waste Disposal Franchise based on the responses received for Request for Proposal #22/10; direct staff to enter into contract negotiations with Waste Management.

Comm. Hendrix seconded.

Comm. Jacobson, Hockaday and Hendrix voted in favor of the motion and Comm. Henderson and Keller were opposed.

Motion passed 3-2.

20. Agenda Requests

Comm. Henderson requested an agenda item to propose an ordinance prohibiting ornamental grass.

Comm. Jacobson is bothered by the fact that the 4H club was charged for damages from the fire at the fire station, stating he didn’t see any damages. He also questioned if they get their deposit back and whether they and other organizations should be charged a deposit in the first place. Andrew Haskin said it may not be an agenda request, and that he will look into this.

Comm. Jacobson also questioned if there is more the Board can do with keeping up property and helping code enforcement.

Comm. Hockaday requested at some point to discuss the Lyon County lease agreement for the Smith Valley Rodeo grounds.

21. Commissioner Comments

Comm. Jacobson mentioned the STEM Festival at Fernley High School, and thanked Eric Milovsky for his support.
Comm. Hendrix asked if Andrew Haskin could speak to the Planning Commission to see if they would be interested in training.

Comm. Henderson reminded about Dayton Senior Center Taco Tuesday to raise funds for the senior center.

Comm. Hockaday advised that the Silver Springs Craft Fair and Bake sale is March 11th 9am-2pm at the Senior Center and Bingo on March 18th. He also thanked Eric Milavsky for his work in human resources. He would also like to do something for the Battleborn Youth Academy.

22. Closed Session
There was a closed session.

23. Public Participation
Andrew Haskin mentioned there is a Citizens Advisory Board training this Saturday in Silver Springs, which will be via Zoom as well. This will cover Open Meeting Law. Applications will be accepted through Monday, March 6, 2023 for the open positions on the Planning Commission. There will be something for Eric Milavsky leaving Lyon County at the next meeting.

24. Adjourn
The meeting was adjourned at 3:32 p.m.

LYON COUNTY BOARD OF COMMISSIONERS

[Signature]
DAVE HOCKADAY, Chairman

ATTEST

[Signature]
STACI LINDBERG, Lyon County Clerk/Treasurer

Lyon County Board of County Commissioners
March 2, 2023