



Mt. Charleston Town Advisory Board



MINUTES

MT. CHARLESTON TOWN ADVISORY BOARD

Thursday, December 15, 2011

Members Present: Pat Fitzgibbons Chair, Curtis Alexander Vice-Chair, Michael McGroarty, Becky Grismanauskas

Members absent: George Togliatti

CALL TO ORDER

The meeting was posted in conformance with the Nevada Open Meeting Law.

The Pledge of Allegiance was recited.

Town Board members, County, State, Federal Government representatives, Public Utilities and Public Services representatives introduced themselves.

ORGANIZATIONAL ITEMS

The agenda for December 15, 2011 was approved.

PLANNING AND ZONING

UC-368-90 & VC-794-90 (ET-0102-11) – WHITE BEAUTY DEVELOPMENT, LLC:

USE PERMIT FOURTH EXTENSION OF TIME to review mining (open pit), crushing, and loading of Gypsum with a manufactured home as a watchman's trailer.

VARIANCES for the following: **1)** maintain two additional manufactured homes as employees' living and working quarters; **2)** waive on-site paving requirements; and **3)** waive the wall enclosed trash area requirement.

WAIVER OF DEVELOPMENT STANDARDS for off-site improvement requirements including paved access on 204.1 acres in an R-U (Rural Open Land) Zone. Generally located 8 miles west of U.S. Highway 95 and a ½ mile south of Kyle Canyon Road within Lower Kyle Canyon.

UC-368-90 & VC-794-90 (WC-0101-11) – WHITE BEAUTY DEVELOPMENT, LLC:

WAIVERS OF CONDITIONS of a use permit and variance requiring the following: **1)** subject to a downhill acceleration lane to be approved by Nevada Dept. of Transportation; **2)** construction of left turn lane on the highway subject to NV Dept. of Transportation approval; **3)** comply to Health District memo dated 11/13/90 regarding application to Health District for mining operation; **4)** truck traffic limited to 10:00 p.m. to 5:00 a.m.;

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and 5) trucks limited to max. 8 round trips per day in conjunction with a mine on 204.1 acres in an R-U (Rural Open Land) Zone. Generally located 8 miles west of U.S. Highway 95 and a ½ mile south of Kyle Canyon Road within Lower Kyle Canyon.

Garret Gordon, attorney representing the applicant, reported:

White Beauty Development (WBD) owns 200 acres. It was bought to build homes but halted due to the downturn in the economy. Since then they have changed to mining gypsum which is used as agriculture fertilizer. The reason we are here today is to asking to 1.extend the use permit, which is set to expire on December 19; 2. Waive and/or modify the conditions that were set in 1990. The conditions are outdated. The health memo regarding Air Quality where the SNHD has jurisdiction is not valid. They do not have jurisdiction any more. Also, as of right now the truck traffic is limited to 10pm to 5am with a truck limit of 8 round trips per day. WBD is asking to run 4 to 6 trucks per hour for 10 hours of operation each day, which would be about one truck every 10 minutes. Traffic improvements- NDOT requires an acceleration lane and left turn lane into mine. Whatever the County or NDOT require we will do but we are asking to keep operating in the interim.

We would accept benchmarks put on WBD. If they don't meet the requirements then they will have to go back in front of the county commissioners. Becky Grismanauskas asked what permits White Beauty Development have currently. Garret Gordon stated that they have all the air quality control permits with the state and are putting reclamation plans together for the state. WBD is living with conditions set in 1990. Becky asked if they have a mining permit. Garret stated that yes they do and it is registered with the state. Becky asked where the trucks are going. Garret stated that they go to central California and stated again that they are asking to have 4-6 trucks per hour during the week and Saturday for 10 hrs per day. Becky stated that the mountain could not live with the trucks running on Saturday. Becky asked how can we trust you'll abide by the new conditions when the current conditions are not being met. Garret stated NDOT approval is lengthy and please give us time to get it done but operate in the interim.

Mike McGroarty asked why are the trucks working during the day (everyday around 8am trucks going and coming) when you are currently suppose to be only running trucks from 10pm to 5am. Garret stated that he was not sure and thought maybe they were getting anxious. Mike asked what protections will there be if they are not following what the board and commissioners put in place. Garret stated that there will be a time limit to come back in front of the Commissioners and the Mt. Charleston TAB and the Lower Kyle TAB. Mike asked if 7 hours a day was not enough and can they run those hours at night. Garret stated that the Lower Kyle TAB suggested no trucks on weekends and peak hours.

Curtis Alexander stated that if its 10 min to load with the amount of trucks that would be 11 hours of load time that only leaves 13 hours of operation time which is cutting it awful close and WBD has violations already.

Sgt. Ellithorpe with NHP stated that this is a county contract (use permit) and NHP can enforce county contracts.

Mark Martini with NDOT stated that WBD has not started the permit process with NDOT and to please start it. The jurisdiction is Kyle Canyon Rd. Once the permit application is submitted the staff will look at the data, terms and conditions and interim requirement. NDOT supports Lower Kyle Canyon TAB requirements. Sgt. Fricker deferred the matter to NDOT. Sgt. Ellithorpe, NHP stated that if there is a

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violation of county ordinance we can enforce but if it is a code violation we cannot enforce it. Sgt. Ellithorpe went to the Lower Kyle TAB meeting and told them mine or no mine we are here to enforce the laws. Sgt. Ellithorpe brought Sgt. Scott Martin (who has 5 years commercial traffic experience) with him.

Pat Fitzgibbons asked if there has been an increase in traffic problems. Sgt. Ellithorpe stated that if the trucks run on the weekend there probably will be. Linda Fleming asked how difficult is it to run trucks on a 2 lane road. Sgt. Martin stated it is difficult for the trucks to stop until they get to U.S. 95. We make sure they are following the state and county regulations. We can even pull them over and weigh them. Drivers are only allowed to drive for 11 hours and then have to take 10 hours off. They have logs and have to record times and mileage. Becky said to Garret, NDOT stated you do not have a permit. Garret stated they were waiting till this meeting with Mt. Charleston TAB and the Lower Kyle TAB meetings. Mike McGroarty stated that the dust is visible from the mine to SR157. Garret stated they did get a call on that but they are in compliance and allowed to blast. WBD is looking into a solution. Mike asked if there is a fund for reclamation. Garret stated that at this time they do not have one. Sgt. Martin stated that his phone number is 702-432-5114 and anyone can call him with commercial enforcement issues.

Mike McGroarty stated that looking at the Lower Kyle recommendations, it looks good but instead of 3 years coming back for review before TAB and Commissioners could we make it one year? Garret feels that is a reasonable term. Pat Fitzgibbons stated that he foresees a serious problem. Stephanie Myers said she cannot believe the TAB is considering middle ground with them. Garret stated that WBD has only owned the property for 6 years and only been mining for 3 or 4 months. Jorge Gonzalez, NDF, stated it will impact him if we start getting accidents. Pat stated that it is too many trucks per hour during daytime and he cannot support that. Garret asked if Pat looks at what the Lower Kyle TAB suggested would that give him more comfort. Pat stated that he still thinks it's too many trucks and is a very dangerous situation. Tom Padden stated that WBD should have to do the infrastructure on the road before they start operations. Curtis Alexander stated that WBD is already operating outside of the 10pm to 5am guidelines and makes the company look bad. Mike McGroarty stated that this is very serious and can there be consequences to not following the conditions imposed. Chris Munhall stated that yes if there is a violation then we can call them in front of the Commissioners and revoke permits at anytime. Curtis Alexander stated that there are violations now and need to be stopped and the lanes need to be built before operations. Garret stated that it is acceptable to not have recurring violations but while in the process of getting permits can they still operate. Mark Martini stated that the turnaround for permits is around 60 days. They can work in the interim but will have to meet the benchmarks. Mike McGroarty made motion that is the same as Lower Kyle TAB recommendations except for #2, is as follows;

1. Approval of the extension of the use permit.
2. 1 year review (not the 7 year or 3 year that was asked for or recommended).
3. No overnight lodging in the watchman's trailer due to concerns with water and sanitation.
4. Prohibit truck traffic during the weekday hours of 6a.m. to 9 a.m. and 4 p.m. to 7 p.m. and during the weekends and holidays, until such time as the owners file an application with NDOT and any recommended improvements such as the acceleration lane and left turn lane are completed.
5. Work with Metro and NHP to not interfere with the tourist traffic.

Curtis Alexander seconded the motion, board in favor, Pat Fitzgibbons opposed.

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COMMUNITY CONCERNS

Discuss and take action as appropriate on sending a letter to Susan Martinovich, director of NDOT, regarding the benefits of having Metro Sgt. Eric Fricker lease the home in the NDOT yard on Mt. Charleston. Sgt. Fricker stepped out of the room for this discussion. Chris Munhall stated that Sgt. Fricker has leased one of the houses in the NDOT maintenance yard. These homes are usually reserved for state employees. He has sold his house and is looking at retiring in December 2012. This is just for the interim. We like having our Metro Officers on the mountain. The house was vacant so Sgt. Fricker got with Mary Martini and drew up a lease. The board unanimously approved sending the letter and is in great support of Sgt. Fricker living in the NDOT house. Adrienne Richardson stated that when she moved on the mountain there were two metro officers living on the mountain but they have since moved. It is wonderful having Metro back on the mountain. When Sgt. Fricker retires we would like to see another officer move on to the mountain. Becky and Curtis met with Sherriff Gillespie about the resident officer program and the Sherriff stated that it will not happen as long as he is the Sherriff. Mike McGroarty stated that the TAB would revisit the resident program in 6 months.

CITIZEN PARTICIPATION -

Stephanie Myers commended Adrienne for volunteering at the SMY camp.

The town board decided to forego the December 29th mtg. and would meet again on Feb. 2, 2012.

Set Next Meeting Date. There is no Special Call meeting scheduled. The next regular meeting will be *Thursday, February 2, 2012.*

The meeting was adjourned.

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