The Honorable Board of Lyon County Commissioners met this day in regular session with the following present: Chairman Bob Milz, Vice-Chair Phyllis Hunewill, Commissioners LeRoy Goodman, Chet Hillyard and Don Tibbals. Also present: Acting County Manager Edrie LaVoie, Comptroller Josh Foli, District Attorney Leon Aberasturi, Clerk/Treasurer Nikki Bryan and Deputy Clerk Shawna Halverson.

1. Review and adoption of agenda

Acting County Manager (and Director for Lyon County Human Services) Edrie LaVoie requested that items 18 and 19 be removed.

District Attorney Leon Aberasturi called attention to a "typo" on item 8. He stated "a park site, community center, and public library" was surplus language because it does say a 10% maintenance bond is being released for Canyon Estates Subdivision.

Comm. Chet Hillyard asked why items 18 & 19, relating to the V&T Railway, were being removed. Acting County Manager Edrie LaVoie explained they had received an e-mail from Ken Dorr of Capital Engineering, requesting they be removed and placed on the agenda, she believes, for the 2nd meeting in November.

There was consensus to approve as amended.

2. Public participation

There was no public participation.

CONSENT AGENDA

3. Discussion and possible approval of changes on Assessor's tax role due to corrections in assessments and review of tax roll changes

4. Review and possible approval of business license applications

a. Webster, Angelo; ***Ace Mini Storage, Inc.;*** 7003 Hwy 50 East, Dayton, NV; Addition of Phase III, Bldgs. E, F & G to Existing License

b. Smith, Ben A.; ***BSA Construction & Development;*** 191 North Pointe Circle, Dayton, NV; General Construction

c. Chamness, Teresa B.; ***Teresa B. Chamness – Agent;*** 175 Hwy 50 East, Dayton, NV; Independent Real Estate Agent for Coldwell Banker Best Sellers

d. Lopiccolo, Jennifer; ***Coldwell Banker Best Sellers;*** 175 Hwy 50 East, Dayton, NV; Change of Name ONLY!

e. Daugherty, Amanda; ***Amanda Daugherty – Agent;*** 175 Hwy 50 East, Dayton, NV; Independent Real Estate Agent for Coldwell Banker Best Sellers

f. Mahoney, Ed; ***Desert Drilling Corporation;*** 811 Spring Valley Drive, Gardnerville, NV; Water Well Drilling Contractor

g. Diggs, David E. & Gretchen L.; ***Diggs Plumbing & Heating, LLC;*** 2981 Rustic Manor Circle, Reno, NV; Plumbing & Heating Contractor

h. Martin, Melanie; Allec, Jerry & Dana; Eagle One Enterprises, Inc. dba/ ***Eagle 1 Sign Services;*** 933 Woodside Drive, Carson City, NV; Sign Installation and Maintenance

i. Mohr, Joe W.; ***High Desert Mobile Home Service;*** 448 Sheep Camp Drive, Dayton, NV; Change of Location ONLY!

j. Stille, Thomas A. & Kathie J.; ***Interpretive Gardens, Inc.;*** 7777 White Fir Street, Reno, NV; Landscape Contractor

k. Bell, Kelly W.; ***K. Bell Tile & Marble;*** 4434 Muldoon Street, Carson City, NV; Tile & Marble Installation

l. Clark, Kelly L.; ***KLC Construction;*** 369 Arthur Street, Carson City; General Construction (Re-opening account after revocation)

m. Jenkins, Maynard L.; Fraser, Martin G. etal; CSK Auto, Inc. dba/ ***Kragen Auto Parts #4256;*** 9 Retail Road, Suite 2, Dayton, NV; Retail Sales of Auto Parts & Accessories

n. Thompson, Lonnie; ***L & T Pawn;*** 1010 Hwy 50 West, Silver Springs, NV; Removal of Tom VanDaLinda's Name and Change to Sole Proprietorship ONLY!

o. Streckfuss, Mladen; ***Mladen's General Maintenance;*** 402 St. George's Court, Dayton, NV; Change of Location ONLY!

p. Krepps, John A.; ***Northern Nevada Air Conditioning & Heating;*** 7565 Sante Fe Trail, Stagecoach, NV; Cleaning & HVAC ONLY!

q. O'Larey, Richard P. & Karen; ***Silver State Educational Assessment & Consulting, Inc.;*** 140 Oak Circle, Lovelock, NV; Educational Assessment & Consulting Services

r. Dimmitt, Rod; ***The UPS Store #5464****;* 9 Retail Road, Suite 8, Dayton, NV; Shipping, Mailing Postal & Office Services

s. Darnell, Debra D.; ***Virtual Office Support Services;*** *LLC;* 533 Crabapple Lane, Dayton, NV; Office Support Services

5. Accept grant award # 1101-45-06E, from Division for Aging Services, in the amount of $21,462.00, for the Family Caregiver Support Program.

6. Approve Nevada Community Development Block Grant Program Annual Participation Statement, Assurances and Needs Assessment (2006-2007).

7. Renew Recreation and Public Purposes Lease N-46487 between Lyon County and Bureau of Land Management for five years in the amount of $125.00 (Como Park site)

8. Approve the release of a one-year/10% maintenance bond for Canyon Estates Subdivision, Phase 8, including that portion of V & T Way and Branstetter Way, located in Dayton, Nevada.

9. Approve the release of the one-year/10% maintenance bond for the Canyon Estates Subdivision, Phase 9, located in Dayton, Nevada.

10. Approve the final subdivision map for Riverpark, Unit 11, excluding title to the property indicated as public roads. At some future date the Board may, by resolution, accept such dedication and accept and open the streets indicated on this map for public use all per NRS 278.390

11. Approve the final subdivision map for Gold Canyon Estates, Phase 2, excluding title to the property indicated as public roads. At some future date the Board may, by resolution, accept such dedication and accept and open the streets indicated on this map for public use all per NRS 278.390

12. Approve an interlocal agreement between Western Nevada Home Consortium (Lyon County as lead agency) and Nevada Rural Housing to provide Low-Income Housing Trust Funds for rehabilitation of the Sunridge Quarters project in Fallon, NV.

13. Approve an interlocal agreement between Western Nevada Home Consortium (Lyon County as lead agency) and Nevada Rural Housing Authority to provide Low-Income Housing Trust Funds for the rehabilitation of the Southwood Family and Senior Complex in Yerington, Nevada.

14. Approve three (3) Water Rights Banking Agreements and authorization for the Board Chairman to sign the agreements on behalf of Lyon County.

15. Review and accept travel claims as presented by Comptroller.

Travel claims totaled $6,216.35 and registrations totaled $4,908.45.

16. Review and accept County claims and financial report as presented by Comptroller.

County claims totaled $1,051,666.95 and payroll totaled $1,026,785.40.

Comm. Hunewill made a motion to approve the consent agenda with the exception of item #18 and item #19, and noting the clarification on item #8 (to be without the surplus language that District Attorney Leon Aberasturi had pointed out.)

Comm. Goodman seconded and the motion passed unanimously 5-0.

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

PUBLIC HEARING ON PLANNING APPLICATIONS

17. WALKER RIVER SUBDIVISION / HARRIET C. PALMER TRUST - TENTATIVE SUBDIVISION MAP (CONTINUED FROM JULY 7, 2005)– The applicants have filed for a proposed 32 lot subdivision on approximately 18.38 total acres; all located off of Gemstone Avenue, Mason Valley (12-011-27)

Planning Director Steven Hasson presented this item. He gave a summary of what had occurred up to this time. He stated this subdivision had come before the Commissioners previously in July of this year. He said at that time, a letter had been received from State Health which said that they could not recommend approval and they listed 5 or 6 reasons why; it had to do mostly with the fact that these were ½ acre lots and they were going to have onsite septic systems and there was concern about how the septic systems would work given the soil profiles. He said when it was before the Commission, there was concern by the Board, and the Board decided to continue this item to afford the applicant an opportunity to address those issues with the Nevada State Health Division. He indicated that subsequent to that, Rick Christian, the applicant's representative, sent a letter to the State, advising them of certain things they were doing, and seeking to allay their concerns. Mr. Hasson said the Commission extended the time frame until September 1, which was a 60 day time frame. In the interim, he received a letter from Patricia Locatilli, requesting a continuance of the 60 days, until mid-October, to afford conclusion of this item, because it takes the State time to be able to address this issue.

Mr. Hasson also presented a letter he received more recently, dated October 10, from the Division of Environmental Protection, noting deficiencies in the application. NDEP is requiring certification of the proposed method of wastewater treatment and disposal be presented and also that each sheet of the plans be stamped, signed and dated by an engineer or surveyor registered in Nevada.

Mr. Hasson stated the current status, based on this letter and everything to date, is the issues that were of concern to the Commission back in July are still out there and have not been resolved.

Rick Christian of Denson Surveying represented the applicant. He stated the letter Mr. Hasson had just referenced was provided by Lisa Kremer, a professional engineer with the State, in response to a previous letter that had been sent to them pertaining to the same tentative subdivision map, and there had been 6 items of concern on it. There are only these two items left to be addressed. He said the number two item, regarding each sheet of the plans being stamped, signed, and dated by an engineer or surveyor registered in Nevada, has been done, and was hand carried to her on Tuesday.

Mr. Christian also said he had met with Cliff Lawson from the Nevada Department of Environmental Protection, though they are called something else now, and he didn't know what, and he said that letter of certification is to come from NDEP to State Health in regards to sewage disposal for each of the lots in the subdivision. He explained these letters they have been receiving from the Health Department are pretty much standard letters to let them know what needs to be resolved with the State prior to them signing the final map of the subdivision and prior to it being recorded. He conveyed they still have to comply with 33 other conditions, and they will be addressing them as part of an ongoing process. They are just trying to get conditional approval of the tentative subdivision map. He requested the Board approve this application because the letter

from NDEP is only one step in the process.

Comm. Goodman queried Mr. Christian, to clarify that he was just looking for a conditional approval on a tentative subdivision map. Mr. Christian confirmed that.

Mr. Hasson added there are a lot of conditions placed on this subdivision that would have to be adhered to prior to recordation of final map. They are outstanding issues, which would have to be cured, and staff would have no objection to those being cured along the way, if it is normal protocol for these things to go back and forth for a while until it gets done. He said if they were to move forward, he would ask them to also move forward with the adoption of the conditions and treat it just like any other land use action before them.

Comm. Goodman observed that the burden would be on the applicants, and if the Commission moved forward & the applicants didn't meet the conditions, the applicants would be the losers. He thought there would be no point in denying the application at this point, because all the conditions will have to be met before the final map is approved. Mr. Hasson agreed.

Comm. Hunewill asked Mr. Hasson about whether the aspect of condition number 7 regarding the minimum slope on asphalt paving being 2% had been clarified with Chas McQuery, since he had questioned it in June. Mr. Hasson replied he believed that is the standard slope for the cross section, and he didn't know why Chas would have questioned it. Mr. Christian's opinion was that Chas had probably been questioning it in regards to the horizontal slope, whereas this 2% is in reference to the cross slope. That seemed to be accepted as the probable explanation, and Comm. Hunewill explained she had just wanted to make sure they would not be approving a condition that would not be in agreement with what Chas had been concerned about.

Comm. Hunewill also mentioned another concern, previously been voiced by Chas, regarding the improvements in the public right-of-way and why they are not maintained by the County (the required fire flow, etc.) She said she just wanted to make sure his concerns were addressed.

Comm. Hunewill also referenced the requirement for the curb and gutter that had been taken off by the planning commission. She stated lately in the subdivisions they have been requiring it in the same vicinity, so they might want have a discussion as to whether or not to add it on with the other conditions.

Mr. Christian responded by adding the Planning Commission cannot drop the curb & gutter requirement, as that is a County Code. They are still designing the project, and if they did want to drop that as a requirement at some time in the future, they would have to come back before the Commissioners get a variance to do so, but they are not planning to do so at this time.

Mr. Christian said they did have one other concern, which is the requirement of putting a walking path from one street to the other in the middle of the interior block. They would not like to see that; the blocks are not that long, and it is still a rural area out there, so they would like to see that lifted as one of the conditions. However, when Comm. Hunewill asked which requirement it was, Mr. Christian couldn't find it. They decided to move forward with some of the other comments, while he continued to look.

Comm. Milz commented they do have intent to serve for water, and it is going through the normal process, and there will be time to take care of all the issues after the tentative map. He didn't see any point in denying moving it forward.

Comments from the audience were then invited.

Dale Edens, a neighbor of the subdivision, cited ordinance 474, covering subdivision building, and specifically section 11.02.02, which regarded filing an approval procedure, having to do with the distribution of the tentative subdivision map and supporting documents before it is approved. One of the entities these documents are to go to is the local town board or advisory council, which in this

case would be the Mason Township Advisory Council, and it never happened.

At the request of Comm. Milz, District Attorney Leon Aberasturi responded in terms of sign-off approval with the advisory boards, he didn't think that was correct, although he would need to look at the ordinance. He said the problem would be that there is an NRS, Ch. 278 that requires these maps be processed within a certain period of time, which would supersede. He could take a look, but of the top of his head, he thought there is not a sign-off requirement.

Mr. Edens expressed another primary concern, which was about the adequacy of the drainage plan and the catch basins for storm water. He was worried that their land is sloped, which is different than the conditions of most of the other, relatively flat, subdivisions. He stated the community and town board want to make sure this subdivision is done right because it could affect the health and safety of the community.

Comm. Milz stated it automatically takes place, and the County Engineer will see to it that conditions which address those issues will be established.

Mr. Christian added all the water that is generated on site by virtue of this subdivision has to be contained and maintained on site, and they have identified 2 sites for catch basins for this purpose. He noted there are certain criteria they have to meet according to County Code, and they have to design it in a way so as to not affect any of the surrounding property owners. He also stated that the plan would be turned in to the County and reviewed very thoroughly. He also pointed out NDOT will be watching closely as well.

Gordon McCluskey, another neighbor, asked where he could see the map. They provided it to him right then and there. That was all he wanted.

Richard Hepperle expressed there could be problems with mosquitoes breeding in the catch basins and children throwing rocks, dirt, and so forth into the catch basins, so he wanted to know how suitable maintenance would be guaranteed and he wanted to make sure someone would be accountable once the subdivision is built.

Patricia Locatilli, one of the owners of the subdivision, spoke next. She apologized for the month delay, but explained that it had to do with State offices moving at the time.

Secondly, Ms. Locatilli stated she has built four other subdivisions, two of them with catch basins. Associations have been set up to run the maintenance on them and they have been accountable for maintenance and enforcement of the CC&Rs. She said the real estate agents have to tell potential buyers about the mandatory responsibilities of participating in the home owners association, including the financial obligation to pay fees for upkeep. She stated that a lien can even be put on an uncooperative homeowner's house, if need be. She asserted her personal intention not to abandon this subdivision, and remain accountable, even to the point of a lawsuit.

Comm. Milz commented if the homeowners association should fall on its face, the County would become responsible.

Comm. Hunewill suggested to Mr. Christian when he gets to that stage, to be able to keep the Advisory Council in Mason informed, as they are trying to have them more in the loop.

Mr. Christian agreed it is a good idea, and said he did not know at the time they even existed.

Comm. Hunewill said the Advisory Council had existed for years, and reiterated how important it was to include them.

District Attorney Leon Aberasturi added if there is concern about the water basins, another thing they could look at would be to create a special maintenance district.

Comm. Hunewill made a motion to approve the tentative subdivision map subject to the following conditions:

1) A phasing plan must be submitted prior to the recordation of the first final map if the development is to be phased;
2) The applicant shall comply with all Federal, State and County rules and regulations as they apply to this subdivision;
3) The offsite portions of Opal Drive and Crystal Circle Drive shall be improved to Type 1P Paved Rural Roadway per Lyon County Standard Drawing L-10 (30-feet of pavement) with the improvements extending from the subdivision boundary to Bluestone Avenue to include curb, gutter and sidewalk;
4) Gemstone Avenue shall be improved to local street standards per Lyon County Standard Drawing L-1, to include curb, gutter, and sidewalk. Adequate right of way must be dedicated to provide 50-feet of right of way measured from the existing right of way line on the south side of the street;
5) The developer shall coordinate and comply with any requirements placed on this subdivision proposal by NDOT and noting that a majority of the approximately 320 traffic transportation trips generated daily by this development at build-out will rely upon State Highway 339 for a portion of the trip generation;
6) A detailed geotechnical report must be submitted with the first phase of development that includes roadway structural sections. The minimum thickness of asphalt concrete pavement shall be 3-inches for local streets and 4-inches for collector streets;
7) All horizontal and vertical street alignments must be designed in accordance with "A Policy on Geometric Design of Highways and Streets", latest edition, published by the American Association of State Highway Transportation Officials. Local streets serving less than 75 lots must be posted with the appropriate speed limit signs. The minimum cross slope on asphalt paving shall be 2-percent;
8) Prior to recordation of the first final map, a detailed master drainage report for the entire development must be prepared that meets the Lyon County Drainage Requirements. This report must address the size and location of proposed detention facilities, the routing of offsite drainage through and off the site, onsite sub-drainage areas and flows, size and elevations of onsite detention facilities, preliminary sizing and elevations of onsite storm drain pipes and channels and must clearly demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Requirements to the satisfaction of the County Engineer. Offsite easements will be required to convey drainage from the site that exceeds the capacity of the detention facilities. A reduction in the number of lots may be required to accommodate adequate detention facilities;
9) All appropriate fees and actual costs for map reviews and field inspections must be paid prior to map recordation;
10) Lots 5 and 6 are less than the ½ acre minimum lot standard that has been established for the E-2 zone. Accordingly, the applicant shall seek an administrative variance from the zone requirements or reconfigure the lots so that they meet the minimum lot standard;
11) The developer shall coordinate and comply with any requirements placed on this subdivision proposal by BLM;
12) Water rights must be dedicated and appropriate documents recorded in accordance with Title 11.05.02B;
13) Property Taxes must be paid through the end of fiscal year (June 30th);
14) Required recording fees to be paid at time of recording map;
15) The Developer or a homeowners' association or suitable maintenance entity shall be responsible for maintenance of all roads, walks and drainage facilities within this development, as well as the storm water detention facilities, whether it is onsite or offsite. Lyon County shall have no financial responsibility for maintenance of these facilities;
16) Street lighting shall be installed to County standards and shall be full enclosure type;
17) Signage shall be installed to County standards;
18) The applicant shall address any noted deficiencies in the improved portion of Gemstone Avenue to the County Road Manager's satisfaction;
19) Prior to approval of the final map, subdivision facilities must be completed or an appropriate construction security provided. There may be temporary restrictions to obtaining building permits even with an acceptable construction security depending on the County's approval of the various systems. All facility construction shall be completed and inspected to the Building Official's satisfaction before occupancy will be allowed in any residence;
20) The water system must meet the requirements of the fire department and the water purveyor

(The City of Yerington);
21) All required fire hydrants are to be installed and fully operating prior to any combustible materials being brought on site;
22) A minimum required fire flow is required for each fire hydrant as directed by the Fire Chief;
23) Street name signage shall be installed prior to combustible construction starting;
24) Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted;
25) No lot shall be offered for sale or sold until the final plat has been approved and recorded;
26) No building permits shall be accepted for processing until the final map has been approved and recorded;
27) Building permits shall be issued in compliance with Title 11;
28) The applicant shall
demonstrate to the County's satisfaction that the strategy for developing the subdivision is in keeping with the County's standards as they may be applied to location of driveway entrances, pedestrian crosswalk placements, posting of appropriate signage, sight distance factors, onsite parking, internal traffic circulation, loading and unloading of school students via bus and passenger vehicles, queuing patterns, sidewalk placement and construction, peak hour traffic and other traffic related issues;
29) The applicant will maintain the property until the development is complete. This maintenance will include the semi annual mowing of all weeds within the subdivision boundaries and the removal of noxious weeds when they are identified. The applicant shall apply appropriate dust abatement processes as part of the development construction;
30) The applicant shall post and maintain a rules and regulations sign at the entryways to the property until it is fully developed. The signs shall be intended for the subcontractors performing work and shall include: 1) no loud music, 2) no alcohol or drugs, 3) dispose of personal trash and site debris, 4) clean up any mud and or dirt that is deposited from the construction parcels onto the streets, 5) no burning of construction or other debris on the property;
31) The applicant shall comply with the requirements of the Walker River Irrigation District;
32) The Nevada Department of Environmental Protection and other permitting agencies of jurisdiction will have to approve the septic tank density for the development;
33) Engineering corrections.

Comm. Goodman seconded and the motion passed unanimously, 5-0.

18. Request from the Commission for the Reconstruction of the V & T Railway, for approval of Two (2) Public At-Grade Railroad Crossing Locations at (1) Linehan Road and (2) Tank Road and historic Toll Road Access

This item was removed from the agenda.

19. Request from the Commission for the reconstruction of the V & T Railway to approve a resolution for the reconstruction of the V & T Railway regarding additional crossings and loss of vehicular access on the reconstructed Virginia & Truckee Railroad roadbed

This item was removed from the agenda.

20. Request by the Utilities Director for approval to develop a Future Connection Reimbursement Agreement that will enable a property owner to recover a portion of costs associated with the installation of an 8" fire line as other properties connect to the water line within a 10-year period

Utilities Director Mike Workman stated this issue had come up a couple of times recently, requests for small developers that need to extend utility services to provide either water or wastewater service to their project . He said they plan to bring it to the Board in their new revised water and wastewater ordinances, but those would not be ready for review probably until December. Meanwhile, he wanted to see if they would support this concept and let him proceed with drafting a connection reimbursement agreement.

Comm. Goodman questioned whether the 15% administrative fee would be going to the County Utilities. Mr. Workman confirmed that. Comm. Goodman wanted to make sure that was made clearer. Mr. Workman indicated he would spell that out when he brings the actual agreement before them.

Comm. Tibbals made a motion to allow an agreement to be drafted and brought back to the Board. Comm. Goodman seconded and the motion passed unanimously, 5-0.

21. Recommendation to the Board to accept lowest responsive bid for the recoating of 1.6 million gallon Eldorado water storage tank and authorize the Chairman to sign the contract documents on behalf of the County. The bid opening for this estimated $250,000 project will be held on October 18, 2005

Utilities Director Mike Workman presented this item. The low bidder was Techno Coatings from Anaheim, CA, for a lump-sum bid of $170,298.75, which was $80,201.25 less than the engineer's estimate. He recommended they accept the low bidder, and he stated all of their documents are in order, and their 7 references had been followed up on, with good reports received.

Comm. Hunewill asked how many bids had been received. He responded there had been three bids.

Mr. Workman added, for the record, they will be hiring Bay Area Coating Consultants, which are specialists that do inspections of the interiors of all of their tanks. He said they will use them for that purpose, and because they are into the fall, they will also be de-humidifying and heating the tank to make sure they get proper coating.

Comm. Goodman made a motion to award the bid to Techno Coatings in the amount of $170,298.75, and authorize the Chairman to sign it. Comm. Milz pointed out that no grants were available for this, so they would have to "bite the bullet" on this one. Comm. Tibbals seconded and the motion passed unanimously, 5-0.

22. Enter into Rolling A Phase III professional service agreement with Terracon Consulting Engineers for special inspections and materials testing for an estimated amount of $65,367 (time & materials basis).

Utilities Director Mike Workman presented this item. He indicated these fees would be for time and materials relative to special inspections for rebar, concrete work, compaction, soils testing, and consultation services should they run into unusual problems with soil, etc. He also mentioned they met with and interviewed three firms for this, and got three prices.

Comm. Goodman made a motion to enter into an agreement with Terracon Consulting Engineers in the amount of $65,367 and authorize the Chairman to sign. Comm. Hunewill seconded and the motion passed unanimously, 5-0.

23. Enter into Rolling A Phase III professional service agreement with Brown & Caldwell for construction engineering & support services for an estimated amount of $123,000 also on a time & materials basis.

Utilities Director Mike Workman presented this item. He explained they had previously used this firm for project management on some other projects, and originally it was going to cost around $700,000 to use them for this project. To reduce the cost, they took the project and split it in-house, which reduced what they would need the firm to do. The revised estimated amount reflects them doing the construction engineering portion of it. This is also on a time and materials basis, for onsite construction engineering, including submittal review, requests for information review, onsite engineering changes, etc. as well as troubleshooting technical difficulties that might come up.

Comm. Hunewill made a motion to approve the agreement and authorize the Chairman to sign in the

amount of $123,000 on a time and materials basis. Comm. Goodman seconded and the motion passed unanimously, 5-0.

24. Approve a contingency of 5% ($750,000) for the Rolling A Phase III construction project. Total contract amount to KG Walters is $14,926,964.

Utilities Director Mike Workman presented this item. He took responsibility for overlooking including a contingency with this project when the contract was originally awarded, but he said it does need to be taken care of. He indicated he was originally going to bring a 1.7% contingency to the Board, which would have been about $250,000. However, he now has information from contractors as well as from suppliers there will be a huge increase on the cost of some of the materials, on everything from concrete to pipe. He went on to say they even checked with the manufacturers, and they also indicated there will be this enormous increase. This is what makes it necessary to ask for 5% for the contingency, which would be $750,000.

Comm. Tibbals made a motion to approve as presented. Comm. Goodman seconded and the motion passed unanimously, 5-0.

25. Acceptance of certified costs and approval by the Board to reimburse Riverpark Properties (R&B) for the design and construction of the Cardelli Well for an amount of $661,713.32. This action will also serve as acceptance of the completed project

Utilities Director Mike Workman presented this item.

Comm. Milz commented he thought they had already accepted this. Mr. Workman responded he wasn't sure how the County did it as far as the reimbursement agreement, so he included it just to be sure once it is done, they would be 100% complete.

Mr. Workman said this brings to an end the long process with the Cardelli Well, and he expressed how very pleased he was with how this project had come out. He stated this project actually came in under the original certified cost. The well is operating great; it has been operating flawlessly since June. He extended an invitation to any of them to arrange with him for a site visit.

Comm. Tibbals asked if this amount was approved, if it would be the final amount that they would owe on it. Mr. Workman responded that was correct, with the exception of finishing purchasing the property, but that was previously approved.

Comm. Tibbals made a motion to approve as presented. Comm. Goodman seconded and the motion passed unanimously, 5-0.

10:00 AM PUBLIC HEARING – Consideration of the adoption of Land Use Assumptions within the designated service areas, which will be used to develop the Capital Improvements Plan, which will be the basis for impact fee calculations; the land use assumptions will include, but are not limited to, current and projected population, household and non-residential development. The impact fees would pay for growth related infrastructure projects in the following categories: police station projects, street projects, and storm sewer projects.

Tom Pippin of BBC Research in Denver presented this item. He broke it up into 4 main topics. He also provided a multi-page document for people to refer to for more detail.

1.) Why we are here: This is the second of the two public hearings required by NRS if the Board wants to impose impact fees. The first meeting focused on growth projections, and this meeting will focus more on capital improvement plans.

2.) Response to concerns from the previous meeting: He had previously presented growth projections based on an average from 5 various sources, but that had produced a figure persons

present at the first meeting had not been comfortable with, as it seemed to be too low to match their knowledge of various factors affecting this particular County's growth. Accordingly, he replaced one of the sources used in the average, Claritas, which is a national database, with another, more local data source, The Bureau of Business and Economic Research at the University. Now the average shows a projection of about 36% population growth for the next 5 years, versus the 31% projected when Claritas was in the average.

3.) Capital Improvement Plans: Mr. Pippin went into detail about the expected improvements needed to accommodate growth for Sheriff, roads (arterial streets), and storm drainage. He emphasized how you can only assess impact fees for growth relative to costs of maintaining current levels of amenities/services, not for possible desired upgrades in levels of amenities/services. Therefore, you have to separate those costs out, and then only use the properly applicable figures, which you then divide up geographically. He referred frequently to the document he had provided, which showed more detail. He also stated several times that you might want to make adjustments to his figures as your actual plans, such as the Transportation Master Plan, are completed. Included in this portion of his presentation was some discussion regarding, among other things, the accuracy of the evaluation of the level of usage of the roads. It was pointed out that road usage on Dayton Valley Road, for example, is very different from road usage way out in a more rural area. Mr. Pippin ended by agreeing to re-evaluate the road usage in geographical sections.

4.) Next Steps: He said next he has to turn the presentation into a written report. He had circulated a preliminary report to staff, but he needs to edit and revise it, and then produce a draft report to distribute to staff. He reiterated that he would be looking at street usage geographically to include in it. After staff and the Board review it, he would take the input, and revise it further into a final version. After that, they would be free to adopt or not adopt impact fees at any time because they would have met the requirement of having two public hearings. They would be free to adopt anything up to 100% of the amount listed in the report, but they could adopt less if they so choose. He also mentioned it has been common in other western communities to phase in fees, so as to make it easier for the building and development community to better adjust.

Comm. Hunewill questioned that all the fees look the same, except for one area. Mr. Pippin responded it may be a rounding error, and that he would look into it.

Comm. Goodman expressed concern regarding large retailers balking at large impact fees they wouldn't think would apply to them. He gave the hypothetical example of a 150,000 square foot retailer going in along a federal highway, where traffic would go from the highway directly into the private parking lot, being asked to pay approximately $141,000 for impact fees for streets and storm drains when they would have virtually nothing to do with any of that.

Mr. Pippin responded, stating it is commonly accepted that retail generates more trips. What some other communities do is subsidize the retail fee since retail is good business because it generates taxes. He added you can also decide to charge less than maximum and/or whatever you decide to charge you can allow the development to make it back through some kind of sales tax or property tax incentive agreement, and it is very common to let development pay on an installment basis. He also explained until they have a transportation master plan, it cannot be determined whether or not a specific project would put traffic on the county road system or not, and that is why until there is a transportation master plan, they are using this rule of thumb about level of service C, 670 vehicles per hour. They may be correct about certain projects not generating traffic that would touch the county roads, which is why he would urge them to complete the master plans for transportation and drainage.

Comm. Goodman wanted to know if it is possible to have some kind of plan where someone set along a highway would pay less than someone set 3 or 4 blocks back. Mr. Pippin responded yes, but he would urge them to replace such a plan when the master plan is complete.

District Attorney Leon Aberasturi commented once you have the master plan, you might want to go back in and recalculate geographically; this was just picked by staff as a starting point.

Comm. Milz agreed looking at the tiered approach would be a good idea, so as not to penalize retail.

Mr. Pippin indicated he could go back in and revise the calculations in that fashion.

Comm. Tibbals asked about agriculture. Mr. Pippin said they would only be affecting things under roof, and most would fall under industrial for processing or distribution. Comm. Tibbals asked specifically about a shed that is used 3 months out of the year. Mr. Pippin responded if they wanted to, they could put into ordinance that County staff could have the option of not charging the full fee, and instead could charge for a quarter. Comm. Mills wondered if maybe it would be more properly a decision for the Board than for the staff. Mr. Pippin responded there are a variety of ways to do it.

Comm. Tibbals asked what kind of reaction there would be about these proposed fees from the Economical Development for Lyon County. Mr. Pippin responded there had been two public hearings with the building and development community and the economic development representatives, and he couldn't speak for them, but generally he thought they are concerned that fees would slow down growth. He said his job is not to speed up or slow down growth, but to say how much growth costs. He added you can either charge it to new growth so it will pay its own way, you can accept lower standards of service, OR take care of it through having existing residents pay for it.

Comm. Mills asked if they were to reduce the retail fee, should it be made up in another area. Mr. Pippin responded you have to be very careful not to be cost shifting between categories because you don't want single family burdened because you chose to advantage retail. You have two options. One is to do the reduction of whatever percentage across the board through all land use categories; the other is to not reduce the retail fee, still assess it, but allow them to pay in installments, or allow it to be paid by tax revenue, where the county collects tax revenue from the establishment, but uses part of it to reimburse the impact fee fund to keep it whole. You have to make sure there is not disparate treatment of the different land use categories.

Comm. Hilliard commented he believed the point his colleagues are trying to make is there are many variables, so one answer doesn't fit all. Mr. Pippin responded that is why a lot of communities adopt an appeals procedure to allow for these factors. He cautioned they would have to be careful to keep the fee system whole, so whatever break they cut somebody, they would have to find another source of revenue to make it up, such as incrementally from taxes generated by the retail establishment, or from the general fund, but they must be careful not to overburden the other land use categories.

Rick DeMar from the Builders Association of Western Nevada cited a pamphlet and noted that the population of Lyon County has exceeded 50,000 already. He asked about these proposed impact fees being in addition to what is already collected, and asked what the total dollar amount would be per building permit. Comm. Mills said it would have to be looked into to find out exactly what the total would be. Mr. DeMar asked Mr. Pippin who he had met with when he referred to the two public hearings with the building community. Mr. DeMar also said his group had offered to prepare a model that will reflect the projected income and positive impacts of growth for Lyon County. He gave a copy of the model and a sample of a finished product to the County Manager.

Regarding the earlier question from Mr. DeMar about who he had met with, Mr. Pippin explained that in August they had met with about 20 people in Dayton, and 60 invitations had been sent out to builders and developers about another meeting in Yerington. He indicated scanned copies of the sign-in sheets are available for inspection.

Regarding the previous question from Mr. DeMar about the fees overlapping, Mr. Pippin responded the proposed impact fees do not cover parks, because that is already covered by what is already being charged, and it would have been double dipping to include it in these proposed fees. He also stated in regards to the existing road construction tax, his understanding is it is for maintenance or betterment, which is a different purpose than the impact fees.

Mr. Pippin indicated he would prepare a revised draft report. This item will be continued.

26. Presentation by the Stagecoach General Improvement District regarding wastewater expansion and discussion with the County Commission (requested by SGID)

Comm. Milz mentioned no action would be taken on this item, but they would listen to the presentation.

Stagecoach General Improvement District Board Member Charles Lawson introduced this item. He mentioned some history, back as far as 1997; then he explained what was more currently happening. He said they have a service plan before the County that has not yet been accepted. The turf farm has been sold, and that would be developing.

Comptroller Josh Foli stated he had been asked by Donna to take a look at the financials, but not to prepare a financial plan until after the Commissioners looked at it.

Mr. Lawson said he had discussed with Hugh Ricci the idea of joining in with the Silver Springs General Improvement District, but he had indicated because their basin was so heavily over drafted it would be better to keep it in the basin, since 40 % of the residential reuse goes back into the aquifer.

Jack Norberg of Nichols Consulting Engineers, who has been the district engineer for the SGID since 1991, showed several maps of the area. He mentioned that in 1997, there had been concern about nitrates showing up in the ground water, and the level is still climbing. That is why wastewater management is needed. He gave details about study areas and phases. He also mentioned they have gone on record with BLM as being interested in purchasing a parcel of land for wastewater treatment, so they would be first in line should it come up for sale. They also identified another parcel, privately owned, that may be suitable for the purpose. He also mentioned some various projected costs that would be associated with the project.

Mr. Norberg went on to say the District is at the point where they have developed this master plan to look at the feasibility and costs, and they are in the process of pulling together the service plan that is required as part of the resolution that was passed by the Board in 1997; the service plan is not yet approved because there are some items that need to be worked out between the County and the District.

Mr. Lawson requested time be allocated to Comptroller Josh Foli to finish the financial information they need to get together. He also mentioned this would be a good time for the District to get together with Mike Workman, and look at maybe adopting ordinances. He stated they have a level 3 operator on board that is addressing some concerns about denitrification, and they may also want to adopt the Orange Book Standards, possibly with some modifications that Mr. Workman has put together for Dayton. He additionally expressed concern that there is over allocation of water recharge; whereas the over allocation to recharge is 800 acre feet per year, but the allocations are somewhere around 4000 acre feet of water rights. His opinion was they need to get water brought into the valley, and if development brings it, more power to them, as they would get the 40% recharge back to the basin.

District Attorney Leon Aberasturi outlined several ways to provide wastewater services in the area.

Comm. Milz mentioned he thought if and when the Crosby Ranch gets water, they plan to work with the GID and build the wastewater treatment plant. Mr. Lawson confirmed that. Comm. Goodman expressed concern that would be a ways down the road, and he questioned what would be done about the nitrates and so forth in the meantime. Mr. Lawson responded that is what they are doing now; they have the service plan done with the exception of the financial plan from Mr. Foli. He said they have the grants in place to expand their water to take care of the arsenic problem; they have identified an area that is arsenic free.

Comm. Milz suggested what they should do now is work with the County Manager and direct staff to work closely with him on this issue.

Mr. Aberasturi asked for guidance on what they do or don't particularly want. Comm. Milz indicated he should use his judgment and bring it back to them in a manner that they could approve.

Comm. Goodman stated they could either create a brand new separate district or incorporate with one that already exists. Mr. Aberasturi confirmed it could be done either way, and that decision wouldn't necessarily need to be made up front. Mr. Goodman expressed he personally thinks they should keep Silver Springs separate. Comm. Milz expressed he thinks they should do what they want, as it is their district.

It was reiterated that the Board was supportive of County staff assistance to this project.

RECESS TO CONVENE AS CENTRAL LYON COUNTY VECTOR CONTROL DISTRICT BOARD

27. Public Participation

There was no public participation.

28. Review and accept claims and financial report as presented by Comptroller

Lyon County Comptroller Josh Foli stated the cash balance in the account as of October 19, 2005 was $231,170.67, and there were no pay bills or pay rolls during that time.

Comm. Goodman moved to accept, and Comm. Hillyard seconded. It passed unanimously, 5-0.

ADJOURN TO CONVENE AS WALKER RIVER WEED CONTROL DISTRICT

29. Public Participation

There was no public participation.

30. Review and accept claims and financial report as presented by Comptroller

Lyon County Comptroller Josh Foli stated the cash balance as of October 19, 2005 was $70,463.51. During that time there were pay bills of $404.98, and payroll of $837.80.

Comm. Hunewill moved to accept, and Comm. Goodman seconded. It passed unanimously, 5-0.

ADJOURN TO CONVENE AS MASON VALLEY MOSQUITO ABATEMENT DISTRICT BOARD

31. Public Participation

There was no public participation.

32. Review and accept claims and financial report as presented by Comptroller

Lyon County Comptroller Josh Foli stated the cash balance as of October 19, 2005 was $28,843.23. During that time there were pay bills of $517.48 and payroll of $3,077.25.

Comm. Tibbals moved to accept, and Comm. Hunewill seconded. It passed unanimously, 5-0.

ADJOURN AND CONVENE AS THE WILLOWCREEK GENERAL IMPROVEMENT DISTRICT

33. Public Participation

There was no public participation.

34. <u>1:30 PM</u> - Approve resolution setting the new water and sewer rates, fees, and charges and system obligation fees within the Willowcreek General Improvement District

Comptroller Josh Foli stated the sewer system has been inspected, and the complete system needs to be replaced on the collection side. We also need to work on the plant side so there will be additional capacity. This will be mandated by NDEP; we have no choice. Grants and loans have been found to help finance the project; however, rates will need to be changed in order to finalize the grants in an amount sufficient to pay for the capital improvements and to pay back the loan. The current and proposed rates are:

	Existing Rates	Proposed Rates	Rates Without Federal Grant
Monthly Sewer Rate	14.15	26.00	39.57
Annual System Obligation Fee (per lot)	150.00	300.00	450.00
Sewer Connection Fee	1,250.00	3,800.00	6,773.00
Water Connection Fee			
¾ Inch	1,250.00	3,900.00	3,900.00
1 Inch	1,250.00	4,200.00	4,200.00

Mr. Foli also indicated the public had been abundantly notified, through publishing 5 times rather than the required 2, and this is the second public hearing on the matter. They also held a workshop which was advertised, but nobody showed up. They held a second workshop after sending mailed notices out to every land owner of record, and they had a significant number of people show up for that. He pointed out if we don't do the rate increase now, and we don't take advantage of the grants that are available now, the EPA will mandate it anyway, and then we would be stuck with implementing even higher rates.

Gary Jacobs, a new resident in the area, expressed concerns about the rate increase. He indicated they only plan to live in the house they will be building about 6 months out of the year. He said water can be turned off when they are not spending time there, but he didn't understand why the sewer couldn't be turned off. He also said they don't seem to have a vote about this, and that it seems to be pretty well set in stone. It appears to him they are paying for some of the new sewer lines and so on in the new development that is close to his area. His final concern was about the impact on the street. He would like to have a bypass lane near where they turn into his property because he understands several people have been killed at that intersection.

Serena Nichols, a resident of Willowcreek, stated the rates should not be increased until the sewer is completed. She also expressed objection to not having a bid for this project, so they would know more exactly what the involved costs would be. She also agreed about the road; they have had at least one death out there and many near accidents.

Comm. Milz explained this work has to be done, and the Board doesn't have a choice.

Utilities Director Mike Workman said there is a seasonal turn off policy in Dayton, but he is not sure what the policy for the City of Yerington is. He indicated they could look into it and work with the City of Yerington on it. He also clarified that as far as the expansion goes, any future expansion for services outside of the GID is not included in these cost proposals. Any expansion is handled completely separately, and any developer would have to pay for the expansion that they cause. As far as the bidding goes, the costs shown are based on engineers estimates, and explained the system needs to be designed and financing in place before going to bid on the project.

District Attorney Leon Aberasturi mentioned there are a couple of things to consider relative to turning the sewer service off seasonally. First, do they actually have the ability to do it, and second, would there be service charges for turning it on and off.

Resident Robert Nish had questions about the period of the loan, and whether the rates would go back down when it is paid off. Comptroller Josh Foli answered the loan term would be forty years, and in theory the rates would go back down when it is paid off. Comm. Hunewill added the reason it was forty years was so the rate would be lower.

Comm. Hunewill also thanked Mike Workman, Josh Foli, and Brent Farr for the presentation they did Monday night. She indicated they fielded a lot of questions, which is probably why the group at this hearing is smaller.

Comm. Hunewill made a motion to approve the resolution as presented. Comm. Tibbals seconded and the motion passed unanimously, 5-0.

35. Review and accept claims and financial report as presented by Comptroller

Lyon County Comptroller Josh Foli stated the cash balance as of October 19, 2005 was $369,589.71. During that time there were no pay bills, and no payroll.

Comm. Hunewill moved to accept, and Comm. Tibbals seconded. It passed unanimously, 5-0.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

36. CLOSED SESSION (per NRS 241.015) regarding Walker River Settlement negotiation

There was no closed session.

37. CLOSED SESSION (per NRS 241.015) regarding Advanced Specialty Gases

There was no closed session.

38. Commissioner comments

Comm. Hunewill commended Mike Workman, Josh Foli, and Brent Farr for the excellent presentation they did on the public meeting held Monday night on the water rates for Willowcreek GID. She also said in regards to the cost of drilling of the well at Dressler Park, they are going to have to go for the additional estimated $5000 for the engineering costs according to Mike and he is working closely with the State on that. She also thanked Comm. Goodman for doing a wonderful presentation the previous day to the Mason Valley Chamber about economic development issues.

Comm. Goodman said he had a meeting the previous afternoon with Edrie, the Douglas County and Carson City Managers, and Senator McGinness regarding legislation on franchise fees. He said Senator Townsend is pushing hard to eliminate these franchise fees, and if that happens, it could have a huge impact on Lyon County. He also commented he had received a copy of a letter from NACO regarding Hobbs, Ong, and Associates of Clark County being under contract to provide assistance for local government financial issues and he requested this be put on the agenda to discuss possible financial support of it, as it might be quite valuable.

39. County Manager comments

Acting County Manager Edrie LaVoie indicated she was having a good time, and it has been a great opportunity for her to learn and see a different perspective to provide services to our residents. She thanked the Board for their support.

40. Elected Official's report

County Clerk/Treasurer Nikki Bryan introduced the new employee in the Dayton office, Shawna Halverson.

District Attorney Leon Aberasturi stated he is having difficulty filling the part time deputy district attorney position in his office. He also stated he is working with the Lyon County Recorder regarding revision of legislation passed in the last session which requires that social security numbers be confidential and also redacted from all documents currently on file. He indicated it

would have a big impact.

Comm. Goodman asked Mr. Aberasturi about a Public Defender he understood would be leaving. Mr. Aberasturi responded that his understanding is they are in contact with the County Manager, and he thinks they have a name to propose to take over the assignment.

Comm. Milz asked Mr. Aberasturi about a situation where our Code Enforcement Officer took a case to court about junk and mobile homes that weren't permitted. Mr. Milz expressed he felt that the ordinances needed to be changed to give the Assistant District Attorney help in presenting these kinds of things to a judge. Mr. Aberasturi responded it is being looked into, and he is still trying to figure out the ruling an outside judge that they had brought in had made. He indicated he wouldn't worry too much about it at this time. He also mentioned this judge took a more restrictive view than had been interpreted in the past regarding a portion of the ordinance that states a County employee must give 24 hours notice before going and inspecting property. He reiterated he wouldn't worry too much about it, but they are looking into it.

County Recorder Mary Milligan discussed the legislation about redacting the confidential information from documents in more detail. Mr. Aberasturi elaborated that this all stems from the concern about identity theft, where people use public records to get private information, but the Legislature hadn't really thought through the details on the manpower and so forth that would be required to go through all documents as far back as 1933, print them from microfilm, redact the necessary information, and microfilm them all again.

41. Appointed Official's report

Utilities Director Mike Workman reported he is working with Carson City utilities on a number of issues including the possibility of Carson City taking the waste water flows from Mound House. Also under consideration is a regional water system and effluent reuse. He had a meeting with NDEP regarding the County's effluent management plan, and there will be a lot more to come on that. It is huge, and they will need to get the County Health Officer involved with that.

Comm. Milz also complimented Mr. Workman and the County Manager on having meetings with Board members two at a time, bringing them up to date on these issues. They understand so much better and everyone feels more included that way. Mr. Workman indicated they plan to continue to present important and/or complex issues that way.

Comptroller Josh Foli updated the Board on substantial progress on the audit report. He indicated they are several weeks ahead of where they were at this time last year. He said there are a few things he is waiting on, so they are progressing on what they can. He will be looking at sewer connection review and water connection fees.

Community Development Block Grant Program Representative for Lyon County Maureen Williss informed the Board that the CDBG process is beginning. She sent out the applications, and they are due back here November 18. She said they should see the presentation probably the first meeting in December, and choose the grants the second meeting in December. The grants are available online via her e-mail or she can send them paper copies, either way. Comm. Milz asked about the Depot Grant. Ms. Williss responded they are filling out paperwork now to begin the agreement process. She sent it to Kristena Shigenaga, and now is waiting for them to get back to her, after which she will start the next step, which she believes is the appraisal of the property. Various details were discussed, including the property will be purchased by the County, and then the County will be reimbursed. Comm. Hunewill asked whether the CDBG is the same as last year. Ms. Williss responded that it is the same as last year in that the grants have been reduced to three per entity, but all could come out of economic development, planning, or facilities.

Human Services Director Edrie LaVoie informed the Board the ordinance that establishes the Human Services Department and sets the guidelines for the medical program will be addressed. She indicated the current ordinance is very outdated, probably going back to the 1970s. She estimated they will be bringing back an ordinance revision probably around the first of the year. Comm. Hillyard questioned whether they could get a schedule of when and where the Flu shots will be available. Ms. LaVoie responded she had a schedule in her office, and she would have it Faxed to Comm. Hillyard. Comm. Milz asked that Maureen fax it to the rest of the Commissioners as well.

42. Advisory Board reports

There were no advisory board reports.

43. Approve Minutes

Comm. Hunewill mentioned they would be waiting to approve the minutes from the October 6 meeting, but they would address the minutes from September 15.

Comm. Hunewill requested clarification on her comment on page 254 be made clear that the numbers referred to population.

Comm. Hunewill made a motion to approve the minutes of September 15, 2005 as amended. Comm. Goodman seconded and the motion passed unanimously, 5-0.

The meeting was adjourned.

BOARD OF LYON COUNTY COMMISSIONERS

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BOB MILZ - Chairman

ATTEST:

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NIKKI BRYAN – Lyon County Clerk/Treasurer