

The Honorable Board of Lyon County Commissioners met this day in regular session with the following present: Chairman Joe Mortensen, Vice-chair Ray Fierro, Commissioners Virgil Arellano, Vida Keller and Bob Hastings. Also present: County Manager Jeff Page, District Attorney Bob Auer and Deputy Clerk Donna MacGill.

1. Public participation

There was no public participation.

2. For Possible Action: Review and adoption of agenda

Comm. Arellano moved to approve the agenda as presented. Comm. Keller seconded and the motion passed unanimously 5 – 0.

3. Presentation of awards and/or recognition of accomplishments

There were no presentations or awards.

4. Commissioners/County Manager comments

Comm. Arellano will be requesting a standing agenda item for issues regarding the Economic Analysis Study for the Nevada Public Lands Task Force Management. He will also request standing agenda items for issues concerning the Carson City District R & P and also the bi-state sage grouse.

5. Elected Officials' reports

Sheriff Veil presented statistics for his department and also commented on a vehicle fire at Comfort Suites in Fernley with a deceased person inside. During the month of August there were 309 VIP man hours. He also reported on an irate parent at the Silver Springs elementary school. The school requested an officer be placed on standby for the remainder of the day. In September his department seized \$5,000 worth of meth and \$13,000 of marijuana. Sheriff Veil also commented on the change in concealed weapons permit. As of October 1, 2013, the permits good for all hand guns and not specifically for a just revolvers or semi-automatics.

6. Appointed Officials comments

Edrie LaVoie said that currently, there has not been any impact to their county services due to the Federal cut backs. She also said that enrollment began 10/1/13 for the Affordable Care Act. She explained the options available. She also commented on the Healthy Communities Coalition and the concerns of the aging population in Nevada. She also commented on some of the services available that help support our Veterans. There has been work on getting bingo taken outside of county government.

10:00 A.M. – Bill Number 13-03 - An Ordinance amending Lyon County Code Title 10 Land Use Regulations; by repealing: Chapter 13 – Lyon County Interim Plan for Federally Managed Public Lands; and other matters properly related thereto

Rob Loveberg presented. He explained this is the second reading of the ordinance repealing the public lands plan. It was previously recommended for approval by the planning commission in August and was proposed in September.

Comm. Arellano moved to approve an Ordinance amending Lyon County Code Title 10 Land Use Regulations; by repealing: Chapter 13 – Lyon County Interim Plan for Federally Managed Public Lands; and other matters properly related thereto. Comm. Keller seconded and the motion passed unanimously 5 – 0.

Jim Dunlap commented on public land use. He would like a copy of a public lands map.

7. Advisory Board reports

Jonnica McClure of the Lyon County Library system informed the board that Theresa Kenneston tendered her resignation effective October 4, 2013. Jonnica has been appointed to serve as interim library director for the next three months.

10:30 A.M. – Bill Number 13-04 - An ordinance adopting Lyon County Code Title 10, Chapter 1, Part 3, Paragraph D, and amending Lyon County Code Title 10, Chapter 1, Part 3, Paragraph C, regarding the Prohibition of medical marijuana establishments as a matter of land use throughout the unincorporated areas of Lyon County; and other matters properly related thereto

Sheriff Veil presented. He is adamantly opposed to medical marijuana establishments in Lyon County. He said there is no economic benefit to Lyon County. Marinal is available for those who need it. Marinal contains THC and is medically approved and administered by a pharmacy. Sheriff Veil recommended denial of medical marijuana establishments in Lyon County.

Comm. Arellano moved to approve an ordinance adopting Lyon County Code Title 10, Chapter 1, Part 3, Paragraph D, and amending Lyon County Code Title 10, Chapter 1, Part 3, Paragraph C, regarding the Prohibition of medical marijuana establishments as a matter of land use throughout the unincorporated areas of Lyon County; and other matters properly related thereto. Comm. Hastings seconded and the motion passed 4 – 1. Comm. Mortensen voted nay.

Christy McGill from Healthy Communities Coalition said that statistics show increases in marijuana use. They support Sheriff Veil’s position on this issue. She said that marijuana use among kids has risen from 14% to 41% since the medical marijuana law was passed.

****CONSENT AGENDA****

8. For Possible Action: Approval of changes on Assessor’s tax roll due to corrections in assessments and review of tax roll changes

There were no tax roll changes.

9. For Possible Action: Review and possible approval of business license applications:

- a. Denton, Robert N.; *Broken Arrow Communications, Inc.*; 8316 Corona Loop NE, Albuquerque, NM; Install Security Alarms and Controls
- b. Duncan, Jesse R.; Duncan, Amber D.; *Desert Valley Plumbing LLC*; 409 Appaloosa Way, Fernley, NV; Plumbing Contractor
- c. Ferrel, Chester O.; Ferrel, Kwen, O.; *Ferrel Construction Inc*; 745 Hwy 95A South, Fernley, NV; General Building Contractor
- d. Cavener, Laura M.; *Laura Cavener*; 1085 Rosewood Dr., Fernley, NV; Residential and Commercial Cleaning
- e. Riggs, Troy B.; *The Barefoot Boy*; 770 E. Highway 50, Dayton, NV; Retail Sales of Nostalgia and Sports Memorabilia
- f. Moore, William A.; *Silver Springs General Store*; 3265 Hwy 95A, Silver Springs, NV; Adding 2nd Location
- g. Hobel, Jerry A.; *Survive the Storm*; 10113B Hwy 50 E., Mound House, NV; Emergency Preparedness Supplies, Equipment, Food and Water
- h. Walker, Donald; *Walker Cellular Inc.*; 395 S. Hwy 65, Ste., 204A, Lincoln, CA; Electrical Contractor Changing Existing Antennas for New Fiber Antennas

10. For Possible Action: Acceptance of FY14 Notice of Grant Award (NGA) from Aging and Disability Services Division (ADSD) for Congregate Meals, Grant # 11-001-07-13-14, in the amount of \$79,200 (requested by Human Services Director)

11. **For Possible Action: Acceptance of FY14 Notice of Grant Award (NGA) from Aging and Disability Services Division (ADSD) for Home Delivered Meals, Grant # 11-001-04-24-14 in the amount of \$84,800 (requested by Human Services Director)**
12. **For Possible Action: Approve Inter-local Contract with Nevada State Division of Health Care Financing and Policy (DHCFP) and Nevada Division of Welfare and Supportive Services (DWSS), to pay the non-federal share of the costs for Aged, Blind, and Disabled (ABD) recipients in institutional care, and clients eligible for waiver services related to independent living (requested by Human Services Director)**
13. **For Possible Action: Accept the low bid submitted by ARMAC Construction for \$34,800 for the reconstruction of a drainage swale along Cowee Drive in Mound House, authorize a \$3,500 contingency to cover unanticipated conditions, \$3,000 for material and compaction testing and authorize the Public Works Director to sign project related documents on behalf of the County (requested by Public Works Director)**
14. **For Possible Action: Approve an agreement with Farr West Engineering for Construction Management and Inspection Services for the Dayton Septic Conversion Project for an amount of \$805,468 and authorize the Chairman to sign on the County's behalf. Funding for these services is included in the USDA Funding Package and has been approved by USDA (requested by Public Works Director)**
15. **For Possible Action: Approval of separate agreements with South Lyon Medical Center, Inc. to provide medical services at the jail and to provide medical services to inmates of the Lyon County Sheriff (requested by Chief Deputy D.A.)**

Comm. Arellano recuses himself from acting on this item since he sits on the governing board for South Lyon Medical Center.

Comm. Fierro moved to approve Item #15 as presented. Comm. Keller seconded and the motion passed 4 – 0 - 1. Comm. Arellano abstained.

16. For Possible Action: Review and accept travel claims

Travel claims totaled \$3,726.34 and registrations totaled \$1,875.00.

17. For Possible Action: Review and accept County claims and financial report

County claims totaled \$598,371.99 and payroll totaled \$829,028.24.

Comm. Arellano requested that Item #15 be heard separately.

Comm. Keller moved to approve the consent agenda with Item #15 being acted on separately. Comm. Hastings seconded and the motion passed unanimously 5 – 0.

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

RECESS TO CONVENE AS THE LIQUOR BOARD FOR LYON COUNTY

18. Public participation

There was no public participation.

19. For Possible Action: Review and possible approval of temporary liquor license applications:

- a. *Soroptimist International of Smith Valley; Fun Days; Dressler Park; Temporary Liquor Permit for: October 06, 2013*
- b. *Tri-County Rodeo; Rodeo Events; Dayton Arena; Temporary Liquor Permit for: October 12, 2013*

Comm. Fierro moved to approve the temporary liquor licenses as presented. Comm. Hastings seconded and the motion passed unanimously 6 – 0.

20. Public participation

There was no public participation.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

PUBLIC HEARING ON PLANNING ITEMS

- 21. FORT CHURCHILL SOLAR ENERGY PROJECT / SUNPOWER CORPORATION SYSTEMS / NV ENERGY – SPECIAL USE PERMIT - For Possible Action – Request for a Special Use Permit to construct and operate a 19.9 MW AC Solar Photovoltaic Energy Generation Facility, with interconnection to the adjacent Fort Churchill Electrical Generating Facility, on a portion of approximately 137 total acres; located off of Sierra Way, Wabuska, Mason Valley (APN 14-091-10 & 14-091-11) PLZ-13-0043**

Planning Commission Recommendation: Based on the recommended findings, Betty Retzer made a motion recommending approval of the Special Use Permit for SunPower Corporation / NV Energy, subject to the 16 conditions recommended by staff. Mike Hardcastle seconded and the motion passed unanimously (5 ayes; 0 nays; 2 absent)

Rob Loveberg, Planning Director, presented. He explained that the proposed site is zoned and master planned for this type of use. The Planning Commission recommended approval subject to 16 conditions.

John Murnin, project manager for SunPower and Brenda Shank of NV Energy were present to answer questions and address concerns of the board. John Murnin said the project was co-developed by Apple and NV Energy. SunPower has been selected as the general contractor. He explained how and why the site was selected. The site is adjacent to NV Energy.

Rena Robin also present from SunPower explained how the energy produced will go to NV Energy to be disbursed.

There was considerable discussion among to commissioners and questions.

Comm. Arellano moved to approve the special use permit for SunPower Corporation / NV Energy to construct and operate a 19.9 MW AC Solar Photovoltaic Energy Generation Facility, with interconnection to the adjacent Fort Churchill Electrical Generating Facility, on a portion of approximately 137 total acres; located off of Sierra Way, Wabuska, Mason Valley (APN 14-091-10 & 14-091-11) PLZ-13-0043, subject to finding a) Is consistent with the general purpose and intent of the M-E, Industrial Estates, zoning district regulations; b) Will not cause an adverse, visual impact to the surrounding area, c) Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity; d) Will not be detrimental to the public health, safety, convenience and welfare; and e) Will not result in material damage or prejudice to other property in the vicinity, and subject to the following conditions:

1. The applicant shall comply with all State, County, federal and special district rules and regulations as they apply to this special use permit.
2. The applicant shall comply with all applicable fire, building, zoning and improvement code requirements.
3. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections.
4. Prior to commencement of construction, the applicant shall provide to the Lyon County Planning Department evidence of the issuance of any necessary permits and/or approvals for construction, including but not limited to NDEP air quality permit, Lyon County Road Division encroachment permit, Lyon County grading permit, and Walker River Irrigation District approval of work performed in, on or around the District drain.
5. Prior to commencement of the use, the applicant shall provide to the Lyon County Planning Department evidence of the issuance of an encroachment permit and satisfactory completion of all improvements required by the Lyon County Road Department, or documentation that no new encroachment permit and/or improvements are required.
6. Commencement of the use is contingent upon satisfactory completion of all required access, driveway and parking improvements to County and International Fire Code standards, as required by the Lyon County Planning Department and Mason Valley Fire Protection District.
7. Any proposed sanitation facilities and Onsite Sewage Disposal System must be approved by the Nevada Division of Environment Protection and evidence of such approval must be provided to the Lyon County Planning Department prior to approval of any building permit for sanitary facilities.
8. Commencement of the use is contingent upon approval of the proposed use of water by the property owner and evidence provided to the Lyon County Planning Department that the property owner's water rights are appurtenant to this parcel.
9. The applicant shall obtain the written approval of the Walker River Irrigation District, and other ditch owners as applicable, prior to any work being performed in, on or around Walker River Irrigation District's Drain, and before the modification, diversion, realignment or filling of any ditch owned by others.
10. If outdoor lighting is provided, it shall comply with the outdoor lighting requirements of Chapter 10.20 of the Lyon County Code.
11. The applicant shall comply with Lyon County's 1996 drainage guidelines, as revised.
12. All of the requirements placed on the special use permit by the County Building Official, Mason Valley Fire Protection District, Planning Director, and other agencies with jurisdiction shall be met prior to the applicant commencing use of the site.
13. No change in the terms and conditions of the special use permit, as approved shall be undertaken without first submitting the changes to Lyon County and having them modified through a public hearing process.
14. The substantial failure to comply with any conditions imposed on the issuance of a special use permit or the operation of a special 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 special use or the non-use of the permit for a year may result in the institution of revocation proceedings.
15. The special use permit is subject to annual review by Lyon County.
16. The applicant will conduct pre-construction surveys, worker training on wildlife and biological issues, and will institute other protective measures for wildlife as delineated by the Nevada Division of Wildlife (NDOW)

and also subject to the letter dated September 18, 2013 from the State of Nevada Department of Wildlife. Comm. Keller seconded and the motion passed unanimously 5 – 0.

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

REGULAR AGENDA

22. For Possible Action: Presentation of the Comprehensive Regional Water System Report and overview of the Bureau of Reclamation Plan of Study by Carson Water Subconservancy District Staff

Ed James of the Carson Water Subconservancy District presented. He explained this will not supersede any master plan. He presented a brief overview of the comprehensive regional water management plan they have been working on. The focus of this plan concentrated on the municipal water supply. With the grant funds, they were looking at developing a comprehensive regional water conservation plan. He also discussed the water shed. Our largest water storage facility is located at Lahontan Reservoir. He explained that current water needs are being met. He also discussed threats and other impacts to our water supplies. He discussed tying water lines together for efficiency. He explained they will continue providing information to our utilities.

There was no action taken.

23. For Possible Action: Regarding approval and adoption of the 2013 updates to the Carson River Watershed Regional Floodplain Management Plan (RFMP) (requested by Carson Water Subconservancy District)

Brenda Hunt of Carson Water Subconservancy District presented power point on the regional Floodplain Management Plan. Staff anticipates update within the next three years.

Comm. Fierro made a motion for the approval and adoption of the 2013 updates to the Carson River Watershed Regional Floodplain Management Plan. Comm. Hastings seconded and the motion passed unanimously 5 – 0.

24. For Possible Action: Appeal of Planning Director's denial of an application for an administrative variance and also appeal of subsequent denial of appeal to the Lyon County Planning Commission for property, owned by Jack F. & Maria S. Staten, APN 016-311-08 (requested by applicants)

Jack Staten wants to divide a parcel to allow him to build a home for employees that relocated from Texas.

Comm. Fierro asked Rob Loveberg why planning was not in favor.

Rob Loveberg explained that county code requires that with an administrative variance application, the planning director need to find there is self-evident undue hardship. That is a higher standard than is required for a general variance that can be granted by the planning commission. Rob Loveberg submitted a letter stating reasons for the denial. He discussed the county code with the District Attorney. Rob Loveberg was unable to find an undue hardship.

The Planning Commission made a decision to uphold the denial.

The commissioners had discussion and questions.

Comm. Fierro said we need to stick to the hardship provision addressed in Lyon County Code. In his opinion there is no hardship.

District Attorney Bob Auer explained that the term hardship as it relates to a variance has to relate to the piece of property. There has to be something about the property itself that creates the hardship.

Mr. Staten showed a boundary line adjustment map signed by Rob Loveberg in 2009.

Comm. Fierro moved to deny the appeal of the administrative variance for Jack & Maria Staten, due to the following findings: A. That there are sufficient reasons presented to support the Planning Director's finding that undue hardship is not self-evident. B. That there is sufficient evidence presented to support the Planning Director's decision of denial of the requested Administrative Variance. C. That there are not special circumstances or conditions applying to the property under consideration which makes compliance with the provisions of this Title

difficult and cause of hardship to and abridgement of a property right of the owner of said property. D. That sufficient evidence was not presented to show that circumstances or conditions do not apply generally to other properties in the same land us district. E. That the granting of the variance is not necessary to substantiate justice to the applicant or owner of the property. F. That the granting of the variance will result in material damage or prejudice to other properties in the vicinity and be detrimental to public health, safety and general welfare. Comm. Mortensen seconded and the motion passed by a majority decision 4 – 1. Comm. Keller voted nay.

25. For Possible Action: To authorize the County Manager to develop and bring back to the Board of Commissioners for action a multi-year agreement with the Boys and Girls Club of Mason Valley for the annual use of the fairgrounds to host A Night in the Country (requested by County Manager)

County Manager Jeff Page disclosed he is on the Board of Directors for the Boys and Girls Club of Mason Valley. He said if this is passed, he will pass it off to the Lyon County Comptroller and the Lyon County Public Works Director to negotiate any agreements.

Comm. Fierro disclosed the he too, sits on the Board of Directors for the Boys and Girls Club of Mason Valley. He recused himself from acting on this item so it appears this issue is a fair decision.

Comm. Arellano disclosed he had conversations with several members of the fair board and also Travis Crowder. He feels those conversations will not impair his ability to come to a fair and impartial decision on this issue.

Travis Crowder presented. He explained there has been tremendous growth with Night in the Country over the last couple of years. They have moved the venue to allow for the increase. Numerous people have assisted in the changes. A multi-year agreement for the use of the Lyon County Fair Ground could help facilitate future growth in the event.

Comm. Arellano felt it would be a good opportunity for the Boys & Girls Club and the fair board.

Comm. Arellano moved to authorize, per the county manager's recommendation, that Lyon County Public Works Department and Lyon County Comptroller's Office, develop and bring back to the Board of Lyon County Commissioners for action, a multiyear agreement with the Boys and Girls Club of Mason Valley for the annual use of the fairgrounds to host Night in the Country. Additionally, during the development of this contract, the fair board should select members from their board to participate in that process. Comm. Arellano added, to also include a representative from the Sheriff's department. Comm. Keller seconded and the motion passed 4 – 0. Comm. Fierro abstained.

Donna McDonald of the fair board is excited to be included in process of this event.

Bob Auer said the fair board should not delegate a quorum of their board to participate in the negotiations or delegate any of the fair board's authority to those who are going to negotiate. This will retain the authority as a fair board.

26. Commissioner Comments

There were no commissioner comments.

27. For Possible Action: Approve Minutes of September 19, 2013

Comm. Hastings moved to approve the minutes of September 19, 2013 as presented. Comm. Mortensen seconded and the motion passed unanimously 5 – 0.

27a. For Possible Action: Approve Minutes of September 13, 2013

Comm. Fierro moved to approve the minutes of September 13, 2013. Comm. Hastings seconded and the motion passed unanimously 5 – 0.

28. Public participation

There was no public participation.

11:30 A.M. – Time Specific - For Possible Action: Presentation by the Nevada Department of Health and Human Services Division of Public and Behavioral Health, Public Health and Clinical Services and Community Health Nursing on services provided to Lyon County

Laura Cooper, Women’s Health Care Nurse Practitioner, explained that as of July 1, 2013, mental health was integrated into Nevada State Health Division program, hence a name changed to Division of Public and Behavior Services. Richard Whitley is the Administrator of the Division and Dr. Tracy Green is the Nevada State Health Officer. She explained the changes in the department. She said that Lyon County is served by three registered nurses and herself as a nurse practitioner. She explained there are no physicians in the clinics. The clinics provide preventive health care not primary care. She explained the services provided in their clinics for men and women. She explained how the program is funded through federal grants and some from county general funds.

Ms. Cooper also introduced Patty Chambers, the registered nurse in the Dayton Clinic, Julie Dums, the registered nurse in the Fernley Clinic and Therese Litterer, registered nurse in the Yerington clinic.

Laura Cooper also updated the board on the poverty guidelines. She said that 73% fall in the no-charge category. She said the federal funding was reduced again this year.

The commissioners had questions.

Therese Litterer said she also coordinates labs for 14 facilities. She pointed out the Affordable Care Act will change how the services will work.

Christy McGill of Healthy Communities Coalition explained that dental and vision will not be covered.

There was no action taken.

1:30 P.M. – Time Specific – Closed Session to discuss potential litigation (per NRS 241.015 (b) 2)

There was no action taken.

29. Adjourn

LYON COUNTY BOARD OF COMMISSIONERS

JOE MORTENSEN, Chairman

ATTEST

NIKKI BRYAN, Lyon County Clerk/Treasurer