

The Honorable Board of Lyon County Commissioners met this day with the following present: Chairman Vida Keller, and Commissioner Jay Dini. Called in: Commissioner Bob Hastings, and Vice-Chairman Joe Mortensen. Absent: Commissioner Ken Gray. Also present: Assistant District Attorney Carmela Reed.

1. Roll Call

Present: Vida Keller, Jay Dini
Phone/Video: Bob Hastings, Joe Mortensen.
Absent: Ken Gray

2. Invocation given by Betty Weiser

The invocation was given by Betty Weiser.

3. Pledge of Allegiance

4. Time Certain

4.a. Time Certain at 9:05 AM: For Possible Action: Presentation and proclamation declaring September Suicide Prevention and Recovery Month.

Human Services Director Shayla Holmes presented a PowerPoint of suicide prevention and recovery. She reviewed the statistics, risks, support and awareness, and impacts. She discussed other help and community activities that is available.

Executive Director Laura Yanez reviewed a program from the National Alliance of Mental Illness of Western Nevada (NAMI WNV). The program offers a hotline, family support, peer groups, and advocacy.

Mental Health and Advocacy Program Coordinator Amy Reha reviewed program details for Community Chest services and funding.

Comm. Keller read the proclamation declaring September Suicide Prevention and Recovery Month into the record.

Comm. Hastings moved to approve the proclamation declaring September Suicide Prevention and Recovery Month.

Comm. Dini seconded.

Comm. Keller asked for public participation and there was none, and the motion passed 4-0.

4.b. Time Certain 9:10 AM: Presentation given by Matt Martensen with Silver Springs GID, on the possible grant submittal to Community Development Block Grant for FY21-22.

Comm. Keller noted a clerical error, the item should read as the Silver Springs Mutual Water Company and not GID.

Matt Martensen presented his future request of a possible grant submittal to CDBG to replace mainline isolation valves. He gave an overview of the necessity for NAC compliance, costs quote, phase, and a map of 53 locations installation.

5. Public Participation

Comm. Keller opened the meeting for public participation and there was none.

6. For Possible Action: Review and adoption of agenda

Comm. Mortensen moved to approve the agenda as presented. Comm. Hastings seconded, and the motion passed 4-0.

7. Presentation of awards and/or recognition of accomplishments

7.a. For Presentation Only: Present an Employee Spotlight Award to Jason Web and Tim Clark for their quick thinking and actions taken during the initial stage of a house fire in Dayton. (David Bruketta)

Utilities Director David Bruketta thanked the water technicians for efforts in aiding with extinguishing a house fire while out on call.

The Commissioners unanimously thanked Jason Web and Tim Clark for their heroic efforts.

7.b. For Presentation Only: Recognize Candis Rogers, Senior Office Assistant, for her flexibility and resiliency within the Human Services department.

Human Services Director Shayla Holmes recognized Candis Rogers for her positive outlook and mindset.

The Commissioners unanimously thanked Candis Rogers for all that she does.

8. Commissioners/County Manager reports

County Manager Jeff Page reported the comprehensive report was turned into the State for COVID 19. Further discussion will occur with the State to evaluate the County's status and mitigate any problems. He advised that the State has this authority, not the County or Health Department. He reported on a recent softball tournament that was held within the City of Yerington. Following the event there was an increase of cases. The County has no authority over the cities or if they approve activities. He reported the Silver Springs Airport apron projects are moving forward. He also reported the challenges with the Supreme Court and bail hearings. The Dayton Justice facility is not conducive for trial hearings, this will be brought forward for a solution for a new location. The EDA Grant is being worked on for road improvements. He cautioned that the upcoming elections and recent events has created stress among the community.

Comm. Mortensen asked what is the percentage of the County's population that was tested resulted in a positive. His concern is those that are going to be tested are having symptoms. Because those that are asymptomatic are fearful of testing positive and volunteering, thus not accurate numbers are being reported.

Jeff Page answered the percentage is based on the amount of people tested and not the population as a whole. He stated there is a significant number of people being tested, especially through the drive thru testing locations. It is helpful for the community as a whole with more volunteer testing.

Comm. Hastings reported the ground breaking for American Battery Technology. The company is located in Fernley and is recycling lithium batteries. It is a new technology that is cleaner.

Comm. Dini reported Pioneer Crossing closed their business for now, due to a positive testing of COVID19. The casino chose to err on the side of caution to close temporarily to test all employees. He commented that businesses are monitoring their employees, for everyone's safety. One employee has been positive for COVID19 and that employee has been sent home and has no other reported issues.

9. Elected Official's reports

**9.a. Dayton Justice Court
- Civil, Criminal & Monthly Statistics July 2020**

Clerk/Treasurer Nikki Bryan gave an update on the General Election. The sample ballots are scheduled to be sent out the fourth week of September. The ballots are scheduled to be sent the first week of October. There will be voting machines located at Dayton, Fernley, and Yerington, along with ballot drop boxes. Other polling locations will have only drop boxes for depositing ballots. Ballots can also be hand delivered to the Clerk's office in Yerington. She understands the public concern regarding mailing the ballots. The voting machines will be a challenge with the new guidelines for disinfecting after each person. There is only so much space available and limited electrical outlets for power.

Comm. Keller thanked Nikki Bryan for her plan and effort.

Comm. Mortensen asked the process for counting ballots.

Nikki Bryan stated the new Bill AB4 allows them to start counting ballots 15 days prior to the election. Each ballot received in the office will be scanned and counted by Election Day. Ballots can be received for 7 days after the election as long as they are postmarked by Election Day. There may be tentative results reported after the polls are closed on Election Day.

Comm. Keller stated in this case, the earlier the better for counting all the ballots, rather than waiting for Election Day to vote.

10. Appointed Official's reports

Comptroller Josh Foli reported a change order for the animal shelter that was previously reported for approximately \$400,000, to come forward. The CARES funding will be opening for small business grants through NACO. The senior centers have outdoor locations for meal distribution. The assessor new software should go live next week and the clerk treasurer will be soon after.

11. Advisory Board reports

There was no reports given.

CONSENT AGENDA

Comm. Hastings moved to approve the consent agenda items #12– 16b as presented.

Comm. Mortensen seconded.

Comm. Keller asked for public participation and there was none, and the motion passed 4-0.

12. Assessor's Corrections

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

Secured Property corrections totaled \$3,432.04 and Unsecured Factual Corrections totaled \$44.00.

13. For Possible Action: Approve County Commission Minutes

13.a. For Possible Action: Approve the August 20, 2020 minutes.

The August 20, 2020 Lyon County Commissioners' minutes was approved.

14. Contracts

14.a. For Possible Action: Approve Independent Contract for Winona Holloway for inmate services inside detention facility.
- Winona Holloway Contract

14.b. For Possible Action: Approve Addendum to the Health Services Agreement with Recon Technologies Inc. Recon Technologies would like Lyon County to extend the original Healthcare Agreement eleven additional months to June 30, 2021 and bring the next agreement renewal date in line with Lyon County's fiscal year end.
- Recon Technologies Inc. Contract - Addendum

15. Grants

15.a. For Possible Action: Accept grant award amendment #2 from Aging and Disability Services Division (ADSD), State of Nevada, for FY2020 Nutrition Services Incentive Program (NSIP) increasing the award amount by \$6,778.50 making the total \$71,838.50.
-FY20 NSIP Notice of Subaward Amendment 2

15.b. For Possible Action: Approve Notice of Subaward from the City of Fernley in the amount of \$250,000 for CARES Act Funding.
- FY2021 City of Fernley CARES act subaward

16. Other Consent Items

16.a. For Possible Action: Review and accept travel claims.
- Travel Report 8-1-20 to 8-15-20

Travel claims totaled as of August 15, 2020 was \$2,464.96.

16.b. For Possible Action: Review and accept claims and financial reports.
- Cash Report 8-15-20
- Claims Report 8-1-20 to 8-15-20

The cash balance as of August 15, 2020 was \$60,152,280.95. County claims totaled \$2,414,866.19 and payroll totaled \$1,284,375.80.

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

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

17. Planning

17.a. For possible action: Epic Wireless Group, LLC dba VERIZON WIRELESS/Louis Vincent Scatena and Theresa Ann Scatena, Trustees of the Scatena Family Living Trust – CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS FACILITY - Request for an 115' monopole, communications tower within a 30-foot by 30-foot lease area (900 square feet) on the parcel located at 1275 State Rte. 208, Yerington, Nevada (APN) 012-401-02) PLZ-20-0015

Planner Tammy Kinsley reported the contents of the staff report attached as backup. The structure will be built as a windmill for appearances in the agricultural area. The Planning Commission and the Mason Valley Advisory Board voted to forward a recommendation of approval. She stated the applicant request a revision to state: Prior to submission of a building permit application, the applicant shall record, with the proper recording instrument to the Lyon County Recorder's office a Memorandum of Option and Lease Agreement for the lease area on APN:012-401-02.

Comm. Hastings asked if the Planning Department had a recommendation for the request of the change in language.

Tammy Kinsley answered the change is appropriate to staff.

Comm. Mortensen moved to approve Epic Wireless Group, LLC dba VERIZON WIRELESS/Louis Vincent Scatena and Theresa Ann Scatena, Trustees of the Scatena Family Living Trust – CONDITIONAL USE PERMIT FOR A WIRELESS COMMUNICATIONS FACILITY - Request for a 115' monopole, communications tower within a 30-foot by 30-foot lease area (900 square feet) on the parcel located at 1275 State Rte. 208, Yerington, Nevada (APN) 012-401-02) PLZ-20-0015 based on the recommended findings and subject to the following conditions of approval: And to include the change to condition #1.

1. Prior to submission of a building permit application, the applicant shall record, with the proper recording instrument to the Lyon County Recorder's office a Memorandum of Option and Lease Agreement for the lease area on APN: 012-401-02.
2. The proposed 115-foot windmill type structure, wireless shall not exceed the maximum height as listed in Table 15.236-1 and as indicated at 115-feet on sheet(s) A-6 and A-7; South Elevation, and East and West Elevation drawings received August 10, 2020.
3. No lighting is permitted of the windmill type structure, except as required by the FAA. The applicant shall provide any and all FAA requirements through FAA documentation at the time of a building permit
4. The proposed perimeter security chain link fence with barbed wire shall not exceed a height of 6' – 0" tall. Any change/deviation request in height to the proposed security fence must be submitted to the
5. Noise-generating equipment shall be sound-buffered by means of baffling, barriers or other suitable means to reduce the sound level measured at the property line to 50 dBA (day)/40 dBA (night) when adjacent to a commercial or residential land use and 75 dBA (day)/60 dBA (night) when adjacent to other uses.
6. Conditions from NDOT:
 1. The project proposes to construct a driveway access and utility connection to State Route 208 (SR 208). SR-208 is owned and maintained by NDOT, and functionally classified as a major collector.
 2. NDOT requires the use of only legal, permitted accesses onto State roadways. An NDOT occupancy permit will be required for construction of a new access point to SR-208, or if there is a change in use of an existing access.
 - a. All driveway accesses to the state highway system will be required to comply with the NDOT Standard Plans, NDOT Access Management System and Standards, and Terms and Conditions Relating to Occupancy Permits current at the time of application.
 - b. The owner of the property will need to be the applicant on the NDOT occupancy permit application. NDOT will allow a 3rd party to apply for the occupancy permit on behalf of the owner if a letter of authorization is provided by the owner.
 3. NDOT requires an occupancy permit for all types of work performed within the State's right of way. A separate NDOT occupancy permit will be required for the underground utility connections that are proposed within the SR-208 right of way.
 - a. All utility work performed within state of right of way will be required to comply with the NDOT Standard Plans and Terms and Conditions Relating to Occupancy Permits current at the time of application.
 4. The applicant should contact the NDOT District II Permits Office at (775) 834-8330 for more information on applying for NDOT occupancy permits. The applicant is encouraged to begin this process as early as possible.
 5. The State defers to municipal government for land use development decisions. Public involvement for community development related improvements within NDOT right of way should be considered during the municipal land use development process. Significant

improvements proposed within NDOT right of way may require additional public involvement. It is the responsibility of the applicant to perform such additional public involvement. The applicant shall comply with all Federal, State, County and special purpose district regulations.

7. The applicant shall comply with all applicable fire, building, zoning and improvement code requirements.
8. The applicant shall submit a drainage and grading plan with the building permit application; as per the Lyon County drainage guidelines as adopted by Lyon County and updated in 2018.
9. The applicant shall acquire all State, County and special purpose district permits and obtain all necessary public inspections. This includes, but is not limited to, an air quality permit from the Nevada Division of Environmental Protection.
10. The applicant shall maintain a Lyon County business license while occupying the premises at 1275 State Rte. 208, Yerington, NV.
11. The applicant will need to submit for fire and life safety plan review through Mason Valley Fire District.
12. At the time of a building permit application for the construction of the windmill type structure, equipment and fencing, the applicant is required to submit, the letter of approval for the Conditional Use Permit with a written response letter addressing each condition; i.e. how the condition has been met/addressed.
13. Any additional Verizon Wireless equipment or antenna, microwave dish equipment to this Conditional Use Permit, must be presented to the Planning Department for evaluation or criteria meeting Title 15 and for a building permit to add future equipment at this site.

Comm. Hastings seconded.

Comm. Keller opened the meeting for public participation and there was none.

The motion passed 4-0.

17.b. For Possible Action: HSKS LLC Series 167 - APPEAL OF PLANNING COMMISSION TECHNICAL DENIAL OF A MAJOR VARIANCE APPLICATION - Request to allow for a reduction of the required street side yard setback in RR-2 (Rural Residential 2-acre minimum) zoning district from thirty feet (30') to ten feet (10') at 1190 Ft. Churchill Road (APN 018-153-16) PLZ-20-0011

Planner Rob Pyzel reported this is an appeal of the Planning Commission's technical denial of a Major Variance application to reduce the street side yard building setback from 30 feet to 10 feet on an existing legal non-conforming lot. A technical denial occurred as a result of the absence of a member of the Planning Commission. The attending Planning Commission members after reviewing the public record and taking public testimony came to a tied vote: 3 Planning Commissioners voted in support of the motion to approve the major variance application; 3 Planning Commissioners voted in opposition of the motion to approve the major variance application; and 1 Planning Commissioner absent. He reported the location, minimal flood hazard, site currently is vacant/undeveloped, zoned C-1 (Neighborhood Commercial), non-conforming lot size, setbacks, and findings.

Comm. Hastings asked how long the current owners had the property in their possession. He asked if the setbacks were changed in Title 15.

Rob Pyzel stated not to his knowledge were the setbacks changed in Title 15, and the owners purchased the property in 2020.

Comm. Keller stated the setbacks have been established for several years, the buyer would have had that information available. She doesn't support the application due to a safety of the setbacks and the close proximity to the street.

Representative Lindsey Costello stated an existing vegetative swell to help with the safety concerns.

Comm. Hastings asked about the property to the southwest on the map in the report. He stated it appears the outbuildings do not have the appropriate setbacks and wondered if that is common in this area.

Rob Pyzel stated the aerial photos are offset and the property lines are shifted slightly from the angle.

Comm. Keller stated the community reports and the Silver Springs Advisory Board was not in support of this item.

Rob Pyzel advised the Board may be inclined to inform the Property Owner what can be done with the property.

Comm. Keller cautioned the Board to not give recommendations.

Comm. Keller moved to deny 17.b as presented.

Comm. Mortensen seconded.

Comm. Keller opened the meeting for public participation.

Public Comment:

Scott Keller stated from his understanding of the Master Plan, the area is a resource area and the lots are to be consolidated. It would not leave room for sidewalks and make it too narrow. As a contractor, a stick built home can be built to size and not a modular home.

Representative Nathan Robison stated the graphics included demonstrate that the property will not encroach on the street. He argued that housing is needed in the area.

Comm. Keller closed public comment and asked for a vote. Comm. Mortensen was not in the Zoom Meeting. She adjourned the meeting for staff to contact Comm. Mortensen.

Comm. Mortensen joined the meeting.

Comm. Keller reconvened the meeting and reviewed she moved to deny, and Comm. Mortensen seconded.

The motion failed 2-2 (Comm. Gray absent).

Comm. Hastings moved to approve the application as presented.

District attorney Steve Rye asked Comm. Hastings, if his motion is to approve the appeal of Planning Commission Technical Denial of a Major Variance Application.

Comm. Hastings asked if there is a recommendation to move forward at this time.

Comm. Keller asked if they can consult further with the Planning Department and bring the application back, or, to continue the application at another date.

District attorney Steve Rye stated an option is to continue the item when Comm. Gray is in attendance.

Comm. Hastings moved to continue the item to the first meeting in October.

District Attorney Steve Rye confirmed for the record the applicant was in agreement to continue the item.

The item passed 4-0.

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

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

18. Comptroller

**18.a. For possible action: Approve a five-year masterplan for the telephone surcharge
- Telephone Surcharge Masterplan 2020**

Comptroller Josh Foli stated this is for 8 items to be funded. One of them is the hosted 911 phone lines. Currently, that is paid for out of the telephone surcharge. The second is the development of the GIS. The third is purchase of the mobile solution hardware and communications devices. The fourth is the air cards for connectivity. The fifth is a recording system for telephone calls for dispatch. The sixth is radios for the vehicles, handheld, and base station use. The seventh is a paging service to emergency responders. The eighth is a maintenance agreement on a dispatch console. If the plan is adopted, he will be coming back with a recommendation to change it from a dollar per-line per-month to ninety cents. The State Law requires if there is an overage of a million dollars in the ending fund balance, that was exceeded last year, the board would need to decrease the amount.

Comm. Mortensen moved to approve a five-year masterplan for the telephone surcharge.

Comm. Dini seconded.

Comm. Keller asked for public participation and there was none, and the motion passed 4-0.

**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.

The cash balance as of August 15, 2020 was \$482,836.60. County claims totaled \$2,475.36 and payroll totaled \$0.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Hastings seconded and the motion passed 4 – 0.

21. Public Participation

There was no public participation.

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

22. Public Participation

There was no public participation.

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

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

The cash balance as of August 15, 2020 was \$442,207.43. County claims totaled \$69.52 and payroll totaled \$4,780.19.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Hastings seconded and the motion passed 4 – 0.

24. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS WALKER RIVER WEED CONTROL DISTRICT BOARD

25. Public Participation

There was no public participation.

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

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

The cash balance as of August 15, 2020 was \$138,944.74. County claims totaled \$1,034.11 and payroll totaled \$617.92.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Hastings seconded and the motion passed 4 – 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

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

The cash balance as of August 15, 2020 was \$255,726.54. County claims totaled \$0 and there was no payroll.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Hastings seconded and the motion passed 4 – 0.

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 August 15, 2020 was \$3,046,030.97. County claims totaled \$2,552.32 and there was no payroll.

Comm. Mortensen moved to approve the claims and financial report as presented. Comm. Hastings seconded and the motion passed 4 – 0.

33. Public Participation

There was no public participation.

ADJOURN TO RECONVENE AS THE LYON COUNTY BOARD OF COMMISSIONERS

34. Comm. Comments

There was none given.

35. Closed Session pursuant to NRS 241.015(3) (b) (2) - It is anticipated that public participation will be held at this time, though it may be returned to at any time during the agenda. Citizens wishing to speak during public participation are asked to state their name for the record and will be limited to 3 minutes. The Board will conduct public comment after discussion of each agenda action item, but before the Board takes any action.

There was a closed session.

36. Public Participation

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

37. Adjourn

Comm. Keller adjourned the meeting.

LYON COUNTY BOARD OF COMMISSIONERS

VIDA KELLER, Chairman

Yerington, Nevada
September 03, 2020

ATTEST

NIKKI BRYAN, Lyon County Clerk/Treasurer