

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 1

DRAFT

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, December 16, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Shelly Aldean, Ward 2
Supervisor John McKenna, Ward 3
Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:30:00) - Mayor Crowell called the meeting to order at 8:30 a.m. Mr. Glover called the roll. A quorum was present; Supervisor Williamson was absent. Mayor Crowell noted that Supervisor Williamson's absence was excused, and congratulated her on the birth of her first grandchild. Airport Road Church of Christ Pastor Bruce Henderson provided the invocation. Deputy Sal Acosta led the pledge of allegiance.

5. ACTION ON APPROVAL OF MINUTES - November 16, 2010 (8:32:43) - Supervisor Aldean moved to approve the minutes, as presented. Supervisor Walt seconded the motion. Motion carried 4-0.

6. ADOPTION OF AGENDA (8:33:04) - Mayor Crowell entertained modifications to the agenda; however, none were forthcoming. Mr. Werner noted the 237th anniversary of the Boston Tea Party. (10:35:34) At Mr. Guzman's request, Mayor Crowell modified the agenda to address items 21(A) and (B) together.

7. PUBLIC COMMENTS AND DISCUSSION (8:33:33) - Mayor Crowell entertained public comment. (8:33:52) F.I.S.H. Executive Director Jim Peckham expressed appreciation to the City for assistance with operational issues relative to the newly installed fire sprinkler system at the men's shelter. Mayor Crowell thanked Mr. Peckham for his community service, and encouraged interested citizens to volunteer time at F.I.S.H. Mayor Crowell entertained additional public comment; however, none was forthcoming.

8. SPECIAL PRESENTATIONS (8:36:09) - Mayor Crowell introduced these items, noting again that Supervisor Williamson was out of town.

8(A) PRESENTATION OF APPRECIATION TO ROBIN WILLIAMSON FOR HER TWELVE YEARS SERVING AS CARSON CITY SUPERVISOR

8(B) PRESENTATION OF APPRECIATION TO PETE LIVERMORE FOR HIS TWELVE YEARS SERVING AS CARSON CITY SUPERVISOR (8:36:27) - Mayor Crowell invited the Board members and former Supervisor Pete Livermore to the podium. On behalf of the community, the Board, and many citizens in the region of northern Nevada, Mayor Crowell presented former Supervisor Livermore

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 2

DRAFT

with a Certificate of Appreciation commemorating his years of service. Mayor Crowell read into the record the language of the Certificate, and presented the same to former Supervisor Livermore. The Board members, City staff, and citizens present applauded.

(8:38:00) Former Supervisor Livermore thanked Mayor Crowell and the Board members, and reflected on the people and events which marked his 12 years of service. He commended Carson City staff on their assistance and support, and expressed appreciation to the citizens who “allowed [him] to sit in Ward 3 seat for those numbers of meetings ...” He expressed appreciation to his wife, Lori, for her support over the years. He expressed gratitude for the “good companionship from all the Board members” over the years. He expressed the opinion that “Carson City is better off ... from the first day [he] started to today,” and expressed confidence in the current Board members and Supervisor-elect Abowd to “continue to do the public’s business ... in the best matter and method that does nothing more but grows Carson City and grows the reputation of Carson City for the good, transparent, open government that we have here.” He expressed appreciation for the opportunity to have served with each of the Board members and to have represented the citizens of Carson City. He thanked Mayor Crowell for the Certificate of Appreciation. At Supervisor McKenna’s request, Mayor Crowell recessed the meeting at 8:42 a.m. to provide everyone the opportunity to congratulate former Supervisor Livermore. Mayor Crowell reconvened the meeting at 8:45 a.m.

9. CONSENT AGENDA (8:45:42) - Mayor Crowell entertained requests to hear items separate from the consent agenda. Supervisor Aldean requested to separately hear item 9-2(A). Mayor Crowell entertained additional requests and, when none were forthcoming, a motion to approve the remainder of the consent agenda. Supervisor Aldean moved to approve the consent agenda, consisting of one item from the Assessor’s Office, with congratulations to Heidi McFadden, Gary Schulz, and Jill Rasner on their appointments to the Board of Equalization; one item under 9-2, Public Works, with Resolution No. 2010-R-61; three items under Purchasing and Contracts, 9-3(A), (B), and (C); a total of four items under the City Manager, 9-4(A) through (D), with acknowledgment of the reappointment of Chris Freeman to the Nevada Tahoe Conservation District for a two-year term, and the appointment of two members to the Open Space Advisory Committee to fill four-year terms, Daniel Jacquet and Tricia Lincoln; one item under Public Works; and one item under Finance. Supervisor McKenna seconded the motion. Motion carried 4-0.

9-1. ASSESSORS - ACTION TO APPOINT MEMBERS TO THE CARSON CITY BOARD OF EQUALIZATION AND TO CONFIRM THE DESIGNATION BY THE MAYOR OF A CHAIRPERSON OF THE CARSON CITY BOARD OF EQUALIZATION

9-2. PUBLIC WORKS DEPARTMENT

9-2(A) ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT RELATING TO DISPOSAL OF PROCESSED WASTEWATER SOLIDS, BETWEEN CARSON CITY AND LYON COUNTY (9:09:43) - Mayor Crowell introduced this item. Supervisor Aldean expressed concern over the agreement language requiring binding arbitration for disputes over payment. In response to a question, Public Works Department Director Andy Burnham advised that the Interlocal Agreement was also agendaized today for approval by the Lyon County Board of Commissioners. Supervisor Aldean requested staff to exclude monetary disputes from the requirement to arbitrate and to retain the right to unilaterally terminate in the event of non-payment for future contracts. Discussion followed, and Mayor Crowell suggested including language, in future contracts, that non-payment is grounds for breach of the agreement. In response to a question, Mr. Munn noted the provisions outlined in paragraph 4, Lyon’s Responsibilities, and expressed the opinion that non-payment would imply a breach of the agreement. Additional discussion

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 3

DRAFT

followed, and Mayor Crowell entertained public comment. When none was forthcoming, he entertained a motion. **Supervisor Aldean moved to approve Resolution No. 2010-R-61, a resolution approving and authorizing the Mayor to sign an interlocal agreement relating to disposal of processed wastewater solids, between Carson City and Lyon County. Supervisor McKenna seconded the motion. Motion carried 4-0.**

9-2(B) ACTION TO APPOINT AND AUTHORIZE THE MAYOR, THE CITY CLERK-RECORDER, OR DESIGNEE TO SWEAR STEPHEN R. JOHNSON, MAI, SREA, AS THE APPRAISER FOR CARSON CITY FOR THE PROPERTY LOCATED IN CARSON CITY, APNs 007-101-11 AND 007-101-51

9-3. PURCHASING AND CONTRACTS

9-3(A) ACTION TO AMEND CONTRACT NO. 0910-171, SOLAR PROJECT WITH PACIFIC WEST ENERGY SOLUTIONS, INC. TO INCREASE THE SCOPE OF WORK TO INCLUDE THE REDESIGN OF THE SOLAR PHOTOVOLTAIC SYSTEM ON THE PUBLIC WORKS TRUCK SHED, EXTEND THE CONTRACT TERMINATION DATE TO DECEMBER 30, 2010, AND TO INCREASE THE CONTRACT AMOUNT FROM \$66,485.00 TO \$73,910.00 FROM THE CAPITAL PROJECT / SOLAR PROJECT (ARRA) FUND ACCOUNT, AS PROVIDED IN FY 2010 / 2011

9-3(B) ACTION TO APPROVE CONTRACT NO. 1011-180, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530 WITH PACIFIC WEST ENERGY SOLUTIONS, INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE CORPORATE YARD SALT SHED PHOTOVOLTAIC SYSTEM, THROUGH JULY 30, 2011, FOR A NOT-TO-EXCEED AMOUNT OF \$83,553.00 TO BE FUNDED FROM THE STORM DRAIN ACCOUNT - SOLAR COVER, AS PROVIDED IN FY 2010 / 2011 AND FY 2011 / 2012

9-3(C) ACTION TO APPROVE CONTRACT NO. 1011-177, PURSUANT TO NRS 332.115(1)(b); TO FIND THAT SUSAN PINTAR, M.D. IS QUALIFIED TO SERVE AS THE CARSON CITY HEALTH OFFICER; TO APPOINT SUSAN PINTAR, M.D. AS THE CARSON CITY HEALTH OFFICER, PURSUANT TO CCMC 9.01.030 TO CCMC 9.01.050; TO SET THE COMPENSATION OF THE HEALTH OFFICER AT A NOT-TO-EXCEED AMOUNT OF \$15,000.00 PER CALENDAR YEAR, TO BE PAID IN EQUAL MONTHLY PAYMENTS OF \$1,250.00, FROM JANUARY 2, 1011 THROUGH DECEMBER 31, 2012, TO BE FUNDED FROM THE HEALTH ADMINISTRATION PROFESSIONAL SERVICES FUND, AS PROVIDED IN FY 2010 / 2011

9-4. CITY MANAGER

9-4(A) ACTION TO RATIFY THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER FOR THE PERIOD OF NOVEMBER 9, 2010 THROUGH DECEMBER 7, 2010

9-4(B) ACTION TO REAPPOINT CHRIS FREEMAN TO THE NEVADA TAHOE CONSERVATION DISTRICT FOR A TWO-YEAR TERM, ENDING DECEMBER 31, 2012

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 4

DRAFT

9-4(C) ACTION TO APPOINT TWO MEMBERS TO THE OPEN SPACE ADVISORY COMMITTEE TO FILL FOUR-YEAR TERMS THAT WILL EXPIRE ON JANUARY 1, 2015

9-4(D) ACTION TO APPROVE SUBLEASING A PORTION OF THE CHILDREN'S MUSEUM TO CARSON CITY POTTERY, SUBJECT TO THE TERMS LISTED IN SECTION 8 OF THE LEASE BETWEEN CARSON CITY AND THE CHILDREN'S MUSEUM OF NORTHERN NEVADA

9-5. PUBLIC WORKS DEPARTMENT, TRANSPORTATION DIVISION - ACTION TO APPROVE AMENDMENT NUMBER ONE TO AGREEMENT NUMBER PR212-03-030, BETWEEN CARSON CITY AND THE NEVADA DEPARTMENT OF TRANSPORTATION, IN THE AMOUNT OF \$181,154.50, TO BE REIMBURSED TO CARSON CITY FOR INSPECTION FEES RELATED TO THE UTILITY RELOCATIONS AT LOMPA FIELD AND BUTTI WAY

9-6. FINANCE DEPARTMENT - ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY, THROUGH DECEMBER 7, 2010, PURSUANT TO NRS 251.030

10. RECESS BOARD OF SUPERVISORS (8:47:27) - Mayor Crowell recessed the Board of Supervisors at 8:47 a.m.

LIQUOR AND ENTERTAINMENT BOARD

11. CALL TO ORDER AND ROLL CALL (8:47:28) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:47 a.m. Mr. Glover called the roll. A quorum was present, including Member Furlong. Member Williamson was absent.

12. ACTION ON APPROVAL OF MINUTES - November 16, 2010 (8:47:50) - Member McKenna moved to approve the minutes. Member Aldean seconded the motion. Motion carried 5-0.

13. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION

13(A) ACTION TO APPROVE CHARLES ABOARD AS THE LIQUOR MANAGER FOR ADELE'S, LIQUOR LICENSE NO. 11-3979, LOCATED AT 1112 NORTH CARSON STREET, CARSON CITY (8:48:15) - Chairperson Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report, noting staff's recommendation of approval. (8:49:02) Chairperson Crowell acknowledged Charles Aboard at the podium. In response to a question, Mr. Aboard advised that Adele's has a "no tolerance policy," which includes requesting identification from "anybody that looks younger than ... John McKenna." He clarified that Adele's staff is "very proactive on ID checks."

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Aldean moved to approve Charles Aboard as the liquor manager for Adele's, liquor license number 11-3979, located at 1112 North Carson Street, Carson City. Member Walt seconded the motion. Motion carried 5-0.** Chairperson Crowell thanked Mr. Aboard and his family for providing a wonderful business to the community over the past many years.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 5

DRAFT

13(B) ACTION TO APPROVE RICHARD ESTEY AS THE LIQUOR MANAGER FOR DOTTY'S #74, LIQUOR LICENSE NO. 11-27416, LOCATED AT 4320 SOUTH CARSON STREET, CARSON CITY (8:51:06) - Chairperson Crowell introduced this item, and Ms. Pruitt reviewed the agenda report. She noted that Mr. Estey is the current liquor manager at two other Dotty's locations, and staff's recommendation of approval.

(8:51:40) Chairperson Crowell acknowledged Richard Estey at the podium. In response to a question, Mr. Estey advised of an "aggressive program" to prevent underage drinking. He introduced Dotty's Northern Nevada General Manager Steve Hickson. (8:52:03) Mr. Hickson advised that Dotty's employees are required to attend a mentor program upon accepting employment. "We sent every employee to the Sheriff's alcohol awareness and every employee passed. And we have a continual, we have a test that goes over all our policies and procedures," which includes a requirement to request identification from anyone appearing to be under the age of 40. Mr. Hickson further advised that no one under the age of 21 years is allowed in a Dotty's establishment. Member Aldean noted that, due to the concurrent liquor licenses held by Mr. Estey, there was no additional background investigation conducted for the subject license application.

Mr. Estey acknowledged that the Dotty's corporation has establishments in southern Nevada which are involved in issues with the Clark County Commission. Chairperson Crowell advised of having been previously unaware of the relationship, and disclosed that his law firm represents the southern Nevada Dotty's establishments. He recused himself from further discussion and action on this item, and passed the gavel to Chairperson *Pro Tem* Aldean.

Chairperson *Pro Tem* Aldean entertained comments or questions of the board members and the public. When none were forthcoming, she entertained a motion. **Member Walt moved to approve Richard Estey as the liquor manager for Dotty's #74, liquor license 11-27416, located at 4320 South Carson Street, Carson City. Member McKenna seconded the motion. Motion carried 4-0-1, Chairperson Crowell abstaining.** Chairperson *Pro Tem* Aldean returned the gavel to Chairperson Crowell.

13(C) ACTION TO ACCEPT THE ANNUAL ACTIVITY REPORT FOR ADMINISTRATIVE CITATIONS ISSUED (8:54:36) - Chairperson Crowell introduced and provided background information on this item. Planning Division Director Lee Plemel reviewed the agenda materials, and clarified that appeal of a second administrative citation will be heard in the latter part of December. In response to a question, he advised that trends can be built into future reports. He noted that "first citations seem to be about the same. The second citations have gone down over the last year. But, relatively speaking, they've been ... fairly constant for the last three years, all in about the same range." Mr. Plemel noted the decrease in second and third violations this year versus the last couple years. In response to a question, he advised that no one has challenged the process. "... that means everybody has chosen to pay their fine and not challenge any of the fines. And there haven't been any that have gone far enough to come before the hearing officer."

Chairperson Crowell entertained public comment. At Member Furlong's request, Chairperson Crowell provided Deputy Sal Acosta an opportunity to report. (8:58:52) Deputy Acosta reported an increase in second violations, and reviewed statistical information on recent compliance check results. He acknowledged that the business name and the individual cited is forwarded to the *Nevada Appeal*. In response to a question, he advised of the problem that "a lot of the people that we're contacting that are selling alcohol to our kids have not gone through the training." He suggested this may "be something to think about as far as a violation for that business, a liquor license holder not sending his people to server

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 6

DRAFT

training.” Member Aldean recalled having discussed the possibility of mandatory alcohol server training, as a condition of a liquor license. Mr. Werner advised that alcohol server training is mandatory for new liquor licenses. Deputy Acosta acknowledged that the businesses receiving citations “are all existing establishments that have been in business for an extended period of time; those people that were grandfathered in.” Discussion followed, and Member Aldean expressed sympathy for the business owners who can only do so much to “force their employees to be responsible.” She noted the business owners ultimately pay the price of non-compliance. Member Furlong discussed the importance of more appropriately recognizing businesses which are successfully passing compliance checks.

In response to a question, Deputy Acosta discussed the frequency by which compliance checks are conducted, based on available funding. He clarified that all aspects of underage drinking law enforcement are covered, and detailed the same. Member Furlong responded to questions regarding the Sheriff’s Office procedure associated with second citations. “All second offenses come to [the Sheriff’s Office] and we have a sit down about their policies and practices and procedures.” Member Furlong provided additional clarification regarding the grant-funded compliance check program, which he described as “an additional duty. ... The officers that carry out these functions are basically beyond their normal commitment.”

In consideration of the annual liquor license renewal, Member Aldean suggested including a reminder of the Sheriff’s alcohol server training program and a strong recommendation to send employees who have not attended or have not attended in a number of years. Mr. Werner estimated a \$3,000 or \$4,000 cost to include the reminder, but offered to check into it. Deputy Acosta advised that the alcohol server training schedule is included whenever a citation is issued. Member Furlong provided anecdotal information relative to Sheriff’s Office personnel’s efforts to communicate with business owners and their employees regarding the illegal sale of alcohol to minors.

Chairperson Crowell entertained additional discussion and, when none was forthcoming, thanked Deputy Acosta. He commended Planning Division and Sheriff’s Office personnel for streamlining the process and “performing admirably on these issues.” Chairperson Crowell entertained a motion. **Member Walt moved to accept the annual activity report for administrative citations issued. Member Aldean seconded the motion. Motion carried 5-0.**

14. ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD (9:09:15) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 9:09 a.m.

15. RECONVENE BOARD OF SUPERVISORS (9:09:22) - Mayor Crowell reconvened the Board of Supervisors.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

16. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:09:37) - Please see the minutes for item 9-2(A).

17. PURCHASING AND CONTRACTS

17(A) ACTION TO AMEND CONTRACT NO. 0910-203, ENGINEERING SERVICES FOR THE SAW MILL CANYON PIPELINE AND WATER DELIVERY PROJECT WITH BLACK AND VEATCH TO INCREASE THE SCOPE OF WORK TO INCLUDE SUBMITTAL OF SUPPLEMENTAL DOCUMENTATION FOR THE NEW TANK AND OTHER FLOW MANAGEMENT IMPROVEMENTS TO THE ENVIRONMENTAL PROTECTION AGENCY

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 7

DRAFT

AND TO INCREASE THE CONTRACT AMOUNT FROM \$186,800.00 TO \$397,841.00 FROM THE WATER FUND ACCOUNT, AS PROVIDED IN FY 2010 / 2011 (9:14:15) - Mayor Crowell introduced this item, and Purchasing and Contracts Coordinator Sandy Scott-Fisher reviewed the agenda report. She acknowledged that the proposed increase is budgeted. In response to a question, Deputy Public Works Director Darren Schulz provided background information on the subject project, and explained the purpose for the increase relative to “the complexity of the design and the study ... with the state and federal involved. We weren’t able to put a contract in place with the consultant to know exactly what we needed so we phased in a step approach such that we would take a step forward, submit it to the state and the feds, see what they say and then that would determine our next step. So, we built this contract in an amendment format so we’re back to you today for this next amendment. We will be back to you again in several months with another amendment once we get reports back.” Mr. Schulz advised that Black and Veatch is studying the subject region as to necessary improvements with associated design and costs. He discussed details associated with the next phase of the project, and responded to corresponding questions of clarification. In response to a question, Mr. Burnham advised that “with this additional engineering information that we provide, then that will give [the state and the feds] the basis upon which to approve the categorical exemption. ... this gets us a long way down the road on design ... It’s money we would spend in either case. It’s just we’re spending it a little earlier than anticipated.” Mr. Burnham advised that 55 percent of the project will be funded by the Environmental Protection Agency.

Mayor Crowell entertained public comment and Board member discussion. When none was forthcoming, he entertained a motion. **Supervisor Aldean moved to amend Contract No. 0910-203, Engineering Services for the Saw Mill Canyon Pipeline and Water Delivery Project with Black and Veatch, to increase the scope of work to include submittal of supplemental documentation for the new tank and other flow management improvements to the Environmental Protection Agency, and to increase the contract amount from \$186,800.00 to \$397,841.00, from the water fund account, as provided for in FY 2010 / 2011. Supervisor Walt seconded the motion. Motion carried 4-0.** In response to a question, Mr. Burnham advised that flashboards are still in the process of being considered. “We’re not yet ready to make the application to both the State Water Engineer as well as the TRPA. It’s going to be part of the stepped process as we go through this.” In response to a further question, he explained the function of flashboards. In response to a further question, he advised there is no time table associated with installing the flashboards.

17(B) ACTION TO DETERMINE THAT Q & D CONSTRUCTION, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 1011-157, WASTEWATER RECLAMATION PLANT NORTH LIFT PUMP STATION IMPROVEMENTS FOR A BID AMOUNT OF \$1,754,500.00, PLUS A 15 PERCENT CONTINGENCY AMOUNT NOT TO EXCEED \$263,000.00, TO BE FUNDED FROM THE SEWER CAPITALIZATION - WWTP NORTH LIFT STATION, AS PROVIDED IN FY 2010 / 2011 (9:20:29) - Mayor Crowell introduced this item, and noted that several Board members had recently toured the site with City staff. Ms. Scott-Fisher reviewed the agenda materials. In response to a question, Mr. Burnham provided an overview of the funding source. “It is budgeted and the bonds have been ... approved ...” Mr. Burnham further advised that the project is significantly under budget. “We do have a 15 percent contingency because it’s a very old facility and it’s all underground.” In response to a question, he explained the purpose of the project to ensure wastewater service to the entire northeast portion of town. “We have significant maintenance problems with the current lift station as it is. It’s just basically very old and worn out and needs to be replaced. For several years, we’ve been trying to get to this project ...” In

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 8

DRAFT

response to a question, Mr. Werner explained that the existing north lift pump station was part of an overall sewer interceptor program in the early to mid-1960s. Mr. Burnham acknowledged the pump station is at the end of its useful life. Mr. Werner noted the benefit of improved technology.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor McKenna moved to determine that Q&D Construction, Inc. is the lowest responsive and responsible bidder, pursuant to NRS Chapter 338, and to award Contract No. 1011-157, Wastewater Reclamation Plant North Lift Pump Station Improvements, for a bid of \$1,754,500.00, plus a 15 percent contingency amount not to exceed \$263,000, to be funded from the Sewer Capitalization WWTP North Lift Station, as provided in FY 2010 / 2011. Supervisor Aldean seconded the motion. Motion carried 4-0.**

17(C) ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION TO APPROVE AMENDMENT NO. 2 TO CONTRACT NO. 0910-129 WITH CAROLLO ENGINEERS, TITLED "ENGINEERING SERVICES FOR THE WASTEWATER RECLAMATION PLANT - PHASE 1, NORTH LIFT PUMP STATION IMPROVEMENTS," TO EXPAND THE SCOPE OF WORK AND INCREASE THE CONTRACT AMOUNT FOR A NOT-TO-EXCEED AMOUNT OF \$254,675.00, TO BE FUNDED FROM THE SEWER CAPITAL FUND ACCOUNT WWTP NORTH LIFT STATION UPGRADE, AS PROVIDED IN FY 2009 / 2010 AND FY 2010 / 2011 (9:25:27) - Mayor Crowell introduced this item, and Ms. Scott-Fisher reviewed the agenda report. Senior Project Manager Tom Guinn reviewed the purpose of the subject amendment to provide for construction management. He acknowledged that the subject contract will "take us through construction of the project." In response to a comment, Mr. Guinn advised that Carollo Engineers are "very knowledgeable of the entire wastewater treatment plant so we depend on them quite a bit with the information they have."

Mayor Crowell entertained public comment and further Board discussion. When none was forthcoming, he entertained a motion. **Supervisor McKenna moved to accept the Public Works Department recommendation to approve Amendment No. 2 to Contract No. 0910-129 with Carollo Engineers, titled "Engineering Services for the Wastewater Reclamation Plant, Phase 1, North Lift Pump Station Improvements," to expand the scope of work and increase the contract amount for a not-to-exceed amount of \$254,675.00, to be funded from the sewer capital account, WWTP North Lift Station Upgrade, 515-0000-434-79-85, as provided in FY 2009 / 2010 and FY 2010 / 2011. Supervisor Walt seconded the motion. Motion carried 4-0.**

18. PUBLIC WORKS DEPARTMENT - ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT, BY AND BETWEEN CARSON CITY AND THE STATE OF NEVADA, DEPARTMENT OF ADMINISTRATION, DIVISION OF BUILDINGS AND GROUNDS, ADDRESSING COOPERATIVE TRAINING AND TRANSITION FOR THE OPERATION, MAINTENANCE, AND REPAIR OF THE MARLETTE WATER SYSTEM; AND OPERATION, MAINTENANCE, AND REPAIR OF THE STEWART WATER TREATMENT PLANT AND DISTRIBUTION SYSTEM (9:29:23) - Mayor Crowell introduced this item, and Mr. Burnham reviewed the agenda materials. In response to a question, he provided background information on the Stewart water facility and chlorination plant. He advised of the ultimate goal to eliminate the Stewart system and provide water without the additional treatment facility. He acknowledged that the City currently provides fire flow to the Stewart facility. In response to a further question, he advised of the intent for the State to maintain ownership of the Marlette water system facilities. The City will operate and maintain the facilities in exchange for the water. Mr. Burnham explained the cost savings to both the City and the State.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 9

DRAFT

In response to a question, Mr. Burnham advised that the State will continue to be responsible for the cost of maintaining the Marlette Water System through June 30, 2011. Supervisor Aldean suggested reviewing the language of Exhibit A, Training and Transition Plan, to ensure the State will remain responsible for maintaining the entire Marlette Water System, "not just the siphon and not just the Stewart facility." Discussion followed, and Mr. Burnham acknowledged that a cost / benefit analysis is in the process of being conducted. In response to a further question, Mr. Burnham advised that the new agreement anticipates the employees will become City employees as of July 1, 2011. "Until you do the next agreement, they remain State employees in all respects." Discussion followed, and Mr. Burnham acknowledged that the cost / benefit analysis will address deferred maintenance.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to adopt Resolution No. 2010-R-62, a resolution approving and authorizing the Mayor to sign an Interlocal Agreement, by and between Carson City and the State of Nevada Department of Administration, Division of Buildings and Grounds, Addressing Cooperative Training and Transition for the Operation, Maintenance, and Repair of the Marlette Water System; and the Operation, Maintenance and Repair of the Stewart Water Treatment Plant and Distribution System. Supervisor Walt seconded the motion. Motion carried 4-0.** Mr. Burnham advised that the subject agreement will be submitted to the State Board of Equalization in January 2011.

19. PUBLIC WORKS DEPARTMENT - PLANNING AND ZONING DIVISION

19(A) ACTION TO ADOPT BILL NO. 116, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.4.7, ADMINISTRATION, EXCEPTIONS, TO MODIFY THE REGULATIONS RELATING TO THE DISPLAY OF TEMPORARY BANNERS AND OTHER TEMPORARY SIGN DEVICES, AND OTHER MATTERS PROPERLY RELATED THERETO (ZCA-10-095) (9:37:34) - Mayor Crowell introduced this item, and Planning Division Director Lee Plemel reviewed the agenda materials. He advised of having received no additional comments since introduction on first reading.

Mayor Crowell entertained public comment and Board discussion. When none was forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt Bill No. 116, on second reading, Ordinance No. 2010-15, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Administration, Exceptions, to modify the regulations relating to the display of temporary banners and other temporary sign devices, and other matters properly related thereto. Supervisor Walt seconded the motion. Motion carried 4-0.**

19(B) ACTION TO APPROVE A REQUEST FOR A TWO-YEAR EXTENSION OF THE FINAL MAP FOR A TENTATIVE INDUSTRIAL SUBDIVISION MAP, KNOWN AS ARROWHEAD BUSINESS PARK (PROPERTY OWNER: CNM FAMILY, LLC), LOCATED AT 4500 RYAN WAY (TSM-06-031) (9:38:59) - Mayor Crowell introduced this item, and Mr. Plemel reviewed the agenda materials. He noted that the original conditions of approval would remain valid for the next two years, upon approval of the request.

Mayor Crowell entertained public comment. (9:40:15) Mark Rotter, of Manhard Consulting, Ltd. representing the applicant, expressed agreement with the staff report. In response to a question, he advised that the process would begin again if construction is not commenced within two years.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 10

DRAFT

Mayor Crowell entertained a motion. **Supervisor Walt moved to approve a request for a two-year extension of the Final Map for a Tentative Industrial Subdivision map, known as Arrowhead Business Park, property owner CNM Family, LLC, located at 4500 Ryan Way. Supervisor McKenna seconded the motion. Motion carried 4-0.**

19(C) ACTION TO ADOPT A RESOLUTION DETERMINING THAT THE SALE OF CITY PROPERTY LOCATED ON KARIN DRIVE, APN 4-374-01, APPROXIMATELY 3,900 SQUARE FEET IN SIZE, IS IN THE BEST INTERESTS OF THE CITY AND, AS A RESULT OF ITS SIZE, IS TOO SMALL TO ESTABLISH AN ECONOMICALLY VIABLE USE BY ANYONE OTHER THAN A PERSON WHO OWNS REAL PROPERTY ADJACENT TO IT, PURSUANT TO NRS 268.061(1)(e), AND DIRECT STAFF TO INITIATE A SALE OF THE PROPERTY TO THE ADJACENT PROPERTY OWNER (9:41:17) - Mayor Crowell introduced this item. Mr. Plemel reviewed the agenda materials and provided background information. He acknowledged the subject action would set the sale process in motion.

Mayor Crowell entertained public comment. (9:43:12) Robert Morris encouraged the Board to adopt the resolution. Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Aldean noted a correction to the resolution included in the agenda materials, and moved to adopt Resolution No. 2010-R-63 determining that the sale of City property, located on Karin Drive, APN 004-374-01, approximately 3,900 square feet in size, is in the best interests of the City and, as a result of its size, is too small to establish an economically viable use for anyone other than a person who owns real property adjacent to it, pursuant to NRS 268.061(1)(e), and to direct staff to initiate a sale of the property to the adjacent property owner. Supervisor McKenna seconded the motion. Motion carried 4-0.**

20. PARKS AND RECREATION DEPARTMENT - ACTION TO NAME THE NEW URBAN FISHING POND LOCATED AT THE CARSON CITY FAIRGROUNDS / FUJI PARK THE BAILY FISHING POND (9:44:52) - Mayor Crowell introduced this item. Parks and Recreation Department Director Roger Moellendorf expressed delight in the opportunity of forwarding the Parks and Recreation Commission's recommendation to name the Fuji Park urban fishing pond "Baily Fishing Pond." He provided background information, as outlined in the agenda report, and pointed out Kevin "C.K." Baily and his wife, Jackie, who were present in the meeting room. Mr. Moellendorf requested the Board's approval of the Parks and Recreation Commission's recommendation.

Mr. Moellendorf acknowledged compliance with the provisions of Resolution No. 1988-R-59, and provided an overview of the same. In response to a further question, he advised of nothing in the gift deed from the Fuji family which would preclude naming a facility in or adjacent to the park in this manner. Supervisor McKenna provided background information on difficulties associated with construction of the Fuji Park urban fishing pond. Based on said difficulties, he suggested "it would have been very easy to abandon [the project]." Supervisor McKenna noted the successful use of the pond and its beneficial addition to the park. He commended Mr. Baily on his involvement.

Mayor Crowell entertained public comment; however, none was forthcoming. In response to a comment, Mr. Moellendorf assured the Board there are no carp in the pond. Mayor Crowell entertained Board discussion and, when none was forthcoming, a motion. **Supervisor Walt moved to name the new urban fishing pond, located at the Carson City Fairgrounds / Fuji Park, the Baily Fishing Pond. Supervisor Aldean seconded the motion. Motion carried 4-0.**

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 11

DRAFT

Mayor Crowell invited Mr. Baily to the podium, and congratulated him on his good citizenship. (9:49:53) Mr. Baily thanked the Board for their consideration and for the honor bestowed. He recognized Nevada Department of Wildlife Fisheries Division Administrator Mark Warren, Carson City Advisory Board to Manage Wildlife Chair Gil Yanuck, Mr. Moellendorf, Parks and Recreation Director of Operations Scott Fahrenbruch, Natural Resources Specialist Ann Bollinger, Open Space / Property Manager Juan Guzman, Administrative Assistant Daria Petrenko, Management Assistant Stella Hyatt, and Ms. King. He expressed particular gratitude to Park Planner Vern Krahn “who has been in this since the very beginning. Without Mark Warren and Vern Krahn, this pond that has been embraced by so many, ... would not have been possible.” He reiterated appreciation for the opportunity and for the honor bestowed. Mayor Crowell commended Mr. Baily’s “wonderful” citizenship, and the pond as “a great arena for quality of life and building a sense of community and building life and learning skills for our young people.” Supervisor McKenna noted the significance of the pond at the City’s southern portal which provides “an image” of Carson City as “a place to live.” Mr. Baily encouraged everyone to visit the pond. Mayor Crowell recessed the meeting at 9:54 a.m. and reconvened at 10:08 a.m.

21. PARKS AND RECREATION DEPARTMENT, OPEN SPACE DIVISION

21(A) ACTION TO ACCEPT THE RECOMMENDATION OF THE OPEN SPACE ADVISORY COMMITTEE TO APPROVE THE FEE TITLE ACQUISITION OF THE SERPA PROPERTY IN THE CARSON RIVER CANYON CONTAINING APPROXIMATELY 418.77 ACRES; and 21(B) ACTION TO ACCEPT THE RECOMMENDATION OF THE OPEN SPACE ADVISORY COMMITTEE TO APPROVE A FUNDING AGREEMENT AND DEED RESTRICTION WITH THE NEVADA DIVISION OF STATE LANDS IN ORDER TO EXECUTE A NEVADA CONSERVATION AND RESOURCE PROTECTION PROGRAM QUESTION #1 GRANT IN PARTNERSHIP WITH THE NEVADA LAND CONSERVANCY FOR APPROXIMATELY \$1,075,000 FOR THE FEE TITLE ACQUISITION OF THE SERPA PROPERTY IN THE CARSON RIVER CANYON, APPROXIMATING 418.77 ACRES (10:08:52)-

Mayor Crowell introduced this item. Open Space / Property Manager Juan Guzman introduced City staff, Open Space Advisory Committee members, and representatives of Mr. Serpa, who were present in the meeting room. He reviewed the agenda materials in conjunction with displayed slides. He provided a detailed overview of the Open Space evaluation criteria relative to the subject property, also in conjunction with displayed slides. At Supervisor Aldean’s request, Mr. Guzman explained the Brunswick Canyon prescriptive easement. By way of clarification, he acknowledged that the prescriptive easement is presumed based on historic use; it has not been adjudicated. “The same thing applies to the easement that ... will be preserved to be used by the V&T ...” In response to a further question, Mr. Werner advised that the City purchased all the easements necessary for the infrastructure in the old V&T right-of-way. Discussion took place regarding emergency vehicle access, and Mr. Guzman pointed out the proposed V&T easements.

In response to a question, Mr. Guzman reviewed the OSAC’s recommendation, as outlined in the excerpt of minutes included in the agenda materials. He noted the appraisal letter included in the agenda materials, and provided background information on the OSAC’s motion relative to the actual number of acres.

(10:35:35) Mr. Guzman introduced item 21(B) and, in response to a question, explained that the Question #1 program is dependent upon bond sales. “The State of Nevada is under dire straits ... and they do not anticipate the issuance of future bonds. They have already certain commitments out for these grants. Some of those commitments included jurisdiction that has both an approved agreement toward ... execution of the grants and those, like ours, that simply have an approval letter but no agreement.” Mr. Guzman advised that Nevada Division of State Lands administrators “met ... and decided that this project was important

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 16, 2010 Meeting
Page 12

DRAFT

enough, in terms of the projects presently being considered by them, to provide [the City] with ... a couple more months of funding. However, they cannot continue in that situation and they will definitely terminate the grant toward the end of January. ... use it or lose it kind of activity.” Mr. Guzman went on to explain that the City was not able to directly compete for the Question #1 funding. “So we went and convinced ... the Nevada Land Conservancy, under the category of non-profit organizations, to ask for those monies and act as a pass through into this acquisition. The Nevada Land Conservancy considered our request, they went to their board, and their board decided that, yes, in fact, this was a very meritorious project; that they would like to help Carson City by facilitating the grant ... and passing through the money to us.” Mr. Guzman expressed appreciation to the Nevada Land Conservancy “otherwise we would not have qualified for the monies.”

Mayor Crowell entertained public comment. (10:38:40) Mayor Crowell expressed appreciation to Mr. Jacquet for his Open Space Advisory Committee service. OSAC Vice Chair Dan Jacquet provided background information on the committee’s involvement in the Serpa property project, noting specifically the open space values of the subject lands. He further noted the information included in the agenda materials representing “the answers to our questions in regard to the additional 19 acres and, as well, a letter from the appraiser acknowledging that he was aware of the pending and future easement to the V&T.” Mr. Jacquet expressed strong recommendation, “at this point, with no qualifications, that the City move ahead and purchase this property.”

(10:40:45) Teri Green-Preston advised that she was providing testimony as a citizen, not a member of the OSAC. She expressed support for the acquisition and for the aquatic trail. She advised of having read Appraiser Tony Wren’s letter and expressed appreciation for the letter from Manhard Consulting, Ltd. “because that did alleviate one of my concerns.” She acknowledged that Mr. Wren’s letter addresses future easements, “but it does not address the purchase and sale. The purchase and sale agreement is the one that says that the City or the Open Space ... will be buying the acreage but there is no exemption for a reserve easement to be sold at a later date to Mr. Serpa. ... As it is right now, there is no avenue for re-compensation back to the City ... for the 26 acres that we are essentially going to be holding then giving back.” Ms. Green-Preston expressed concern that this may be “in conflict with what the original agreement is for conservation and easements and open space where it says ‘passive.’” Ms. Green-Preston advised of having requested “that that easement be taken out of the purchase and reserved as a separate piece of property to be sold at a later date and held by Mr. Serpa.” She compared the situation to purchasing a house with the caveat from the seller that his future grandchildren “may need to use [the] bathroom ... with no compensation back ...” She noted that the sale would comprise 419 acres. “The 419 acres is being paid at \$7,500 an acre. But if it’s still being held by Mr. Serpa to sell to a third party at a later date, that’s my issue.”

Mayor Crowell expressed the understanding that the appraisal included the easement reservation. Ms. Green-Preston expressed the understanding that “this new easement has not been fully recorded.” Mayor Crowell expressed uncertainty as to Ms. Green-Preston’s analogy in that “if I buy it with that understanding, I assume that the value ... has the reservation in it.” Ms. Green-Preston reiterated concern that the easement doesn’t exist. “... when you go out and do an appraisal, the appraisal is what exists not what was discussed at the site. It’s what exists.” She requested the Board’s consideration of her concern. Based on previous experience, Supervisor Aldean advised that an appraisal can be based on certain assumptions, “like the assumption that you have legal access, for example. You may not have perfected that access at the time the appraisal is done, but that is one of the assumptions that’s made by the appraiser. Presumably, that’s what the appraiser in this instance did.” Ms. Green-Preston acknowledged understanding, but noted that the appraiser doesn’t consider the purchase and sale agreement. “So he’s

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 13

DRAFT

saying, 'We are going to convey this 419 acres to open space, to City of Carson.' Nowhere in there does he say it's going to be devalued because of this appraiser they're going to be holding 26 acres out in order to go ahead and build a railroad and that the owner is withholding that 26 acres. The owner, Mr. Serpa, is still holding that 26 acres." Supervisor Aldean clarified that the 26 acres will be held in the form of an easement as opposed to fee title. "Once this transaction goes through, there will be a recorded easement prior to the close of escrow so it's an easement as opposed to fee title." Supervisor Aldean summarized Ms. Green-Preston's concern as follows: "Does the \$7,500 per acre reflect the diminution in value because of the 26 acres worth of easement?" Ms. Green-Preston acknowledged the accuracy of the summary, and expressed the opinion that Mr. Wren's letter doesn't "answer that."

(10:46:30) Appraiser Tony Wren introduced himself for the record. He acknowledged that the appraisal takes into account the reservation of easement by Mr. Serpa. He further acknowledged confidence in the \$7,500 per acre value even in light of the fact that there will be 26 acres that will basically be inaccessible to the public if, in fact, the easement is conveyed to the V&T Railway Commission.

Mr. Guzman acknowledged that the prescriptive easement comes from Sedge Road and moves north. He further acknowledged that public access will be maintained with no requirement to rebuild the Brunswick Canyon bridge or to install sanitary facilities. He further acknowledged that simply purchasing the property will not incur costs to the City. In response to a further question, he explained that the easement will be reserved by Mr. Serpa for the exclusive purpose of selling it to the V&T Railway Commission. If the V&T Railway Commission does not purchase the easement, Mr. Serpa has stipulated, through his attorney, "that he doesn't have any concerns or he doesn't intend ... to use that easement. So the public can continue to use it."

Mr. Guzman responded to additional questions regarding the funding source. In response to a comment, he clarified characterization of the purchase as "just buying land. It just so happens that that land includes an easement on it. But the fee title will be ours, not the easement." He suggested considering the purchase "in layers. The layer of the ownership is ours; however, somebody else has the right to use that. And that right is being reserved. It's not a part of the bundles that we're purchasing." In response to a question, Mr. Guzman advised that the reserved easement would have to be appraised to determine a value. Supervisor McKenna suggested that if the City purchased the entire parcel, "we can deal with the V&T later ..." Mr. Guzman explained that the Question #1 funding specifically does not allow for purchase of the land to be used by the V&T. "So we will have to have a very distinct transaction in which the state [administrators] understand that none of these monies are being used to pay for right-of-way for the V&T. Then the Board of Supervisors will have to make the same distinction. We believe, in putting the deal together, that the best manner to handle this situation was precisely the way we have done it. The purchase contract restricts what the easement can be used for. It just reserves so we are not involved and there is no question that the state monies or our monies for open space are being used toward the purchase of the right-of-way and the easement. That will be a separate transaction between Mr. Serpa and the owner of the land. At the same time, we have enough involvement to be able to put that clause in the [purchase] agreement because the easement is being reserved through the [purchase] agreement. So we found that that was the easier, more clear way of facilitating everybody's goals. ... Besides all of that, this was a way and manner that was agreeable to the seller which was very important ..." Supervisor McKenna summarized his understanding of the transaction, and advised that his support would be based upon the benefit to the citizens of Carson City to acquire this land "so that we have the River from Mexican Dam to ... the Carson City line as part of ownership under Carson City." He cautioned staff with regard to ensuring the "legal work" is sufficient.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 16, 2010 Meeting
Page 14

DRAFT

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to accept the recommendation of the Open Space Advisory Committee to approve the fee title acquisition of the Serpa property in the Carson River Canyon comprised of approximately 418.77 acres. Supervisor McKenna seconded the motion. Motion carried 4-0.**

Relative to item 21(B), Mayor Crowell advised that Mr. Guzman's testimony regarding the Question #1 funding would be incorporated. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor McKenna moved to accept the recommendation of the Open Space Advisory Committee to approve the fee title acquisition of the Serpa property in the Carson River Canyon comprised of approximately 418.77 acres. Supervisor Walt seconded the motion. (10:58:33)** Discussion indicated that action was necessary for item 21(B). Mayor Crowell entertained a motion. **Supervisor Aldean moved to accept the recommendation of the Open Space Advisory Committee to approve a funding agreement and deed restriction with the Division of State Lands in order to execute a Nevada Conservation and Resource Protection Program, Question #1 grant, in partnership with the Nevada Land Conservancy for approximately \$1,075,000 for the fee title acquisition of the Serpa property in the Carson River Canyon, consisting of approximately 418.77 acres. Supervisor Walt seconded the motion.** Mayor Crowell entertained a motion to rescind the previous motion. **Supervisor McKenna so moved. Supervisor Walt seconded.** Mayor Crowell called for a vote on the pending motion; **motion carried 4-0.**

21(C) ACTION TO APPROVE A CONSERVATION EASEMENT REQUIRED FOR THE TRANSFER OF PRISON HILL AND ADJACENT CARSON RIVER LANDS FROM THE BUREAU OF LAND MANAGEMENT, IN ACCORDANCE WITH THE OMNIBUS PUBLIC LANDS MANAGEMENT ACT OF 2009 (10:57:58) - Mr. Guzman introduced and provided an overview of this item. Planning Division Director Lee Plemel provided an overview of the Omnibus Public Lands Management Act, and reviewed the agenda report. He introduced Dan Jacquet, representing the Bureau of Land Management.

(11:04:02) Mr. Jacquet provided background information on development of the conservation easement. He acknowledged that the Prison Hill property, including Silver Saddle Ranch, will continue to be used as it is currently. He further acknowledged that motorized access at the south end of Prison Hill will also continue to be allowed. He clarified that the City has discretion over the motorized use. "The law does not say 'you shall have motorized use on the south end.' It gives the discretion to the City. If, in the future, that's not an appropriate use, you can change that." In terms of implementation, Mr. Jacquet advised that the BLM is "still maybe six months to a year from actually making the transfer." He further advised that the conservation easement reserves rights when the title is transferred. "So this easement is being developed in advance of the actual transfer."

Mr. Jacquet acknowledged that the stewardship account, referenced in the agenda materials, is the same as the Silver Saddle endowment account. He further acknowledged that the approximately \$400,000 contained in the account would fund the BLM's monitoring of uses. Supervisor Aldean noted that equestrian events are allowed and rodeos are precluded. In response to a question, Mr. Jacquet advised of the expectation that "rodeos typically require a level of developed facilities, whereas most of the equestrian events ... authorized at Silver Saddle don't." He advised that the limitation in the easement would be consulted for "developed infrastructure to promote any kind of activity. ... We felt, as a category, rodeo fell in that area. We did leave a lot of activities and potential events off of that prohibited list to be dealt with in the management plan." Supervisor Aldean inquired as to whether the prohibition against municipal water development includes replacement or enlargement of existing service lines. Mr. Jacquet expressed

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 16, 2010 Meeting
Page 15

DRAFT

the opinion that existing infrastructure “and especially anything that’s already under a right-of-way would not be impacted here.” In response to a further question, he explained the intent that “within this land area, this is not a place to be putting new municipal wells and other municipal water infrastructure.” He was uncertain as to whether underground infrastructure would be precluded. He presumed underground infrastructure would not be precluded “because it would not interfere with the conservation values of the property. Largely, this is looking at above-ground features ... that are going to impact scenery and passive recreation ...” In response to a question, Mr. Werner anticipates no further water development in the raw lands “mainly because of our limitation on water rights ...” Mr. Jacquet acknowledged that the language of paragraph 8, Prior Notice and Approval, is only pertinent to activities which are not specifically authorized or prohibited or otherwise explicitly require prior approval.

In response to a question regarding the language of paragraph 6, Prohibited Uses, section (b), Mr. Jacquet advised that the Mexican Dam is not part of the property covered by the conservation easement. “... this is lands that are outside the mean high water mark.” Mr. Guzman advised that the City purchased property adjacent to the Mexican Dam. In response to a question regarding the intent of paragraph 6(g), Mr. Jacquet explained the context of hunting is recreational in nature, “not management depredation ... of wildlife as they become problems or pests.” Mr. Guzman further clarified that hunting, as a management activity, would be allowed. Hunting as a recreational activity is presently prohibited by the Silver Saddle Ranch management plan. Discussion followed, and Mayor Crowell entertained additional questions for Mr. Jacquet. When none were forthcoming, he thanked Mr. Jacquet for his attendance and participation.

Mayor Crowell entertained public comment; however, none was forthcoming. In response to a question, Mr. Guzman provided background information on the Mexican Ditch Association, noting that Carson City is a member. “As there are less and less people in agricultural businesses, it is obvious” that Carson City may be the only member soon. Mr. Werner provided additional clarification of the Mexican Ditch Association. Mr. Guzman advised that the entire ditch, from the beginning of the Moffat property all the way south to Mexican Dam, has an easement which allows for public access. Mr. Guzman anticipates that the half marathon, Escape from Prison Hill, will still be allowed under the conservation easement. He clarified the intent to distinguish between daily use and activities which would require additional regulation. Mr. Moellendorf advised that the management plan will include more detail, and that it will be developed in a public context.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to approve a conservation easement required for the transfer of Prison Hill and adjacent Carson River lands from the Bureau of Land Management to Carson City, in accordance with the Omnibus Public Lands Management Act of 2009. Supervisor Walt seconded the motion. Motion carried 4-0.**

22. CITY MANAGER

22(A) DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE HUMANE SOCIETY OF THE UNITED STATES SHELTER EVALUATION REPORT AND SEND THE REPORT BACK TO STAFF TO DEVELOP RECOMMENDATIONS AND AN ACTION PLAN (11:21:35) - Mayor Crowell introduced this item, and Mr. Werner reviewed the agenda materials. He responded to questions of clarification regarding the Humane Society of the United States report. He discussed the importance of considering animal shelter operations in the context of cost impacts. He noted the ultimate goal of constructing a new shelter.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 16

DRAFT

(11:25:17) In response to a question, Health and Human Services Department Director Marena Works discussed shelter accommodations relative to animals other than cats and dogs. “We are set up to take other things, but ... there are some things that probably wouldn’t be good practice for us to take.” Ms. Works acknowledged there is no compulsion to accept exotic animals. “It’s really up to what the City wants to do.” Supervisor Aldean suggested referring people with exotic animals to a local pet store. Supervisor McKenna suggested that the task force consider the possibility of a non-profit organization running the animal shelter rather than the City. Mr. Werner noted the distinction between regulation and shelter operation, and acknowledged the intent to consider a non-profit organization to operate the shelter.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Walt moved to accept the Human Society of the United States Shelter Evaluation Report and send the report back to staff to develop recommendations and an action plan. Supervisor Aldean seconded the motion. Motion carried 4-0.**

22(B) DISCUSSION AND POSSIBLE ACTION TO DETERMINE THE PROCESS TO BE USED TO FILL THE VACANT JUSTICE OF THE PEACE POSITION AS SET FORTH IN NRS 4.150 (11:28:54) - Mayor Crowell introduced and provided background information on this item. Mr. Werner provided additional background information, and reviewed the agenda materials. He advised that both Douglas and Storey Counties have replaced justices by the appointment process, and of having met with representatives of both counties to discuss their processes. He reviewed both counties processes, and discussion followed.

Supervisor Aldean expressed a preference to use the appointment process, with the caveat that all the applications be submitted to the Board of Supervisors with reservation of the right to include another applicant for interview. Mr. Werner expressed concern over the appointment process becoming a full Board activity in which case every candidate would have to be interviewed in an open and public meeting. Discussion followed, and Mr. Munn advised that a screening committee convened by the City Manager is not considered a public body under the Open Meeting Law. “At some point, when it becomes part of the public body, then every applicant that’s still in the pool becomes subject to public scrutiny ...” Mr. Munn advised that a list of applicant names could be provided to the Board members, “but once we create that public document, those names could be accessed as public records. Supervisor Aldean provided additional clarification of her intent, and requested staff to consider her request. Mr. Werner reiterated the intent to avoid having every applicant participate in a public interview process. He expressed understanding for Supervisor Aldean’s request, and advised that staff would take it into consideration. Mayor Crowell noted the importance of “tak[ing] as much of the politics out of it as we can ...”

In response to a question, Mr. Werner advised that the Justice of the Peace pay scale is a Board decision. He suggested this could be established by the Board prior to announcing the position. He acknowledged the intent to receive Board direction and return with a proposed process. He recommended that the application screening process be overseen by a district court judge.

Supervisor McKenna acknowledged that the job description is somewhat defined, but expressed a preference to discuss those details. He inquired as to the method by which to make the best possible decision for the community in the context of management. Discussion followed, and Mr. Werner cautioned against establishing criteria more stringent than provided in statute. Supervisor McKenna expressed a preference for the appointment process over the election process, but requested to have more discussion as to the application screening process. “You need to balance the strengths of the two ... [justices of the peace.]”

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 17

DRAFT

Mayor Crowell entertained a motion. **Supervisor Walt moved, pursuant to NRS 4.150, to appoint a person to fill the vacancy pursuant to NRS 245.170. Supervisor McKenna seconded the motion.** Supervisor Walt acknowledged the vacancy is created by the retirement of Judge Robey Willis, and **amended her motion to indicate that the duties of the appointment from the City Manager will come back to the Board with all of the suggestions discussed at this meeting. Supervisor McKenna continued his second.** Mayor Crowell entertained discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 4-0.** (11:47:43) Supervisor-elect Karen Abowd expressed agreement with the Board's action, and the opinion that a special election is not warranted in consideration of the cost.

23. BOARD OF SUPERVISORS NON-ACTION ITEMS:

STATUS REVIEW OF PROJECTS (11:48:15) - Mr. Werner reported a "good meeting last week with P3, with the Nugget, and with staff." He reviewed proposed revisions to the City Center design, relative to the proposed hotel and parking. He advised of having discussed the proposed lease arrangement with the financial advisors. He further advised that Supervisor McKenna had provided a list of questions which are being considered and responses being developed. He advised of discussions regarding the proposed locations of the transit hub and the office building.

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (11:52:12) - Mr. Werner advised that a list of committees and commissions will be provided to the Board members for consideration at the January 6th Board meeting. Discussion followed.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS - None.

STATUS REPORTS AND COMMENTS FROM THE BOARD MEMBERS (11:55:28) - Supervisor Aldean announced the ribbon cutting ceremony commemorating the reopening of Roop Street scheduled for 2:00 p.m. Supervisor Walt wished everyone a Merry Christmas and a blessed holiday season, and congratulated Supervisor Williamson on the birth of her new grandchild.

(3:27:03) Supervisor Aldean expressed appreciation for the privilege of having served with Supervisor Williamson since 2003. She noted that Supervisor Williamson was a member of the Board of Supervisors which appointed her to replace former Supervisor John Plank. Supervisor Aldean described Supervisor Williamson as "a very gracious, accommodating person, very knowledgeable, very hard working and industrious, and she'll be sorely missed." Mayor Crowell expressed appreciation for Supervisor Aldean's comments, noting that the entire Board shared her sentiments.

STAFF COMMENTS AND STATUS REPORT - None.

24. ACTION TO ADJOURN BOARD OF SUPERVISORS (11:56:17) - Mayor Crowell adjourned the meeting at 11:56 a.m.

BOARD OF HEALTH

25. CALL TO ORDER AND ROLL CALL (2:30:00) - Vice Chairperson Crowell called the meeting to order at 2:30 p.m. Roll was called; a quorum was present. Vice Chairperson Crowell noted the excused absences of Chairperson Pintar and Member Williamson.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 18

DRAFT

(2:30:55) Fire Chief / Emergency Management Director Stacey Giomi provided an overview of reports from the National Weather Service regarding the significance to the community of an upcoming storm. He warned of the potential for flooding of Ash Canyon Creek, Kings Canyon Creek, Clear Creek, “and the usual places where we have issues with water runoff ...” He further warned of the potential for dangerous driving conditions over the weekend and of flooding at the Carson River. He advised of having briefed the entire Emergency Operations Center staff as well as key City officials. He further advised of a meeting scheduled with Public Works Department staff later in the afternoon. A listing of sandbag locations will be available on the City’s website later in the afternoon, and Chief Giomi advised that sandbags will be made available for pick up by the public at various locations around town. Chief Giomi emphasized the importance of every resident keeping an emergency kit, including a flashlight, a radio, and extra food.

Chief Giomi acknowledged that the City’s emergency preparedness staff have already been briefed. He advised that the City has done much to prepare for major storms and flooding, “but there are some shortcomings in the system that are either uncorrectable because of cost or topography. And there are some areas in town that, regardless of what we do, will get a significant amount of water. Those folks that are in those areas should have that knowledge, based on the last bit of rain we had and historic information and be prepared to leave if they have to.” Chief Giomi advised that a shelter will be opened, if necessary. In response to a question, he advised that the shelter would likely be at the Community Center, “but we leave that open depending upon what’s going on. ... Alternatively, we’ve got school sites identified. ... We evaluate that based on where we might be having some flooding problems and access and those kinds of things.” In response to a question, Chief Giomi anticipates a flooding problem along the linear ditch. He described the linear ditch route from Carson Street by the NDOT yards, across Roop Street, by Governor’s Field, across Saliman Road and out into Lompa field. “That area will most certainly flood with any significant rain and that means that those folks along there will have problems.” Chief Giomi advised that other problematic areas are north out of Goni Canyon and the west side, Ash Canyon, Kings Canyon, Clear Creek “by the mobile home park down through the Colony, and then the west side of Carson where we run into problems with our drain inlets which get clogged ... from the storms.” Chief Giomi advised that “those typical sorts of urban flooding will be addressed as quickly as we can.” He further advised of potential problems along Nye Lane in the northern portion of town.

In response to a question, Chief Giomi was uncertain as to the “full ability to be able guarantee that we can deliver sandbags to people.” Sheriff Furlong directed anyone experiencing high water to call non-emergency dispatch at 887-2010. He further directed anyone experiencing an emergency to call 911. Chief Giomi cautioned that 911 “should be saved for a true, imminent emergency; something that’s happening right now or is on the verge of happening.” He advised that emergency management personnel will do their “level best to get out and help folks.” He clarified the requirement to prioritize “based on what we see.” In response to a further question, Chief Giomi advised that the filled sandbags “go pretty quickly,” and that people should plan to “come out and fill their own.” In response to a further question, Chief Giomi advised that, based on his discussion with National Weather Service representatives, he does not anticipate enough snow to require school closures. Mayor Crowell commented “forewarned is forearmed,” and expressed appreciation for Chief Giomi’s report. He requested Sandy Hoover, of the *Nevada Appeal*, to see that the information is published.

26. ACTION ON APPROVAL OF MINUTES - September 16, 2010 (2:44:13) - Member Aldean moved to approve the minutes, as presented. Member Walt seconded the motion. Motion carried 5-0.

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 19

DRAFT

27. HEALTH AND HUMAN SERVICES DEPARTMENT

27(A) DIRECTOR'S REPORT REGARDING CARSON CITY HEALTH AND HUMAN SERVICES ("CCHHS") ACTIVITIES (2:44:33) - Vice Chairperson Crowell introduced this item. Health and Human Services Department Director Marena Works reviewed her Director's Report, a copy of which was provided for the record. Vice Chairperson Crowell thanked Ms. Works and commended her report.

27(B) REPORT ON COMMUNITY HEALTH ACTIVITIES FOR HIV PREVENTION AND RYAN WHITE CASE MANAGEMENT ACTIVITIES (2:51:44) - Vice Chairperson Crowell introduced this item. Health and Human Services Department Senior Public Health Nurse Roni Galas introduced herself for the record, provided a brief overview of her public health service experience, and advised of having recently accepted the position of Carson City Clinic Manager, including oversight of the HIV Prevention and Ryan White Programs. Ms. Galas introduced HIV Prevention and Ryan White Programs Case Coordinator Elaine Bergenheier, and provided background information on her experience with the Health and Human Services Department. Ms. Galas advised that Ms. Bergenheier built both programs "from the ground up." In response to a question, Ms. Galas provided an explanation of the Ryan White Program, a federally-funded program to provide coordinated services for HIV-positive individuals.

(2:53:32) Health and Human Services Department Service Coordinator Elaine Bergenheier provided background information on the Ryan White Care Act and associated federal funding. She described the Ryan White Care Act as "very complicated [with] many parts." She advised that Carson City receives Part B, "which is basically specific services ...", i.e. support group and case management services. She described the support group, started a little over two years ago, available case management services, and the prevention program. She reviewed statistical information on HIV rapid tests available at the clinic. In response to a question, she advised that, as of December 2008, the State of Nevada had 6,500 cases of HIV and AIDS. "We don't know exactly what sort of numbers we have in Carson City and the rural areas." Ms. Bergenheier acknowledged the clinic has conducted an average of 90 HIV tests a month. Member Aldean expressed understanding for confidentiality requirements, but suggested that a public health organization needs access to statistical information relative to HIV and AIDS. Ms. Bergenheier advised that Disease Control Coordinator Dustin Boothe has access to the statistics. She reviewed her role as "support services and not direct care. Our first line is to get them into direct care ..." She responded to additional questions of clarification relative to HIV testing.

Vice Chairperson Crowell entertained public comment. (3:05:18) Deni French expressed confusion over the issue of confidentiality relative to the number of individuals with HIV and AIDS in Carson City.

27(C) PRESENTATION OF THE YEAR'S PUBLIC HEALTH PREPAREDNESS ("PHP") ACTIVITIES DURING THE CURRENT INFLUENZA SEASON (3:05:55) - Vice Chairperson Crowell introduced this item, and Public Health Preparedness Program Manager Angela Barosso narrated a PowerPoint presentation, copies of which were distributed to the board members and staff. Vice Chairperson Crowell entertained public comment; however, none was forthcoming. Ms. Barosso and Ms. Works responded to questions regarding vaccination statistics. Vice Chairperson Crowell thanked Ms. Barosso for her presentation.

27(D) DISCUSSION AND ACTION TO CREATE AND ADOPT A MISSION STATEMENT FOR THE BOARD OF HEALTH (3:15:57) - Vice Chairperson Crowell introduced this item. Special Projects Coordinator Linda Ritter provided background information, reviewed the agenda report, and read the proposed mission statement into the record. Member McKenna noted that the word "providing" had

CARSON CITY BOARD OF SUPERVISORS

Minutes of the December 16, 2010 Meeting

Page 20

DRAFT

not been included in the mission statement. Ms. Ritter advised of having discussed including the provision of health-related services; however, there was concern relative to whether the Board of Health is responsible for providing health services. Discussion followed.

Vice Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Walt moved to accept the determined mission statement: “To protect and enhance the public health and welfare by evaluating the health needs of the community, promoting health awareness, and assessing the availability of health-related services to those in need.” Member Aldean seconded the motion. Motion carried 5-0.** Vice Chairperson Crowell thanked all those involved in drafting the mission statement.

27(E) DISCUSSION AND ACTION TO REVIEW AND REVISE THE DRAFT FOR THE BOARD OF HEALTH BYLAWS (3:19:44) - Vice Chairperson Crowell introduced this item, and Ms. Works reviewed the agenda materials. Discussion ensued relative to suggested revisions to the draft bylaws. Vice Chairperson Crowell entertained public comment; however, none was forthcoming. He suggested additional revisions to the draft bylaws included in the agenda materials, and entertained a motion. **Member Aldean moved to revise the draft Board of Health Bylaws, consistent with the comments on the record,** which she offered to provide to Ms. Works. **Member Walt seconded the motion. Motion carried 5-0.** Vice Chairperson Crowell thanked the District Attorney’s Office staff and Ms. Works for developing the draft bylaws.

27(F) DISCUSSION AND ACTION TO SCHEDULE FUTURE BOARD OF HEALTH MEETINGS FOR 2011 (3:26:36) - Vice Chairperson Crowell introduced this item. Following a brief discussion, consensus of the board members and staff was to continue the quarterly meeting schedule into 2011 with additional meetings, as necessary. Vice Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Walt moved to schedule Board of Health meetings once a quarter, in conjunction with Board of Supervisors meetings scheduled for March 17, 2011, June 16, 2011, September 15, 2011, and December 15, 2011, and additional meetings, as necessary and as called by the Carson City Health Officer. Member McKenna seconded the motion. Motion carried 5-0.**

28. ACTION TO ADJOURN BOARD OF HEALTH (3:29:50) - Member Walt complimented Ms. Works and her staff “on a job well done.” She expressed appreciation for the extensive outreach conducted by the Health and Human Services Department to this community and to the outlying areas. Vice Chairperson Crowell wished everyone a happy, safe, and healthy holiday season, and adjourned the meeting at 3:31 p.m.

The Minutes of the December 16, 2010 Carson City Board of Supervisors meeting are so approved this _____ day of January, 2011.

ATTEST:

ROBERT L. CROWELL, Mayor

ALAN GLOVER, Clerk - Recorder