The Honorable Board of Lyon County Commissioners met this day in regular session with the following present: Chairman Bob Hastings, Vice-Chairman Joe Mortensen, Commissioner Vida Keller, Commissioner Hunewill and Commissioner Ken Gray. Also present: District Attorney Steve Rye and Clerk Treasurer Nikki Bryan.

1. Roll Call

Present: Bob Hastings, Joe Mortensen, Ken Gray, Greg Hunewill and Vida Keller.

2. Invocation

Invocation was given by Archie Walker of the Smith Valley Baptist Church.

3. Pledge of Allegiance

4. Time Certain

4.a. Time Certain at 9:10 A.M.: For Possible Action: Approve a Proclamation recognizing the month of May as Nevada Wildfire Awareness Month in Lyon County.

- Proclamation 19-09

County Manager Jeff Page reviewed the importance and support to the State to help increase awareness. He asked the Board to support the proclamation.

Comm. Mortensen moved to approve a Proclamation recognizing the month of May as Nevada Wildfire Awareness Month in Lyon County. Comm. Gray seconded, and the motion passed 5-0.

4.b. Time Certain at 9:15 A.M.: For Possible Action: Approve a Proclamation recognizing May 4, 2019 as Kay Winters Day in Lyon County.

- Proclamation 19-08

Comm. Hastings reviewed the request from the Dayton community for the proclamation and also read it into the record.

Comm. Hastings moved to approve a Proclamation recognizing May 4, 2019 as Kay Winters Day in Lyon County. Comm. Gray seconded, and the motion passed 5-0.

4.c. Time Certain at 9:20 A.M.: For Possible Action: Authorize the Utility Director to issue an Intent-To-Serve letter for wastewater service to the Stagecoach GID for the Desert Wells Preserve PUD.

-Intent To Serve, Desert Wells - draft

-Intent To Serve, Desert Wells - expired

Utilities Director David Bruketta stated this is a continuance from the last meeting, and the importance of moving forward. He stated this is part of the Planning Process and a requirement in the Tentative Map stage. He commented the discussion of the willingness to serve outside of the service area. He reviewed the letters, language and the process moving forward.

Comm. Keller stated that after review of the new letter, she is in favor of it because it is stated clearly that if it is not available, they will not be served. She stated that this process allows them the same opportunity as other developers, and it does not approve the applications. It states that there is intent to work with the development.

Comm. Hunewill asked why we are doing this, if we cannot serve. David Bruketta responded this is an important step so they can continue with the application process. The applicant will be able to start planning for solutions long-term and possible expansion of sewer capacity. Hunewill asked if they are willing to help with the additional fees. David stated there will be connection fees, but we don't know what that is yet.

Comm. Gray is not in favor of expansion that requires up-hill pumping. There are other areas in Dayton that wouldn't require it.

Comm. Hastings is concerned that the capacity of Dayton could be further diminished and then the County is required to serve the development. He asked if it can be stated that they cannot have access to the sewer and water if the capacity isn't available. David Bruketta responded that the letter is not a guarantee for service, and allows the County to work with the Stagecoach GID. Comm. Hastings is concerned with the future amount of development in Dayton, which is unknown.

Comptroller Josh Foli stated the intent to serve is an intent to take the service to a plant. He cautions that approving this letter could be a financial loss to the applicant and the County.

Comm. Mortensen is concerned with there is not enough information available and a study should be done looking for the best option for the situation. Approving this today could give them this possibility. Is the GID a possibility with rules and regulations? He asked if the GID has services for sewer. David answered that they have sewer responsibilities, not a plant but a septic tank. Mortensen asked what the nitrate levels are at.

Stagecoach GID Manager Teri Hurt stated the nitrates levels are at six. She stated they don't have the facility or staff to serve a development of this size. Because they are the Waste Water Authority, they will have to work with Lyon County for billing and service.

Desert Wells Representative Dave Brown stated that he is fully aware of the capacity issues in Dayton, and wants to work with the County to find engineering solutions. They can't move forward with finding these solutions without the letter.

Comm. Hastings asked if the applicant understands there are capacity issues and Dayton does have possible development coming forward and may not serve Desert Wells. Dave Brown responded that, yes, the applicant is aware.

Comm. Mortensen asked this is not a guarantee for a hook up until we take fees from the applicant. David Bruketta reviewed the application process that yes, when they have a building permit is when they would be charged.

Comm. Mortensen noted that, for the record, multiple times the public came in opposition of the project going forward, but there is no guarantee for sewer hookup with the letter approved today.

Comm. Mortensen made a motion to authorize the Utility Director to issue an Intent-To-Serve letter for wastewater service to the Stagecoach GID for the Desert Wells Preserve PUD. Comm. Keller seconded.

Comm. Hastings opened the meeting for public participation.

Public Participation:

Gary Handzel stated he does not agree to give a letter to the development when it has been stated there is no capacity. This does not fit into the master plan. He commented that Comm. Keller's spouse sits on the Silver Springs Municipal Water District, and is concerned of the ethics of her vote.

Amanda Brinnand is against the authorization of the intent to serve letter and implies that the county can serve the sewer and water. The residents should know what the financial impacts are to the community.

Diane Handzel is not in favor of the letter and there should be a public hearing. She is concerned that the applicant would be benefiting financially from purchasing water.

Ron Kennedy asked that since Comm. Mortensen made a motion prior at the last meeting and no second followed, will he be rescinding his motion today after just making another motion today. He asked the Board to not approve this letter.
County Manager Jeff Page clarified to the audience that the Board follows the Open Meeting Law as mandated by the State. The Board does not follow Robert's Rules to the letter.

Jerry Culwell stated he does not agree with the process and the letter to be approved.

Comm. Hastings closed public participation and asked for further comments from the Board.

The motion passed 3-2 with Comm. Hunewill and Comm. Gray opposed.

5. Public Participation

Ron Kennedy is concerned with the Board and having secret meetings and violating the Open Meeting Law. He stated the motion for the item at the last meeting did have not a second. He asked the board to address his statements.
County Manager Jeff Page discussed the Open Meeting Law and stated public participation is to voice the public's concerns. Also, the District Attorney has previously advised the Board to not deliberate or engage in discussions during public participation. The Board has the option to request items to be placed on the next agenda for discussion.

Archie Walker is concerned with the invocation, and other municipalities prohibiting the practice. He stated that he appreciates the Board allowing him to give the invocation at meetings.

Comm. Hastings closed public comment.

6. For Possible Action: Review and adoption of agenda

County Manager Jeff Page asked to remove 13.a. from the agenda.

Comm. Gray moved to adopt the agenda as presented minus Item #13.a. Comm. Mortensen seconded and the motion passed 5 – 0.

7. Presentation of awards and/or recognition of accomplishments

There was no presentation of awards and/or recognition of accomplishments.

8. Commissioners/County Manager reports

Comm. Keller stated that the National NACO Conference will be in Las Vegas. She will be going and will be funding the trip personally. She wanted to bring the conference to the attention of the Board and if they had an interest in going. Comm. Keller asked if staff could recommend a nonperishable item to represent Lyon County at the conference.

Comm. Mortensen commented there was a large gathering of vehicles parked at the marijuana store last Saturday.

Comm. Gray stated today is National Day of Prayer.

County Manager Jeff Page stated that he would like to have the entire Board go to the National NACO Conference and will have an item agendized. The Nevada Day Committee will be honoring all seventeen Counties and will have an event that he will be involved with. The Governor's Office of Economic Development is in the process of pushing forward with education and training. He is concerned with the prosecution and the defense as stated in the Indigent Defense Bill. Also, he is concerned with a reasonable process with Public Defenders, and access to aid those services in rural areas.

9. Elected Official's reports
9.a. Dayton Justice Court
- Civil, Criminal & Monthly Statistics March 2019

There were no Elected Official's reports given.

10. Appointed Official's Report

Facilities Director Rob Dunbar gave a report on the Animal Shelter expansion and bids are due in a few weeks. The Fernley Senior Center plans are submitted for the City to review. The Jail demo is starting on Monday. The design of the new parking lot is almost complete and will be ready to go out to bid.

Comptroller Josh Foli reported the Simulcast project and shared there are two sites left to complete. The City of Yerington will be having a meeting to consider the agreement and will be brought to the Board after. He said the Child Protective Services assessment will cost $71,000 more than anticipated and recommended for the funds to come out of Contingency. The Final budget will be May 20th, 2019 and there will also be a closed session that day. He is in the process of increasing rates for the Willowcreek and the Silver Springs GID from inflation.

11. Advisory Board Reports
11.a. Silver City Advisory Board
- Letter of Transmittal

There were no other reports given.

CONSENT AGENDA

Comm. Comm. Hastings asked for any changes from the board or staff for the consent agenda.
Comm. Keller asked to remove Item #13.c. from the consent agenda to be heard separately.
Comm. Hunewill asked to remove Item #14.e. from the consent agenda to be heard separately.

Comm. Mortensen moved to approve the consent agenda minus items #13.c. and #14.e. to be heard separately. Comm. Gray seconded and the motion passed 5-0.

12. For Possible Action: Approve County Commission Minutes
12.a. For Possible Action: Approve the April 18, 2019 Minutes
- April 18, 2019 Minutes

The April 18, 2019 Lyon County Commissioners' minutes were approved.

13. Contracts
13.a. For Possible Action: Approve contract with Jennifer's All Creatures Barnyard Racers in the amount of $3,800 to provide entertainment services at the 2018 Lyon County Fair & Rodeo.
- Sam Friedman Contract

This item was removed from the agenda.

13.b. For Possible Action: Approve contract with Nevada Gunfighters in the amount of $1,200 to provide entertainment services at the 2019 Lyon County Fair & Rodeo.
- Nevada Gunfighters 2019 Contract

13.c. For Possible Action: Approve a Water Rights and Banking Agreement with Jenuane Communities Fernley, LLC to serve the Dayton / Mound House serve area.
-Water Rights Banking Agreement, Jenuane Communities Fernley LLC
-Taggart Due Diligence Review, Jenuane Communities Fernley LLC

Comm. Keller asked why we are banking water rights and are they going to a specific development.
David Bruketta stated that this agreement will allow the County to have ownership to review the agreement and there are no discrepancies that should be addressed. Following that, the water rights will be given to a specific subdivision.
Comm. Keller asked why the County takes the responsibility.
David responded that it can be done if the Board wishes to change what has been done previously. However, a potential impact could be a longer process for development.
Comm. Keller cautions that the County takes on the responsibility for the developer and recommends having the developer keep the rights and moderate the water rights themselves.
David Bruketta responded that the agreement is written that the ownership and deed goes to County but the responsibility is to the original owner. They will file the necessary documents and are required to pay the fees.

Comm. Mortensen commented that if the water is not banked with a public entity it can be sold to any outside interest.
Comm. Keller stated that the State is auditing the water that's being sold.

County Manager Jeff Page stated that there is a Bill, if it is passed, that after fifteen years, if the water has not been shown as Beneficial Use that right can be removed.

Jenuane Communities representative Clay Hendricks stated they are banking the agreement for a Final Map application and complying with the current County requirements. They are allocating the water rights for a specific development.

Utilities Director asked the Board if they could give recommendations for a future item with further discussion and have the appropriate representatives present.

Comm. Mortensen moved to approve a Water Rights and Banking Agreement with Jenuane Communities Fernley, LLC to serve the Dayton / Mound House serve area. Comm. Gray seconded.

Comm. Hastings opened the meeting for public participation.

Public Participation:

Don Smit stated that he also banks water right agreements with Lyon County. He wanted to clarify that he is responsible for the applications for beneficial use with the updates and fees. The benefit with the agreement is a longer time frame to work with from one year to five.

Comm. Hastings closes public comment.

The item passed 5-0.

13.d. For Possible Action: Approve a contract in the amount of $13,750 with N.R.C. Roofing Inc. to replace the roof on the Silver Springs Library building funded from the Capital Improvements Fund.

- Contract with N.R.C. Roofing Inc.

14. Other Consent Items

14.a. For Possible Action: Approve an Affidavit to Commissioner's that tax due notices were mailed.

- Memorandum to Commissioners Tax Notices Mailed

14.b. For Possible Action: Review and accept claims and financial reports.
- Claims Report 4-1-19 to 4-15-19
- Cash Report 4-15-19

The cash balance as of March 31, 2019 was $60,884,956.91. County claims totaled $823,799.14 and payroll totaled $1,297,443.63.

14.c. For Possible Action: Review and accept travel claims.
- Travel Report 4-1-19 to 4-15-19

Travel claims totaled $5,601.31.

14.d. For Possible Action: Approve the List of Trust Properties and Mobile Homes to be sold for delinquent taxes by Lyon County Clerk/Treasurer on May 24, 2019.
- Notice of Sale

14.e. For Possible Action: Approve contract with Benefit Intelligence Services, Inc. to continue to serve as Lyon County's employee benefits broker.

Comm. Hunewill asked why this contract is for a two year contract and he is not in agreement with the two years.
Human Resource Director Erik Milavsky stated that the broker had requested a two year contract, in the past it has been a two year agreement, except last year it was a one year contract.
Comm. Hunewill stated that he would like to see a Broker of Record Letter instead of in the contract. Hunewill asked to have more brokers evaluated next year for the position. He does not agree with the content stated that the broker is paid after the sixty days he is released and he could no longer be the broker.
Erik Milavsky responded that he can go to the broker and request a change in the term to one year, and he states it would be in the county's best interest to have a more formal document that specifies the scope of work, liability insurance and ethics standard of care. Staff recommends this broker and the agreement. This broker has performed well in the past for the County.

Comm. Hunewill asked if there are any other municipalities that use this broker.

Comptroller Josh Foli responded he is not aware of who this broker also represents. He stated this is a competitive plan that he has seen in pricing, benefits and a good experience.

Comm. Gray agreed with Comm. Hunewill's statements. He asked if the broker should be terminated, can it be of that date and no more earned commission.
Comptroller Josh Foli responded that the majority of the work is completed from January to May. The commission is paid through that period. If the contract was terminated later, as in July first, they would not be compensated for their work in the beginning of the year. He is not in favor of this because the broker did the work he had proposed.

Comm. Mortensen moved to approve Item #14.e as presented with the two year contract; the motion dies with no second.

Comm. Hastings moved to approve Item #14.e, but with a one year contract instead of a two year contract, Comm. Keller seconded.

Comm. Hastings opened the meeting for public participation or further Board Comments. There was no public participation.

Comm. Gray commented that he would like to see this item come forward earlier in the year and a study with brokers. He requested for the Board to be more active and informed from start to finish.

The motion passes 4-1 with Comm. Hunewill opposed.

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

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

15. Planning

15.a. For Possible Action: TRADITIONS VILLAGE 2 / STANLEY LUCAS – ZONE CHANGE – Request to change the zoning from SR-12000 (Suburban Residential-12,000 sq. ft. min.); NR (Neighborhood Residential-4,500 sq. ft. min.); MFR (Multi Family Residential); & CC (Community Commercial) to an alternate configuration of SR-12000 (Suburban Residential-12,000 sq. ft. min.); SR-9000 (Suburban Residential-9,000 sq. ft. min.); MFR (Multi-Family Residential); CMU-S (Commercial Mixed Use-Suburban); and CC (Community Commercial), all on three (3) parcels totaling 210.93 acres; located west of the Traditions Parkway/Highway 50 intersection, Dayton, NV (APNs 16-406-08; 016-406-06; 016-401-93) PLZ-19-0013

- Staff Report

Comm. Hastings read both Items #15.a and 15.b into the record and asked for them to be heard together and voted on separately.

County Manager Jeff Page presented the application for the Zone Change and the Merger and Resubdivision to a Tentative Subdivision Map. The Planning Commission approved to change the zoning from SR (Suburban Residential); NR (Neighborhood Residential); MFR (Multi Family Residential); & CC (Community Commercial) to an alternate configuration of SR (Suburban Residential); MFR (Multi-Family Residential); CMU-S (Commercial Mixed Use-Suburban); and CC (Community Commercial). Staff recommended approval of the Zone Change based on the three findings A-C.

Comm. Hastings asked for any Public Participation or further comment from the board or applicant.

Comm. Keller asked why the Zoning Map Amendment is before the application request to change the size of lots.
Manhard Consulting representative Chris Baker responded that the Zoning Map Amendment needed to be established prior for the residential lots to be created or requested. The request presented is less density, the Zoning Map Amendment is then required to move forward to make those corrections.

Comm. Gray moved to approve the request to change the zoning from SR-12000 (Suburban Residential-12,000 sq. ft. min.); NR (Neighborhood Residential-4,500 sq. ft. min.); MFR (Multi Family Residential); & CC (Community Commercial) to an alternate configuration of SR-12000 (Suburban Residential-12,000 sq. ft. min.); SR-9000 (Suburban Residential-9,000 sq. ft. min.); MFR (Multi-Family Residential); CMU-S (Commercial Mixed Use-Suburban); and CC (Community Commercial), all on three (3) parcels totaling 210.93 acres; located west of the Traditions Parkway/Highway 50 intersection, Dayton, NV (APNs 16-406-08; 016-406-06; 016-401-93) PLZ-19-0013, as presented and the 3 Findings as follows:

A. That the proposed amendment is consistent with the policies embodied in the adopted master plan and the underlying land use designation contained in the land use plan;

B. That the proposed amendment will not be inconsistent with the adequate public facilities policies contained in this title;

C. That the proposed amendment is compatible with the actual or master planned adjacent uses.

Comm. Mortensen seconded. Comm. Hastings opened the meeting for public participation and there was none. The motion passed 5 – 0.

15.b. For Possible Action: TRADITIONS VILLAGE 2 / STANLEY LUCAS – MERGER AND RESUBDIVISION TO A TENTATIVE SUBDIVISION MAP - Request to combine three (3) existing parcels totaling 210.93 and subdivide a 101.02 acre portion into a 195 lot residential subdivision including four (4) remainder lots for future multi-family housing, commercial and common area development; located west of the Traditions Parkway/Highway 50 intersection, Dayton, NV (a portion of APNs 16-406-08 & 016-406-06 and all of 016-401-93) PLZ-19-0014

-Staff Report

County Manager Jeff Page stated there is a request to change condition 20.g. and read an email into the record from Susan Panasky. He stated that the Planning Commission recommended approval of the request to combine three (3) existing parcels totaling 210.93 and subdivide a 101.02 acre portion into a 195 lot residential subdivision including four (4) remainder lots for future multi-family housing, commercial and common area development, (a portion of APNs 16-406-06; 016-406-08 and 016-401-93) based on the recommended findings and the 28 conditions.

Comm. Mortensen moved to approve the request to combine three (3) existing parcels totaling 210.93 and subdivide a 101.02 acre portion into a 195 lot residential subdivision including four (4) remainder lots for future multi-family housing, commercial and common area development; located west of the Traditions Parkway/Highway 50 intersection, Dayton, NV (a portion of APNs 16-406-08 & 016-406-06 and all of 016-401-93) PLZ-19-0014, as presented to include the commentary of 20.g and based on the recommended findings and the 28 conditions listed below:

1. Approval of the tentative map shall not constitute acceptance of the final map. Approval of the tentative map shall lapse unless a final map based thereon is presented to the Board of Commissioners **within four (4) years from the date of such approval**, unless a provision for an extension of time has been granted. The Board of County Commissioners, with the recommendation of the Community Development Department, may grant to the developer a single extension of not more than two (2) years within which to record a final map after receiving approval of the tentative map.
2. The applicant shall comply with all Federal, State, County and special purpose district regulations.
3. The developer shall provide the proposed Covenants, Conditions and Restrictions ("CC&Rs"), landscape maintenance association/homeowners association agreements, easements and/or other legal instruments containing sufficient detail to constitute enforceable provisions necessary for operation and maintenance by the developer and his successors, and assignees as well as the individual subdivision lot property owners as the project is subdivided and the individual lots sold for all common areas and storm drainage facilities (easements, channels and basins) as well as any associated landscaping within the common open space lots and storm drainage facilities and other provisions necessary for the subdivision as approved, for review by the Community Development Director, the Utilities Director, the County Engineer and District Attorney's Office. The approved legal instrument shall be signed and recorded prior to approval of a final map or first in a series of final maps for the project.
4. The applicant shall submit and receive approval of a street-naming application prior to submittal of an application for a final map or first in a series of final maps. Should any requested street name(s) be denied, the Community Development Director is authorized to administratively process a request for a replacement street name(s), obtain review and comment from the fire district with jurisdiction, Road Department and any other appropriate agency, and approve a revised street name(s) without the requirement of a public hearing before the Planning Commission.
5. A phasing plan must be submitted prior to the recordation of the first final map if the development is to be phased.
6. All property taxes must be paid in full through the end of the fiscal year (June 30) and any applicable agricultural deferred taxes shall be paid in full prior to recordation of any final map.
7. The applicant shall comply with the final subdivision map requirements as prescribed by NRS 278 and Title 15 of the Lyon County Code.
8. Required recording fees to be paid at time of recording map.
9. No lot shall be offered for sale or sold until the final subdivision map has been approved and recorded.
10. No building permits shall be accepted for processing until a final subdivision map has been approved and recorded.
11. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Community Development Director prior to submitting the final subdivision map for recordation.
12. The applicant shall pay the actual costs for County Engineer plan and map checking and County Inspector site improvement inspection fees, in accordance with the adopted County fee resolution in effect at the time, and provide proof of payment to the Community Development Department prior to final subdivision map recordation.
13. The applicant shall provide written evidence (i.e. 'will-serve' letters) demonstrating that the proposed parcels are able to be served by municipal water and sewer systems, natural gas, electricity, cable television, and telecommunications prior to recordation of a final subdivision map or first in a series of final maps for this project.
14. The applicant shall provide the final subdivision map to the Lyon County GIS Coordinator in form and format compatible with the County geographical information system (GIS). The scale of the site plan, improvements, monuments and other items shall be in model space correctly oriented to coordinate system as established by the GIS Coordinator. Cover sheet and standard details need not be included.
15. The applicant shall comply with County requirements, in accordance with Title 15.234 of the Lyon County Code, mandating that a site improvement permit(s) be obtained for any site development work prior to any disturbance occurring on the subject site. The grading permit application shall also include documentation of approval of a Stormwater Pollution Prevention Plan ("SWPPP") with the Nevada Department of Environmental Protection (NDEP).
16. The applicant shall obtain any required Air Quality Permit(s) from the (NDEP) and apply appropriate dust abatement processes as part of the development construction prior to any disturbance on the site.
17. The improvements required by the terms of Title 15 of the Lyon County Code shall be inspected by the County as the work progresses. Such improvements shall not be started until the inspection fee, required as a prerequisite to the filing of the final map, has been paid.

18. Prior to any construction of improvements, a preconstruction conference shall be held between the contractor/developer and the appropriate County inspection personnel.
19. The applicant shall comply with Lyon County improvement requirements as set forth in Chapter 15.03.03 of the Lyon County Code including, but not limited to:
    a. The developer shall construct Traditions Parkway and Nevada Station Parkway from Highway 50 to the project site as part of the final map or first in a series of final maps for the project. Initial improvements shall at a minimum consist of two travel lanes in each direction within the two street rights-of-way to the approval of the County Engineer, the Road Superintendent the Central Lyon County Fire Protection District ("CLCFPD") Fire Chief. If the project is developed in phases, then as the successive final maps are submitted the Traditions Parkway and Nevada Station Parkway shall be expanded to accommodate the additional traffic from construction workers and residents of the project to the approval of the County Engineer, Road Superintendent and CLCFPD Fire Chief.
    b. Access onto Nevada Station Parkway shall be barricaded to prevent public use until the Road Superintendent determines the improvements to proposed Rock Creek Parkway, Nevada Station Parkway and Traditions Parkway are sufficiently complete to allow access to the public through to the Traditions Village 1 Subdivision to the west of Traditions Village 2.
    c. The developer shall obtain all necessary encroachment permits and approvals as well as coordinate and comply with the requirements of the Roads Department;
    d. The developer shall design the street alignments in compliance with AASHTO standards to the approval of the Road Superintendent;
    e. The developer shall install all required signage, striping and traffic control improvements in compliance with Nevada Department of Transportation and Lyon County requirements;
    f. Street name signage shall be installed.
    g. The developer shall install street lighting in compliance with the requirements of the Roads Department;
    h. The developer shall submit a detailed geotechnical report with the final map(s) for the project that includes roadway structural sections and the structural section calculations demonstrating that the proposed structural section is adequate to support the weight of the anticipated traffic;
    i. The developer shall provide a slurry seal onto the streets and roadways in compliance with the current County standards every five (5) years from the date of installation of asphalt concrete paving of the subdivision's streets and roadways until such time as the subdivision is 90% completed and the County accepts the offer for dedication for the rights-of-way for all streets and roadways within the subdivision; and
    j. The developer shall make a perpetual offer of dedication for the right-of-way for all streets and roadways within the proposed subdivision. The County rejects the offer of dedication at this time and will not accept the offer of dedication until at least 90% of the lots within the respective unit have been developed, the improvements are inspected and approved by the County, and the County accepts the improvements for maintenance.
    k. The developer shall install Type 3 barriers and cattle guards at the terminus of all streets that terminate at the boundaries of the subject site and vacant undeveloped lands to the satisfaction of the Road Superintendent;
20. The applicant shall comply with Lyon County's 1996 drainage guidelines (as revised 2018). The applicant shall demonstrate that the proposed drainage facilities will comply with the Lyon County Drainage Requirements to the satisfaction of the County Engineer and Utilities Department Director prior to recordation of the final subdivision map. Major drainage facilities shall be constructed in the first phase of development and each phase of building development shall have drainage improvements that tie into the major facilities and function without dependency on improvements in future phases of development.
    a. The developer shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.
    b. The applicant shall provide documentation that easements have been recorded to permit discharge of project generated stormwater to all off-site properties receiving stormwater discharges prior to recordation of a final subdivision map or first in a series of final maps for this project.
    c. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary to protect source water from potential stormwater contamination have been designed and will be installed prior to approval of a final subdivision map or first in a series of final maps for this project.
    d. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director, and the Community Development Director that facilities necessary for the treatment of stormwater prior to discharge have been designed and installed prior to approval of a final subdivision map or the first in a series of final maps for this project.
    e. The applicant shall demonstrate to the satisfaction of the County Engineer, the County Utilities Department Director and the Community Development Director that provisions for maintenance

and continued operation of the stormwater system have been developed and put in place prior to approval of a final subdivision map or first in a series of final maps for this project.

f. Debris grates are required at the pipe inlets of the retention/detention basins.

g. Prior to the issuance of the first building permit for residential home construction within Traditions Village 2, the applicant shall either pay their proportionate share of any necessary storm drain improvements as a part of a future regional stormwater facilities program or shall design and install a stormwater conveyance improvement to the county's satisfaction that conveys the Traditions project storm water across the Cardelli Ditch toward the Carson River. The stormwater conveyance improvement is contingent upon Lyon County securing the easements necessary to construct said improvements and shall be subject to a development agreement for reimbursement from properties that affect the same drainage basins.

21. The applicant shall complete any and all required development improvements and facilities to the satisfaction of the Community Development Director, County Engineer, Road Director, Utilities Director, Building Official, CLCFPD or other authorized County personnel, as applicable, or an appropriate security must be provided and approved prior to recordation of a final subdivision map or first in a series of final maps for this project. There may be temporary restrictions to obtaining building permits even with an acceptable security instrument depending on the County's approval of the various systems. All facility construction shall be completed and inspected to the Building Official's satisfaction prior to the issuance of a Certificate of Occupancy will be allowed in any single family residence for this project.
22. The applicant shall comply with all applicable building and fire code requirements.
23. The water system must meet the requirements of the Lyon County Utilities Department and CLCFPD and be constructed in accordance with the following:
    a. The location of fire hydrants shall be determined by the CLCFPD Fire Chief or their designee.
    b. A minimum required fire flow is required for each fire hydrant as directed by the CLCFPD Fire Chief or their designee.
    c. Prior to any combustible materials being brought on site the following shall occur:
    d. All required fire hydrants are to be installed and fully operating.
24. The applicant shall meet the requirements of NDOT as per the comments received April 1, 2019.
25. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
26. The applicant will maintain the property until the development is complete. This maintenance will include the semi-annual mowing of all weeds within the development boundaries and the removal of noxious weeds when they are identified.
27. 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:
    a. No loud music;
    b. No alcohol or drugs;
    c. Dispose of personal trash and site debris;
    d. Clean up any mud and or dirt that is deposited from the construction parcels onto the streets; and
    e. No burning of construction or other debris on the property.
28. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Community Development Department.

Comm. Gray seconded.

Comm. Hastings asked for any Public Participation or further comment from the board or applicant. There was none and the motion passed 5 – 0.

15.c. For Possible Action: TIGER PRESERVATION CENTER OF NEVADA / RINGO, ROBERT & BONNIE – CONDITIONAL USE PERMIT - Request for a Conditional Use Permit to operate a rescue facility for the rehabilitation of exotic and indigenous animal species; located at 150 Bowman Lane, Yerington, NV (APN 014-181-25) PLZ-19-0016
-Staff Report

County Manager Jeff Page presented the application. The facility has litigation in Oregon and was not forthcoming with the information. The Planning Commission recommended denial of the request for a Conditional Use Permit to operate an animal rescue facility for the rehabilitation of exotic and indigenous animal species. Staff recommended denial of the Conditional Use Permit based on the three findings A-C.

Comm. Mortensen moved to deny the request for a Conditional Use Permit to operate a rescue facility for the rehabilitation of exotic and indigenous animal species; located at 150 Bowman Lane, Yerington, NV (APN 014-181-25) PLZ-19-0016, as presented and the 3 Findings as follows:

A. Will be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is incompatible with and detrimental to the character and integrity of adjacent development and neighborhoods, nor has the

applicant proposed mitigation of adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity related to the proposed project.

B. Will be detrimental to the public health, safety, convenience and welfare; and
C. Will result in material damage or prejudice to other property in the vicinity.

Comm. Gray seconded.

Comm. Hastings asked for any Public Participation or further comment from the board or applicant.

Public Participation:
Steve Coe agreed to deny the application. He does not want to live near this facility.

Judy Hellwinkel is against the application and it does not fit within the community or the Master Plan.

Comm. Hastings closed public participation.

The motion passed 5 – 0.

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

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

16. Board Appointments and Resignations

16.a. For Possible Action: Appoint member to the Smith Valley Park and Recreation Board, with a term expiring December 31, 2020.

- Application, Karen Gangwish

Comm. Hunewill motioned to appoint Karen Gangwish to the Smith Valley Park and Recreation Board, with a term expiring December 31, 2020. Comm. Mortensen seconded.
Comm. Hastings asked for any Public Participation or further comment from the board or applicant and there was none. The motion passed 5-0

16.b. For Possible Action: Appoint member to the Lyon County Fair Board, with a term expiring December 31, 2022.

- Application, Wayne Allen

Comm. Mortensen motioned to appoint Wayne Allen to the Lyon County Fair Board, with a term expiring December 31, 2022. Comm. Gray seconded.

Comm. Hastings asked for any Public Participation and there was none. The motion passed 5-0

17. Human Resources

17.a. For Possible Action: Approve insurance plans and rates for health, dental, vision, and life coverage effective July 1, 2019 and authorize the Human Resources Director to sign the associated contracts.

Erik Milavsky reviewed the insurance bid process and rates. The insurance committee met and recommended to present this plan to the Board. The recommendation for medical is Cigna, dental and life is Guardian and VSP for vision.

Comm. Mortensen motioned to approve the contracts for medical as Cigna, dental and life as Guardian and VSP for vision. Comm. Hunewill seconded.

Comm. Hastings asked for any Public Participation and there was none. The motion passed 5-0

18. Other

18.a. For Possible Action: Approve an Agreement with the Walker River Irrigation District to lease 29.9459 acre-feet of Lyon County Fair Grounds, Inc. Stored Water Rights, until October 31, 2019, for $147 per each acre-foot.

- Walker River Irrigation Letter
- LC Fairgrounds Reserved Water Rights
- Stored Water Program Participant Agreement LC Fair Ground

Comptroller Josh Foli was present for questions from the Board and there was none.

Comm. Mortensen moved to approve an Agreement with the Walker River Irrigation District to lease 29.9459 acre-feet of Lyon County Fair Grounds, Inc. Stored Water Rights, until October 31, 2019, for $147 per each acre-foot, Comm. Gray seconded.

Comm. Hastings opened the meeting for public participation and there was none. The motion passed 5-0.

RECESS TO RECONVENE AS WILLOWCREEK GENERAL IMPROVEMENT DISTRICT BOARD

19. Public Participation

There was no public participation.

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

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

- Claims Report 4-1-19 to 4-15-19

- Cash Report 4-15-19

The cash balance as of April 15, 2019 was $409,521.74. Claims totaled $482.75 and there was no payroll.

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

21. Contracts

21.a. For Possible Action: Approve an Agreement with the Walker River Irrigation District to lease 30.8900 acre-feet of Penrose General Improvement District Stored Water Rights, until October 31, 2019, for $147 per each acre-foot.

- Walker River Irrigation Letter

- Penrose GID Reserved Water Rights

- Stored Water Program Participant Agreement Penrose GID

Comptroller Josh Foli was present for questions from the Board and there was none.

Comm. Mortensen moved to approve an Agreement with the Walker River Irrigation District to lease 30.8900 acre-feet of Penrose General Improvement District Stored Water Rights, until October 31, 2019, for $147 per each acre-foot, Comm. Gray seconded.

Comm. Hastings opened the meeting for public participation and there was none. The motion passed 5-0.

22. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS MASON VALLEY MOSQUITO ABATEMENT DISTRICT BOARD

23. Public Participation

There was no public participation.

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

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

- Claims Report 4-1-19 to 4-15-19

- Cash Report 4-15-19

The cash balance as of April 15, 2019 was $425,114.57. Claims totaled $17,349.71 and payroll totaled $3,879.26.

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

25. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS WALKER RIVER WEED CONTROL DISTRICT BOARD

26. Public Participation

There was no public participation.

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

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

- Claims Report 4-1-19 to 4-15-19

- Cash Report 4-15-19

The cash balance as of April 15, 2019 was $128,511.96. Claims totaled $0 and there was no payroll.

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

28. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS CENTRAL LYON COUNTY VECTOR CONTROL DISTRICT BOARD

29. Public Participation

There was no public participation.

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

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

- Claims Report 4-1-19 to 4-15-19

- Cash Report 4-15-19

The cash balance as of April 15, 2019 was $316,416.21. Claims totaled $19,900.00 and there was no payroll.

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

31. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS SILVER SPRINGS GENERAL IMPROVEMENT DISTRICT BOARD

32. Public Participation

There was no public participation.

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

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

- Claims Report 4-1-19 to 4-15-19

- Cash Report 4-15-19

The cash balance as of April 15, 2019 was $2,613,602.15. Claims totaled $1,370.37 and there was no payroll.

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

34. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

35. Commissioner Comments

County Manager Jeff Page stated that the Code Enforcement has been going extremely well and has received several comments from the community of the appreciation for the progress being made.

36. Closed Session pursuant to NRS 241.015(3)(b)(2) - Go into closed session, pursuant to NRS 241.015(3)(b)(2), to receive information from the District Attorney regarding potential or existing litigation involving a matter over which the Board has supervision, control, jurisdiction or advisory

power, and to deliberate toward a decision on the matter, and pursuant to NRS Chapter 288.220, to receive a report on the status of ongoing labor negotiations; and direct staff accordingly. (For possible action)

County Manager Jeff Page stated there will be no Closed Session today.

37. Public Participation

There was no public participation.

38. Adjourn

Comm. Hastings adjourned the meeting.

LYON COUNTY BOARD OF COMMISSIONERS

BOB HASTINGS, Chairman

ATTEST

NIKKI BRYAN, Lyon County Clerk/Treasurer

May 2,2019

Lyon County Board of Commissioners:

Concerning :**PLZ-19-0016** Conditional Use Permit to operate a rescue facility for the rehabilitation of exotic and indigenous animal species

My name is Judy Hellwinkel and I live less than a quarter mile of the property in question and received the notice of Public Hearing.

I am against the proposed Conditional Use Permit and present the following to support my opposition:

1st : The Master Plan shows that the land is designated agriculture. The zoning is rural residential. The applicants are asking for a Conditional Use Permit that will alter the status of both the Master Plan and the zoning requirements. When a Master Plan is designed and implemented, it is done with great thought and consideration. Therefore, it appears be unwise to use permits, with many conditions or stipulations, to change or modify what is put in place as they may initiate processes that undermine and erode the initial purpose of the Master Plan.

2nd: One definition of agriculture , agreed upon by those in the industry, is the production of food, fiber and fuel . This future facility does not qualify or relate to agriculture in any way. It may be titled an animal rescue facility with a focus on large cats-tigers, lions. leopards etc, a tiger preservation center or a rescue and rehabilitation sanctuary but the reality as shown by the application is that the facility is a housing facility for exotic animal species. As such, it does not integrate well , if at all, to the definition of agriculture and the real agricultural operations in the nearby and surrounding areas .

3rd The animal rescue facility ,if approved, will be adjacent to a working livestock enterprise, beef cattle. To approve this facility, next to such a location, appears counterintuitive as most of the animals housed there are of the predator species. Beef cattle are domesticated animals and could be determined as prey species. The inter facing of these animals- even though separated by enclosures- seems illogical at best and may lead to problems with both species in the future.

4th The applicants state that they want to move to a less congested area and yet the agricultural enterprise immediately adjacent to the property in question produces large amounts of livestock and crops-specifically alfalfa and onions. Growing and harvesting these crops involves a significant labor force as well as machinery that is utilized all throughout the year. In addition, the road to the property in question is quite narrow and appears difficult to navigate. It also goes by the onion sheds and other large agricultural machinery buildings . After observing all this personally , I would question how this equates to less congestion that the individuals wanted to leave.

5th . The facility , by its very definition ,could be detrimental to the safety of those in the immediate and surrounding area. Exotic and even indigenous animals cannot be tamed and may be managed. They are not pets.They must be secured. Others may speak to specific safety issues, I would echo their thoughts. Worker safety and their own safety is critical as they carry out in the dead of night, chores such as irrigation and harvesting of crops. In addition, a main concern is how notification would be given to people who live in the area when and if an animal escapes. Most of us have been subjected to runaway teenagers from a facility that was to provide

rehabilitation for them and the only way we found out about such teenagers was to see them running by our windows, in our yards, or have a sheriff's deputy ask us if we had seen them! Granted there is a difference between a teenager and a tiger but when one is confronted by either one, there is no time to debate the issue.

Thank you

Judy Hellwinkel