

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, County Manager Jeff Page 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 John Poundstone of the Restoration Church.

**3. Pledge of Allegiance**

**4. Public Participation**

Comm. Hastings opened the meeting for public comment and there was none.

**5. For Possible Action: Review and adoption of agenda**

Comm. Hastings stated that Item #14.b would be removed from the agenda.

Comm. Mortensen moved to adopt the agenda minus Item #14.b. Comm. Gray seconded and the motion passed 5 – 0.

**6. Presentation of awards and/or recognition of accomplishments**

There were none.

**7. Commissioners/County Manager reports**

County Manager Jeff Page reported that NDOT and selected Developers are working on a traffic study. Armstrong Consulting is advertising for a Consulting Contract for the Silver Springs Airport. The river has had no significant issues and most of the snowpack has melted.

**8. Elected Official's reports**

**8. a. Dayton Justice Court  
- Civil, Criminal & Monthly Statistics June 2019**

Recorder Margie Kassebaum gave a Technology Report for FY2019-2020. She will bring forward to the Commissioners, at a later date, for approval for a recording Kiosk in the rural areas for citizens.

Sheriff Hunewill reported that three new deputies, one secretary and a control room officer have been hired. Five more positions are still opened. He will give an update on the technology software at a later date. He wanted to highlight Deputy Craig Arnett for his community outreach projects, and Deputy Michael Zaprzalka for his efforts in saving an inmates life and presented him with a lifesaving award.

**9. Appointed Official's Report**

There were no reports given.

**10. Advisory Board Reports**

There were no reports given.

**CONSENT AGENDA**

Comm. Comm. Hastings asked for any changes from the board or staff for the consent agenda.

Comm. Keller moved to approve the consent agenda items #11.a through 15.c, minus Item #14.b to be removed from the agenda. Comm. Mortensen seconded.

Comm. Hastings asked for public participation and there was none.

The motion passed 5-0.

**11. Assessor's Corrections**

**11. a. For Possible Action: Approval of changes on Assessor's tax roll due to correction in assessments and review of tax roll changes.**

Unsecured Property factual corrections totaled \$1,932.38 and Secured Property corrections totaled \$2,281.73.

**12. For Possible Action: Approve County Commission Minutes**

**12.a. Approve the July 18, 2019 minutes.**

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

**13. Contracts**

**13.a. For Possible Action: Approve contract between Lyon County and Carson Tahoe Behavioral Health Services for support of Lyon County residents participating in the First Episode Psychosis program, through September 30, 2020 and not to exceed \$46,561.**

**13.b. For Possible Action: Approve Task Order 97 to Farr West Engineering for \$50,000 for Water Rights Support to the Utilities Department.**

**13.c. For Possible Action: Approve a Fund for Aviation Agreement between the State of Nevada through the Nevada Department of Transportation and Lyon County for \$988.00 for local matching funds to be used for partial reimbursement of the Federal Aviation Administration (FAA) Airport Improvement Project (AIP) Grant (FAA Grant #3-32-0023-018-2016) and to be used to rehabilitate the apron and main taxiway pavement at the Silver Springs Airport (SPZ) in Lyon County Nevada.**

**13.d. For Possible Action: Approve request to pay for a training program for the Sheriff's Office to meet recent legislation in regards to mandatory Law Enforcement training out of contingency. Specifically related to AB 478 and AB 129. Total cost is \$4652.95**

**13.e. For Possible Action: Approve contract for services of independent contractor, Winona J Holloway to provide behavioral Health Clinician services with the Mobile Outreach Safety Team (MOST).**

**14. Grants**

**14.a. For Possible Action: Accept grant award from Nevada Department of Health and Human Services, Office of Community Partnership and Grants for SFY2020, in the amount of \$16,778.85 for Family Planning.**

**14.b. For Possible Action: Accept grant from the State of Nevada Fund for Aviation in the amount of \$988 to be used as local matching funds for the Silver Springs Airport FAA Grant and authorize County Manager to sign.**

This item was removed from the agenda.

**14.c. For Possible Action: Accept grant award from Nevada Department of Health and Human Services, Division of Child & Family Services for SFY2020, in the amount of \$138,032, for the Differential Response program.**

**14.d. For Possible Action: Accept grant extension from Nevada Department of Health and Human Services, Aging and Disability Services Division for SFY2019, in the amount of \$64,948, for the Case Management program.**

**15. Other Consent Items**

**15.a. For Possible Action: Review and approve Brothel license applications: Barrett Enterprises Group dba Moonlight Bunny Ranch; D & S LLC dba Kit Kat Ranch; Sierra National Corp. dba Love Ranch; Sagebrush LLC dba Sagebrush Ranch.**

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

The cash balance as of July 15, 2019 was \$58,993,607.88. County claims totaled \$2,206,120.22 and payroll totaled \$1,282,620.19.

**15.c. For Possible Action: Review and accept travel claims.**

Travel claims totaled as of July 15, 2019 was \$7,604.22.

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

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

**16. Planning**

**16.a. For Possible Action: SEWARD HOMES, INC – DIVISION OF LAND INTO LARGE PARCELS TENTATIVE MAP – Request for a Tentative Division of Land into Large Parcels map to divide approximately 224.73 total acres into 4 parcels, the smallest being approximately 40.00 acres in size; located at 100 Desert Creek Rd, Smith Valley, NV (APN 10-761-69) PLZ-19-0031**

Planner Tammy Kinsley presented the application and findings. The Planning Commission and staff recommended approval for a Tentative Division of Land into Large Parcels map to divide approximately 224.73 total acres into 4 parcels, the smallest being approximately 40.00 acres in size.

Comm. Mortensen asked why the property configured as they are and not more uniform. Tammy Kinsley stated that the western property boundary would not have access to Desert Creek Road through from the US Forest Road. The parcels would need approval from the US Forest Service for access.

Comm. Hunewill asked how much does the Forest Service Pay to maintain the road and do they need an easement through the Forest Service Property. Tammy Kinsley answered that she can get that information of the agreement of payment to the County. They will not need an easement at this time because they applied for encroachment permits.

Applicant representative Rick Christian with Denson Surveying stated the configuration of the parcels was to accommodate access to Desert Creek Road.

Comm. Mortensen moved to approve the request for a Tentative Division of Land into Large Parcels map to divide approximately 224.73 total acres into 4 parcels, the smallest being approximately 40.00 acres in size; located at 100 Desert Creek Rd, Smith Valley, NV (APN 10-761-69) PLZ-19-0031, as presented and the 27 conditions as follows:

1. The applicant shall comply with all Federal, State, County and special purpose district regulations.
2. The applicant shall make corrections of any engineering or drafting errors and other technical map corrections to the satisfaction of the County Engineer and Planning Director prior to submitting the map for recordation.
3. 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 Planning Department prior to map recordation.
4. The final map shall identify the following:
  - a. All roads or easements that exist or as they may be proposed by the person who plans to divide the land;
  - b. Any easements for public utilities that exist or are proposed;
  - c. Any existing or proposed easements for irrigation or drainage;
  - d. Indicate all flood zone designations and delineate the extent of the Special Flood Hazard Area(s) on the final map, from the best available information at the time of preparing the final map.
  - e. Provide in the notes section of the map the flood zone designations and FEMA FIRM information with date of the FIRM.
  - f. Any normally continuously flowing watercourses, specifically the Desert Creek Stream (a jurisdictional water) located on Parcels A, B, C, & D; and any easements and rights-of-way or other property interests necessary to implement and maintain any water conveyance and delivery system required by any rule or regulation of the Army Corps of Engineers (who regulates these waters under section 404 of the Clean Water Act); and
  - g. Any existing road or easement that the owner does not intend to dedicate.
5. The corners of each lot are set by a professional land surveyor.
6. The form and content of the final map shall be in accordance with Title 15.605.07
7. The applicant shall obtain all necessary approvals and encroachment permits, and coordinate and comply with any requirements placed on this division of land into large parcels map by the Lyon County Roads Department.

8. The applicant shall comply with Lyon County's 1996 drainage guidelines, as revised September 2018.
9. The following items are required of all development and are provided for informational purposes:
  - a. All septic systems must be inspected and approved by the State Health Department or appropriate agency.
  - b. All wells shall be constructed as per the State of Nevada Division of Water Resources rules and regulations and inspected by the appropriate agency.
  - c. All construction shall comply with all applicable building and fire code requirements. Building permits shall be issued in compliance with Title 15 of the Lyon County Code.
  - d. Structures placed on these parcels shall adhere to the County's site and setback standards for the RR-5 zoning district as it applies to each parcel. Specifically:
    - i. Front Setback is 30 feet from the property line to any structure's footing or stemwall;
    - ii. Side Street Setback is 30 feet from the property line to any structure's footing or stemwall;
    - iii. Rear Setback is 20 feet from the property line to any structure's footing or stemwall; and
    - iv. Side Setback is 10 feet from the property line to any structure's footing or stemwall
10. All structures placed within, and any construction or improvements within the Special Flood Hazard Area (SFHA) designated as "A" on the FEMA Flood Insurance Rate Map (FIRM) 32019C1100 E dated 1/16/2009, shall be constructed and adhere to Title 15 Chapters 800 - 811 Lyon County Floodplain Management and Facilities Standards.
11. For any Construction within a 100-Year Floodplain and Floodway: Embankments and other structures shall not be placed within a 100-year floodplain, as determined by the most recent hydrologic study acceptable to the County Engineer, or of a major drainage facility without prior approval by the County Engineer. Construction in the Floodway shall not be allowed.
12. A drainage report will be required to be submitted to the County Engineer with a building permit application for any construction or development improvements located within the SFHA zone "A".
13. Development of property shall not adversely affect any natural major drainage facility or natural water course. Natural facilities shall remain in as near a natural state as is practicable, with any modifications proposed, including any erosion mitigating measures, shall be addressed in the drainage report and on the drainage plan. When flows, velocities, headwalls or side slopes, as identified in the drainage report, indicate a hazard to life or limb, fencing shall be provided.
14. Easements shall be provided over all natural drainage courses, which are to remain in the developed area.
15. Easements for access to and maintenance of the 100-year storm flood path associated with a major drainage facility or natural water course are to be provided on the proposed Parcels A, B, C, & D.
16. The 50' wide irrigation easement indicated on the proposed tentative map shall be revised to state "50' wide irrigation, access and maintenance easement for both sides of the "Ordinary High Water Mark" of Desert Creek stream" on the proposed Parcels A, B, C, & D.
17. No structures or constructed improvements shall be placed within the proposed "50' wide irrigation, access and maintenance easement" for both sides of the "Ordinary High Water Mark" of Desert Creek stream, as indicated on the tentative map, by separate document, and as regulated by the USACE Section 404 of the Clean Water Act" for the proposed Parcels A, B, C, and D.
18. Distinct and legible "temporary" addresses are required of any structures under construction until such time as permanent address numbers are installed and posted.
19. The property owner shall obtain an "Encroachment permit" and approval from the Lyon County Roads Department for any driveway improvements and construction on Desert Creek Road for the newly created parcels prior to or concurrently with a building permit for any future construction on Parcels A,B,C, & D.
20. The property owner shall be made aware that any future access or improvements from the proposed parcel B and parcel C to Desert Creek Road will require an encroachment permit and approval from the USFS for improvements conducted on the USFS parcel adjacent to the proposed parcels B and C.
21. No lot shall be offered for sale or sold until the final map has been approved and recorded.
22. All debris on construction sites must be contained and removed periodically as required for safety and cleanliness to the satisfaction of the Lyon County Building Department.
23. All property taxes must be paid in full through the end of the fiscal year (June 30) prior to recordation of any final map.
24. All agricultural deferred taxes must be paid, prior to recordation of any final map, at the discretion of the Lyon County Assessor.

25. Approval of the division of land into large parcels tentative map shall not constitute acceptance of the division of land into large parcels Final map. Approval of the division of land into large parcels tentative map shall lapse unless a division of land into large parcels final map based thereon is submitted within one (1) year from the date of approval of the tentative map by the Board or the date that the requirement of its filing was extended pursuant to subsection B of this section 15.605. If a final map of division into large parcels is not recorded within the time frames listed above, all proceedings concerning the map of division into large parcels are terminated.
26. Required recording fees to be paid at time of recording the final map.
27. The applicant shall provide the Adivision of land into large parcels 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.

Comm. Hunewill seconded.

Comm. Hastings asked for any Public Participation or further comment from the board or applicant, there was none.

The motion passed 5 – 0.

**16.b. For Possible Action: LD Lots LLC/Silverado Homes Nevada Inc. – Development Agreement – Request to amend an existing development agreement (Second Amended and Restated Agreement Regarding the Implementation of the Herrmann Ranch Development Agreement) to permit an extension of time within which to file a final subdivision map; located on the north and south sides of Dayton Valley Road, Dayton, NV (PLZ-19-0029)**

Planner Rob Pyzel presented the application and findings. The Planning Commission and staff recommended approval of the request to amend an existing development agreement.

Comm. Hastings asked if the applicant would like to comment and he declined.

Comm. Mortensen moved to approve the request to amend an existing development agreement (Second Amended and Restated Agreement Regarding the Implementation of the Herrmann Ranch Development Agreement) to permit an extension of time within which to file a final subdivision map; located on the north and south sides of Dayton Valley Road, Dayton, NV (PLZ-19-0029), and based on the recommended 3 findings listed below:

1. The development agreement shall be revised as required by the Lyon County District Attorney's Office and Community Development Director prior to final signatures and recordation of the Development Agreement.
2. The term of this Development Agreement shall expire within six (6) months (February 1, 2020).
3. Prior to February 1, 2020, the applicant shall provide documentation from mutually agreed-upon outside consultants as to the status of the original tentative subdivision map Conditions of Approval for both the Point Legado and The Lakes at Dayton Valley subdivisions.

Comm. Gray seconded.

Comm. Hastings asked for any Public Participation or further comment from the board or applicant, there was none.

The motion passed 5 – 0.

**16.c. For Possible Action: REVIEW AND DISCUSSION TO REVISE LYON COUNTY CODE BY AMENDING TITLE 15 - An Ordinance amending Lyon County Code, Title 15, making corrections and revisions to the Zoning Regulations Chapters 15.200 – 15.403, Land Division Regulations Chapters 15.600 – 15.607, and the Floodplain Management and Facilities Standards Chapters 15.800 – 15.811 ; and other matters properly related thereto**

Planner Rob Pyzel asked for one Commissioner to propose the ordinance. He presented the Ordinance amending Lyon County Code, Title 15, making corrections and revisions to the Zoning Regulations Chapters 15.200 – 15.403, Land Division Regulations Chapters 15.600 – 15.607.

Planner Tammy Kinsley gave a presentation of the Floodplain Management & Facilities Standards. She reviewed Flood Insurance, requirements from FEMA, updates to 44 CFR and NFIP Publications, Carson River Watershed Regional Floodplain Management Updates, and the Floodplain Management and Facilities Standards Chapters 15.800 – 15.811.

Commissioner Hastings opened the meeting for public comment.

**Public Comment:**

Andy Sichak is concerned that the Commissioners should review the document further before voting today.

Comm. Hastings commented that today is a proposal and there will several steps in the future before this ordinance could be approved.

Comm. Mortensen thanked staff for their hard work and promptness for the work and effort into updating the ordinance.

Carson City Water Subconservancy District representative Ed James stated the history, funding and need to update the Floodplain Ordinance.

Comm. Hastings asked if there will be a public notice process for the proposed changes to Title 15. Planner Rob Pyzel stated that has been noticed through this agenda and the Planning Commission agenda. County Manager Jeff Page wanted to clarify, moving forward for noticing, that staff will send out the ordinance proposed changes to the Advisory Boards to make their recommendations to the Commissioners.

Comm. Mortensen proposed 16.c as presented.

Silver Springs Advisory Board Chairman Scott Keller requested that staff present the ordinance to the Advisory Boards.

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

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

**17. Utilities**

**17.a. For Possible Action: Direct staff to file a loan application, in the amount of \$20 million, to the State of Nevada Clean Water State Revolving Fund (CWSRF) loan program on behalf of the Lyon County Utility Department for the funding of three (3) sewer capital improvement projects in Dayton, 1) Rolling A Wastewater Treatment Plant – Capacity Expansion, 2) Rapid Infiltration Basin – Effluent Disposal Expansion and 3) Rebuild Lift Station 2 and add Force Main, and to authorize the Comptroller to sign all related SRF loan documents.**

Comptroller Josh Foli stated that this was reviewed previously at the Budget Meeting. This will be funded through connection fees from developers.

Comm. Gray asked if a downfall in housing occurs, then what ways will this agreement be affected. He also wanted to know if this can be delayed or done in phases. Comptroller Josh Foli stated that there is a requirement because we have achieved 75 percent capacity. If there is a failure in the system we would not be in compliance. We will build it to the proper capacity size for the anticipated expansion. The Sewer Plant expansion and Lift Station replacement would need to be completed and the Rapid Infiltration Project can be done in phases as capacity is needed.

Comm. Mortensen commented that if this wasn't approved and there is an increase an economic growth we wouldn't have the capacity to keep up with the need.

Comm. Mortenson moved to approve Item #17.a as presented, and Comm. Keller 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**

**18. Public Participation**

There was no public participation.

**19. For Possible Action: Review and Accept Claims and Financial Report**

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

The cash balance as of July 15, 2019 was \$396,700.57. County claims totaled \$30,339.71 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.

**20. Public Participation**

There was no public participation.

**ADJOURN TO RECONVENE AS MASON VALLEY MOSQUITO ABATEMENT DISTRICT BOARD**

**21. Public Participation**

There was no public participation.

**22. For Possible Action: Review and Accept Claims and Financial Report**

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

The cash balance as of July 15, 2019 was \$387,939.25. County claims totaled \$31,110.22 and payroll totaled \$4,735.32.

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

**23. Public Participation**

There was no public participation.

**ADJOURN TO RECONVENE AS WALKER RIVER WEED CONTROL DISTRICT BOARD**

**24. Public Participation**

There was no public participation.

**25. For Possible Action: Review and Accept Claims and Financial Report**

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

The cash balance as of July 15, 2019 was \$124,621.97. County claims totaled \$71.85 and payroll totaled \$1,119.02.

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

**26. Reports**

**26.a. For Possible Action: Review and accept the Manager's Report and minutes from the Walker River Weed Control District.**

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

**27. Public Participation**

There was no public participation.

**ADJOURN TO RECONVENE AS CENTRAL LYON COUNTY VECTOR CONTROL DISTRICT BOARD**

**28. Public Participation**

There was no public participation.

**29. For Possible Action: Review and Accept Claims and Financial Report**

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

The cash balance as of July 15, 2019 was \$283,674.57. County 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.

Comm. Gray said there have been a lot of complaints with mosquitos in the Dayton area. County Manager Jeff Page answered that he will ask the Chairman of the Vector Control Board for an update.

### **30. Public Participation**

There was no public participation.

## **ADJOURN TO RECONVENE AS SILVER SPRINGS GENERAL IMPROVEMENT DISTRICT BOARD**

### **31. Public Participation**

There was no public participation.

### **32. For Possible Action: Review and Accept Claims and Financial Report**

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

The cash balance as of July 15, 2019 was \$2,692,529.37. County claims totaled \$17,591.31 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.

### **33. Public Participation**

There was no public participation.

## **ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS**

### **34. Commissioner Comments**

Comm. Keller commented that she had requested at the last meeting for an agenda item to discuss providing more info and the Conditions of Approval on the SUP's to assist and the Advisory Board SUP review process. County Manager Jeff Page answered that the Advisory Boards are to report the concerns and recommend conditions. Title 15 no longer mandates for the Advisory Boards to review and report on the concerns/status of existing approved SUP's, unless there is a concern/complaint, then to request for an agenda item of a SUP.

Comm. Gray stated that he will not be here at the next meeting, but will call in. In September, the White House Office of Intergovernmental Affairs is hosting the seventh of 10 regional State Leadership Day events with local elected officials. He asked this to be agendized to approve the costs for him to attend. County Manager Jeff Page requested that he send the information for that to be reviewed.

County Manager Jeff Page reported that he is collaborating with UNR to bring forward a training called the Local Leadership Institute. The training is anticipated for October or November for staff, cities, Commissioners, boards and Advisory Boards.

**35. 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)**

Comm. Hastings stated that there will be closed session.

### **36. Public Participation**

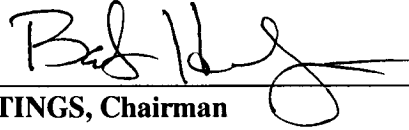
Rob Dunbar stated that working with Rob Pyzel as a developer prior to working for Lyon County; he was strict but did his job. Now working for the County, the Planning Staff does accomplish a large amount of work with a small staff.

### **37. Adjourn**




Comm. Hastings adjourned the meeting.

**LYON COUNTY BOARD OF COMMISSIONERS**



**BOB HASTINGS, Chairman**

**ATTEST**



**NIKKI BRYAN, Lyon County Clerk/Treasurer**