

CARSON CITY BOARD OF SUPERVISORS

Minutes of the January 17, 2013 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, January 17, 2013 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Karen Abowd, Ward 1
Supervisor Brad Bonkowski, Ward 2
Supervisor John McKenna, Ward 3
Supervisor Jim Shirk, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Neil Rombardo, 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

(8:31:14) - Mayor Crowell called the meeting to order at 8:31 a.m. Mr. Glover called the roll; a quorum was present. First Baptist Church Pastor Bob Chambers provided the invocation. At Mayor Crowell's request, Gianna Shirk led the pledge of allegiance.

5. PUBLIC COMMENTS AND DISCUSSION (8:33:46) - Mayor Crowell entertained public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - December 20, 2012 (8:34:20) - Mayor Crowell welcomed Supervisors Bonkowski and Shirk. He entertained suggested revisions to the minutes and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve the minutes, as presented. Supervisor McKenna seconded the motion. Motion carried 5-0.**

7. POSSIBLE ACTION TO ADOPT THE AGENDA (8:35:04) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, a motion to adopt the agenda, as published.. **Supervisor McKenna so moved. Supervisor Abowd seconded the motion. Motion carried 5-0.** (11:23:25) Mayor Crowell modified the agenda to address item 15(B) prior to item 15(A).

8. SPECIAL PRESENTATIONS OF LENGTH OF SERVICE AWARDS FOR CITY EMPLOYEES (8:35:29) - Mayor Crowell stepped from the dais to the podium, and invited Donna Milton join him. He presented Ms. Milton with a Longevity Award, commemorating her 15 years of service to the City in the position of Public Safety Communications Supervisor. The Board members, City staff, and citizens present applauded. Mayor Crowell invited Street Technician Mark Pouard to the podium, and presented him a Longevity Award, commemorating his five years of service to the community. He commended Mr. Pouard on a job well done. The Board members, City staff, and citizens present applauded. Mayor Crowell invited Juvenile Probation Officer Efren Mendoza to the podium, and presented him a Longevity Award, commemorating his five years of service to the community. The Board members, City staff, and citizens present applauded. Mayor Crowell returned to the dais.

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9. CONSENT AGENDA (8:38:08) - Mayor Crowell entertained requests to hear items separate from the consent agenda and, when none were forthcoming, a motion. Supervisor Abowd moved to approve the consent agenda, consisting of one item from the Assessor's Office; one item from Finance; two items from Purchasing and Contracts; three items from Fire, Resolution No. for item 9-4(A) is 2013-R-2; two items from the City Manager's Office; and one item from Parks and Recreation, Open Space. Supervisor McKenna seconded the motion. Motion carried 5-0. Mayor Crowell thanked Jesse Singh and Peter Barton for their service to the community, as members of the Carson City Convention and Visitors Bureau Board and the Cultural Commission, respectively.

9-1. ASSESSOR - POSSIBLE ACTION TO NOMINATE AND APPOINT MEMBERS OF 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. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH JANUARY 8, 2013, PURSUANT TO NRS 251.030 AND NRS 354.290

9-3. PURCHASING AND CONTRACTS

9-3(A) POSSIBLE ACTION TO ACCEPT THE QUARTERLY SUMMARY REPORT OF ALL ACTIVE GRANTS MADE TO CARSON CITY, AS WELL AS A LISTING OF ALL PENDING GRANTS

9-3(B) POSSIBLE ACTION TO AUTHORIZE STAFF TO SIGN AN INTERLOCAL AGREEMENT BETWEEN THE CARSON CITY PARKS AND RECREATION DEPARTMENT AND THE BOARD OF REGENTS, NEVADA SYSTEM OF HIGHER EDUCATION, ON BEHALF OF WESTERN NEVADA COLLEGE, FOR THE USE OF FACILITY SPACE AT THE COMMUNITY CENTER AND OTHER CITY-OWNED SPACE(S), AS DETERMINED BY THE PARTIES

9-4. FIRE DEPARTMENT

9-4(A) POSSIBLE ACTION TO ADOPT A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS ACCEPTING A FEE SCHEDULE FOR USE IN BILLING FOR FIRE DEPARTMENT SERVICES

9-4(B) POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT, BETWEEN THE CARSON CITY FIRE DEPARTMENT AND TAHOE DOUGLAS FIRE PROTECTION DISTRICT

9-4(C) POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT TO PROVIDE WHEELCHAIR VAN SERVICES, BETWEEN CARSON TAHOE REGIONAL HEALTH CARE, A NEVADA NON-PROFIT CORPORATION, AND CARSON CITY FIRE DEPARTMENT

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9-5. CITY MANAGER

9-5(A) POSSIBLE ACTION TO APPOINT JESSE SINGH AS THE REPRESENTATIVE TO THE CARSON CITY CONVENTION AND VISITORS BUREAU, AND PETER BARTON, AS THE REPRESENTATIVE OF THE NEVADA DEPARTMENT OF TOURISM AND CULTURAL AFFAIRS, ON THE CARSON CITY CULTURAL COMMISSION, EACH FOR A THREE-YEAR TERM THAT EXPIRES IN JANUARY 2016

9-5(B) POSSIBLE ACTION TO RATIFY THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER FOR THE PERIOD OF DECEMBER 11, 2012 THROUGH JANUARY 7, 2013

9-6. PARKS AND RECREATION DEPARTMENT, OPEN SPACE PROGRAM - POSSIBLE ACTION TO FOLLOW THE RECOMMENDATION OF THE OPEN SPACE ADVISORY COMMITTEE TO ADOPT THEIR MISSION AND VISION STATEMENTS

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

10. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:39:44) - None.

11. FIRE DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS DISSOLVING THE SIERRA FOREST FIRE PROTECTION DISTRICT IN CARSON CITY (8:39:49) - Mayor Crowell introduced this item, and Fire Chief Stacey Giomi welcomed Supervisors Bonkowski and Shirk. Chief Giomi provided background information on this item, and reviewed the agenda materials. At Supervisor Abowd's request, Chief Giomi agreed to provide a summary report on all past and ongoing projects. In response to a question, he advised that property tax rates, within the fire protection district, will be reduced by ten cents. In response to a further question, he advised that equipment was titled to the City upon execution of the interlocal agreement entered into in April 2012. He further advised that the State Forester is developing a participatory agreement to provide local governments access to aircraft, hand crews, and the State emergency fund to pay for fires anywhere within Carson City. A flat fee would be required.

Mr. Werner clarified that although the property tax rates, within the fire protection district will decrease, property tax payments may not decrease. Mayor Crowell entertained additional questions of Chief Giomi and public comments. When no public comments were forthcoming, he entertained a motion. **Supervisor McKenna moved to adopt Resolution 2013-R-3, a resolution of the Carson City Board of Supervisors dissolving the Sierra Forest Fire Protection District in Carson City. Supervisor Bonkowski seconded the motion. Motion carried 5-0.**

12. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION

12(A) POSSIBLE ACTION TO ADOPT BILL NO. 101, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, BY AMENDING SECTION 4.4, ADMINISTRATION, 4.4.7, EXEMPTIONS, TO MODIFY THE TIME LIMITS AND PLACEMENT REGULATIONS FOR TEMPORARY ON-SITE ADVERTISING DEVICES, AND OTHER MATTERS PROPERLY RELATED THERETO (ZCA-12-140) (8:46:50) - Mayor Crowell

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introduced this item, and Mr. Plemel reviewed the agenda materials. He advised of having received no comments since introduce, on first reading. He responded to various questions of clarification regarding enforcement. He acknowledged that, pursuant to direction from the January 3rd meeting, staff will agendize a report relative to enforcement issues in one year. Mr. Werner advised that a code enforcement officer has been reassigned from Animal Services to the Planning and Zoning Division.

Mayor Crowell entertained public comments and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to adopt Bill No. 101, on second reading, Ordinance No. 2013-6, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, by amending Section 4.4, Administration, 4.4.7, Exemptions, to modify the time limits and placement regulations for temporary on-site advertising devices, and other matters properly related thereto. Supervisor McKenna seconded the motion. Motion carried 5-0.**

12(B) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT, BETWEEN CARSON CITY AND CNM FAMILY, LLC, REGARDING THE DEVELOPMENT OF A COMMERCIAL SUBDIVISION KNOWN AS ARROWHEAD BUSINESS PARK, LOCATED ON RYAN WAY, ASSESSOR'S PARCEL NUMBERS 005-072-05 AND -06, TO EXTEND THE APPROVAL OF THE TENTATIVE SUBDIVISION MAP, AND OTHER MATTERS PROPERLY RELATED THERETO (8:58:40) -

Mayor Crowell introduced this item, and Mr. Plemel reviewed the agenda materials. In response to a question, he advised of a previously-granted administrative extension. In response to a comment, he advised of no change in the land use or zoning designations which would present a reason not to extend the approval. He expressed a willingness to provide a list of all the tentative subdivision maps. In reference to the City's 2006 comprehensive master plan and the drastic change in the economy, beginning in 2008, Supervisor McKenna suggested that some of the master plan elements may now be invalid.

At Supervisor Bonkowski's request, Mark Rotter, of Manhard Consulting, approached the podium. In response to a question, Mr. Rotter advised that the developer has marketed potential tenants "but [hasn't] had any success." Mr. Rotter explained that the property has an industrial zoning designation and described the development as "an industrial-type product. ... The intent is to have some flexibility to be able to put one building, two buildings depending on what that use might need to be." Supervisor Bonkowski advised that the product "is in great need ... due to our lack of inventory." He inquired as to whether the developer has conducted a financial analysis to determine whether the project can be commenced sooner. Mr. Rotter acknowledged the necessity to develop the project "at a price point that buyers would buy it ..." He was uncertain as to the price point, but advised the developers are interested in moving forward.

In response to a question, Mr. Plemel described the provisions of the development agreement as "boilerplate." He explained that issuance of the building permit is usually interpreted as "commencement of construction."

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to introduce, on first reading, Bill No. 102, an ordinance approving a development agreement between Carson City and CNM Family, LLC, regarding the development of a commercial subdivision, known as "Arrowhead Business Park," located on Ryan Way, APN 005-072-05 and -06 to extend the approval of the tentative subdivision map, and other matters properly related thereto. Supervisor Bonkowski seconded the motion. Motion carried 5-0.**

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13. PARKS AND RECREATION DEPARTMENT

13(A) PUBLIC HEARING: FOR POSSIBLE ACTION TO DETERMINE THE FAIR MARKET VALUE OF A PROPOSED LEASE OF APPROXIMATELY 625 SQUARE FEET TO ACCOMMODATE THE CONSTRUCTION OF AN ARRAY OF CELLULAR TELEPHONE ANTENNAS AT THE TOPOGRAPHICAL RIDGE ON LONE MOUNTAIN, A PORTION OF APN 002-102-81, IS \$1,500 PER MONTH, AS PER THE FINDINGS OF A PUBLIC HEARING BEING HELD ON JANUARY 17, 2013; and 13(B) FOR POSSIBLE ACTION TO ADOPT A RESOLUTION FINDING THAT IT IS IN THE BEST INTERESTS OF THE PUBLIC TO LEASE APPROXIMATELY 625 SQUARE FEET OF CITY PROPERTY, LOCATED AT LONE MOUNTAIN, TO CINGULAR WIRELESS, PCS, LLC, FOR THE CONSTRUCTION OF A COMMUNICATION ANTENNA, AND ACTION TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEE TO EXECUTE THE DOCUMENTS NECESSARY FOR LEASING THE PROPERTY (9:08:07) - Mayor Crowell introduced this item, and Open Space Property Manager Juan Guzman requested to present the subject item and item 13(B) together. Mayor Crowell consented and opened the public hearing. Mr. Guzman introduced AT&T representative Buzz Linn, Appraiser Robert Schiffmacher, and Planning Division Director Lee Plemel. Mr. Guzman reviewed the agenda materials in conjunction with a displayed map.

In response to a question, Mr. Guzman advised that the Planning Commission approved the special use permit in 2011, subject to 18 conditions, most of which were administrative in nature. He reviewed the public noticing process, which included 300 letters being mailed to adjacent property owners, with no opposition. He explained the special use permit requirement, and provided background information with regard to the same. In response to a question, he provided background information selection of the proposed location. He advised there are no provisions for landscaping, but explained that staff “talked to the applicant very extensively about siting their facilities in such a way that the disturbance of the rock will be minimal.” He reviewed the special use permit condition of approval requiring removal of the facility in the event AT&T no longer needs it. He clarified that the platform foundation will be left one foot underground. In consideration of taxable value, he advised that the facility would be designated as personal property.

Supervisor Bonkowski thanked Mr. Guzman and Parks and Recreation Department Director Roger Moellendorf for addressing his questions prior to the start of the meeting. In response to a question, Mr. Guzman advised that a specific plan was approved as part of the special use permit and that adherence to said plan is required. Supervisor Bonkowski pointed out discrepancies between the lease documents and the special use permit relative to the named lessee. Mr. Guzman explained the recent merger between AT&T and Cingular Wireless, and advised that a document will be added to the lease.

(5:19:53) Mr. Schiffmacher introduced himself for the record and, in response to a previous question, advised that he was unaware of a similar lease with the Carson City School District. At Supervisor McKenna’s request, he provided background information on development of the comparables used for the appraisal. He provided background information on and reviewed the escalation clauses in the lease document. Supervisor McKenna expressed agreement with the appraisal and, in response to a question, Mr. Schiffmacher advised that profit sharing was not part of the leases he reviewed in preparation of the appraisal.

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In response to a question, Mr. Guzman advised that the City will most likely reap the benefits of AT&T extending power and creating access to the site, which will provide the capacity to generate more revenue in the future. In response to a further question, he explained that AT&T would likely enforce the requirement for compatible frequencies. The City is required to notify AT&T of new tenants, and to conduct appropriate investigations into compatibility. In response to a question, Mr. Schiffmacher advised that the intent of both appraisals was to establish market rent, and he provided background information with regard to the same.

(9:45:27) Mayor Crowell invited AT&T representative Buzz Linn to the podium. Mr. Linn welcomed the new supervisors. In response to a previous question, Mr. Linn advised that AT&T does not engage in revenue sharing transactions. In response to a question, he advised of no concern with power line emissions. In reference to earlier discussion, he explained that all wireless service providers are licensed by the Federal Communications Commission, which does not allow or provide for any overlap between frequencies. "Interference is largely an issue of the past, but we've been burned by it enough times in previous years and decades that we still include those provisions in parts of the lease. But, as long as the frequencies are licensed, and every cellular carrier is licensed, we do not have interference problems. There are caveats for that," which he detailed. In response to a further question, he advised of the possibility to add an array to the platform strictly for AT&T's use. In response to a further question, he discussed lease provisions which allow for emergency repair. In response to a further question, he discussed benefits to the community, including emergency response, coverage enhancement, trail enhancement, improved access. In response to a further question, he was uncertain as to the reason AT&T does not participate in revenue sharing. Supervisor McKenna requested the City Manager to check into the possibility of revenue sharing. In response to a comment, Mr. Werner advised that AT&T pays the City a franchise fee. He explained that ground leases with other communications / media providers are accomplished in the same way as the subject proposed lease. "We do that separate from the franchise fees that we collect. We collect that irregardless of whether we have sites or not."

In response to a question, Mr. Linn advised that other wireless providers are usually made aware of the availability of the facility via word of mouth. Mr. Guzman provided additional clarification. Supervisor Bonkowski noted a clerical correction relative to the available area. Mr. Guzman responded to additional questions of clarification relative to billing procedures. Mayor Crowell entertained additional questions or comments of the Board members; however, none were forthcoming.

Mayor Crowell entertained public comment; however, none was forthcoming. He closed the public hearing, and entertained a motion. **Supervisor McKenna moved to determine the fair market value of the proposed lease of approximately 625 square feet to accommodate the construction of an array of cellular telephone antennas at the topographical ridge on Lone Mountain, a portion of APN 002-102-81, is \$1,500 per month, as per the findings of a public hearing held on January 17, 2013. Supervisor Abowd seconded the motion. Motion carried 5-0.**

Mayor Crowell introduced item 13(B), and Mr. Guzman reviewed the agenda materials. In response to a question, Mr. Linn explained the purpose for the proposed site. In response to a further question, he advised of no encryption danger.

Mayor Crowell entertained public comment and, when none was forthcoming, additional questions or comments of the Board members. In response to a question, Mr. Guzman suggested entrusting staff with

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the responsibility to incorporate the revisions suggested to the lease documents. Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to adopt Resolution No. 2013-R-4, finding that it is in the best interests of the public to lease approximately 625 square feet of City property, located at Lone Mountain to Cingular Wireless, PCS, LLC, for the construction of a communication antenna. Supervisor McKenna seconded the motion. Motion carried 5-0.**

Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to authorize the City Manager or his designee to execute documents necessary for leasing the property with the administrative changes, as discussed on the record. Supervisor McKenna seconded the motion.** Mr. Werner acknowledged sufficient direction. **Supervisor Bonkowski amended his motion to include clarification of the tenant, and the size of the building envelope. Supervisor McKenna continued his second. Motion carried 5-0.** Mayor Crowell recessed the meeting at 10:15 a.m. and reconvened at 10:27 a.m.

14. CITY MANAGER - POSSIBLE ACTION ON PRESENTATION, DISCUSSION, ACCEPTANCE, AND POSSIBLE DIRECTION TO STAFF REGARDING IMPLEMENTATION OF ONE OR MORE PUBLIC DEFENDER COST AND UTILIZATION STUDY RECOMMENDATIONS PREPARED BY MOSS-ADAMS, LLP (10:27:15) - Mayor Crowell introduced this item. Audit Committee Chair Michael Bertrand provided background information and reviewed the agenda materials. He introduced Mark Steranka, of Moss-Adams, LLP, who welcomed the new supervisors and provided background information on this item. He narrated a PowerPoint presentation of the recommendations included in the agenda materials.

Mayor Crowell entertained public comment; however, none was forthcoming. He entertained Board member comments. Mr. Steranka acknowledged that “one capital case or appeal could potentially blow the annual savings out of the water.” He suggested exploring the frequency of such cases, and Mr. Rombardo advised of not having had a capital case for “decades. We don’t have one now and the same costs still exist ... no matter what model because capital cases are expensive.” In response to a question, Mr. Steranka advised that no analysis was done relative to the number of “death-penalty certified” attorneys. He responded to additional questions of clarification regarding the conflict attorney fee schedule, and various recommendations included in the final report. In response to a previous statement, Mr. Rombardo referenced *Polk County v. Dodson* and advised “there is no liability to a county for ineffective assistance of counsel. ... Ineffective assistance of counsel by a public defender does not create liability in the county.” Mr. Rombardo further advised that the District Attorney’s Office bills \$44 per hour. Discussion ensued with regard to the increase in costs and service hours, as reflected in the report.

Mayor Crowell entertained a motion. **Supervisor McKenna moved to receive the Public Defender Cost and Utilization Study, as recommended by the Carson City Audit Committee, and to direct staff to bring back an implementation plan based upon the recommendation that we renegotiate or try to renegotiate with the Nevada State Public Defender’s Office. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion. Supervisor McKenna discussed concerns with regard to sufficient salary for the District Attorney’s Office to attract and retain quality staff. He expressed a preference to have discussed this matter earlier in consideration of the time frames relative to the City’s contract with the Nevada State Public Defender’s Office. In response to a comment, Supervisor McKenna offered to amend his motion to eliminate the direction to negotiate. Discussion followed, and **Supervisor McKenna amended his motion to receive the Public Defender Cost and Utilization Study, as recommended by the Carson City Audit Committee. Supervisor Abowd continued her second.** Mayor Crowell

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entertained discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.** Mayor Crowell called again for public comment; however, none was forthcoming.

15. FINANCE DEPARTMENT

15(A) POSSIBLE ACTION ON PRESENTATION, DISCUSSION, ACCEPTANCE, AND POSSIBLE DIRECTION TO STAFF REGARDING IMPLEMENTATION OF ONE OR MORE COMMUNITY FACILITY COST RECOVERY ANALYSIS RECOMMENDATIONS PREPARED BY MOSS-ADAMS, LLP (2:03:48) - Mayor Crowell reconvened the meeting and introduced this item. Mr. Steranka narrated the PowerPoint presentation which was displayed in the meeting room and included in the agenda materials.

Mayor Crowell entertained public comment and, when none was forthcoming, entertained Board member comments or questions. Mr. Steranka acknowledged that some consideration had been given to renting the Community Center's kitchen for use by cottage industry. He further acknowledged the viable strategy, but advised of costs associated with upgrading the kitchen to commercial standards. Supervisor Abowd suggested utilizing the lobby for such things as art exhibits. Mr. Steranka acknowledged that a nonprofit organization managing and operating the facility would be able to apply for grants for which the City's general fund subsidy could, in turn, be used as match funding. In response to a question, he acknowledged that the practice of keeping time records of facility use has not been maintained in recent years.

In response to a question, Parks and Recreation Department Director Roger Moellendorf explained that the \$2 million in deferred maintenance "is basically an estimate based on the 20-year capital improvements program developed ... a couple years ago. And that is not all traditional park and recreation amenities and facilities. It also includes replacing ... fixing roofs on other City buildings ..." Mr. Moellendorf was uncertain as to the figure relative to parks and recreation facilities only. In response to a further question, Mr. Steranka described the 50 to 75 percent discounts for non-profit organizations as "very high." He acknowledged the Board's discretion in the matter, but advised "it would typically be in the twenty percent range in other municipalities." Mr. Moellendorf estimated 80 percent of the theater use is by non-profit organizations. He provided background information on Parks and Recreation Commission and Board of Supervisors deliberations over the years with regard to non-profit discounts. He expressed the opinion that the issue centers around the function of the theater. "... by default, what the Board has told staff in the past is that the highest priority is that this is a community theater; that is it available for non-profit organizations to conduct their performances, to keep the prices low so that they can afford to have their annual performances ... here because there's overall community good in promoting those type of non-profit activities." Mr. Moellendorf acknowledged the corresponding cost to the City's general fund. He estimated that, of the 80 percent, a large portion is by the School District which, through the joint use agreement, does not pay any fees. He pointed out that the City uses School District facilities without any fee for Latch Key and youth athletic programs. Supervisor Shirk commended Mr. Moellendorf's efficient operation of parks and recreation department facilities. In response to a question, Mr. Moellendorf advised that no evaluation of the corresponding use of facilities between the City and the School District has been done in recent years. He expressed the opinion that "the value is pretty close to being equal. ... we're in their facilities every night during the school year with the Latch Key Programs. We're in the facilities almost every night during the school year and even on the weekends with some of our youth programs ... And, then again, they use our facilities quite a bit for ... their theatrical performances ... and band concerts ... and, of course, the School Board uses this facility to conduct their meetings."

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In response to a question, Mr. Moellendorf advised that none of the operational findings, listed at page 11 of the audit report, have yet been implemented. In response to a further question, he discussed consideration given to the possibility of a non-profit organization to operate the Community Center theater. Mr. Steranka expressed the opinion that the Convention and Visitors Bureau would be “much better suited to help with marketing” the Community Center theater “than operating it ...” Supervisor Shirk expressed the opinion that the Convention and Visitors Bureau would be capable of operating the theater.

In response to a question, Mr. Steranka discussed the Board’s options relative to cost recovery. Mayor Crowell pointed out that the Board “should not expect an internal auditor to make policy ... or political decisions for us. And, to a degree, ... we have fallen into that trap because we have picked three areas ... rife with policy and political issues that deal with a myriad of things that have gone on in this community for a long period of time. ... it’s somewhat unfair to ask [Mr. Steranka] to weigh in on those ...” Mr. Steranka discussed the role of the internal auditor to “equip you with information to help support decisions, ... take an objective perspective to that, and ... make recommendations where we can ... Certainly, we’re going to fall short of making policy decisions for you. We may have opinions in some cases, but what you task us ... is very appropriate. We do it in lots of other municipalities, but that is the delineation. We, in essence, stop with giving you ideas in the form of recommendations. But, ultimately, we’re really just trying to equip you to make better decisions. And they are, to a large extent, policy decisions ...”

In reference to a discussion with Mr. Moellendorf, Supervisor Bonkowski inquired as to the process for utilizing Question #18 funding. In reference to the Quality of Life Initiative, Mr. Moellendorf advised that 20 percent of the sales tax revenue was to be allocated to maintenance of facilities funded with the other 40 percent under the parks and recreation capital projects. A significant capital investment into the theater would be in keeping with the ballot initiative; that a portion of the 20 percent collected for maintenance could be used for maintenance. Mr. Moellendorf suggested that since one of the purposes of the Community Center readerboard is to promote attention to events, “you could probably draw the logical extension that’s part of the Community Center and some of that money could be used toward maintenance of that facility.” He clarified that “in practicality, there’s not a whole lot of money left in that 20 percent ...” He acknowledged the likelihood that the City has lost revenue over the years due to the School District’s and other non-profit organizations’ use of the facility. Supervisor Abowd suggested considering a policy that non-profit discounts are on a sliding scale, based on non-prime versus prime days. Mr. Moellendorf acknowledged the validity of the concept, and agreed to consider it.

In response to a question, Mr. Moellendorf expressed the opinion that the advantage of imposing a fee increase on groups or individuals would be facility dependent. “We have very few individuals using the theater.” In response to a further question, Mr. Moellendorf described the aquatic facility fees as “a little bit inelastic.” He reviewed recent staff decreases at the aquatic facility due to budget constraints, and expressed the opinion that increasing aquatic facility fees would result in pressure by the users to extend previously reduced services. He suggested keeping the “very popular” Minden aquatic facility in mind “that’s set up more for a leisure-type of activity. People do drive from Carson City ... to Minden to use that facility. That facility is supported by a portion of a property tax and they’ve kind of set ... the base rate ... At the same time, we have a lot of people that travel up from Douglas County that want to use a pool such as ours ... toward fitness and competition.” Mr. Moellendorf reiterated the opinion that the aquatic facility fees are not “elastic enough ... to make ... changes, particularly in this economic environment ...” In response to a further question, he described the annual review of fees conducted by the Parks and Recreation Commission which, in turn, provides a recommendation to the Board. “After they approve, we

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don't really make any adjustments ..." Mr. Werner clarified that fees are charged as a flat rate. In response to a further question, Mr. Moellendorf advised that fees and charges are "constantly reviewed by staff. We have not, as [Mr. Steranka] mentioned, ... adjusted our fees in five or six years but, prior to that, it was ... every couple years we'd bring the fees forward for review and recommendation to the Board." In response to a further question, Mr. Moellendorf commended the internal auditor's recommendations in consideration of the terminology used to "consider" or "investigate." He described the report as a "very accurate, very fair assessment of our operations."

Mayor Crowell entertained additional comments of Mr. Steranka and, when none were forthcoming, a motion. **Supervisor Abowd moved to accept the community facility cost recovery analysis, prepared by Moss-Adams, and to direct staff to bring back and implementation plan, based on Board of Supervisors discussion and the recommendations in the report, for approval by the Board of Supervisors at a later date. Supervisor Bonkowski seconded the motion. Motion carried 5-0.** Mayor Crowell thanked Mr. Steranka.

15(B) POSSIBLE ACTION ON PRESENTATION, DISCUSSION, ACCEPTANCE, AND POSSIBLE DIRECTION TO STAFF REGARDING IMPLEMENTATION OF ONE OR MORE EAGLE VALLEY GOLF COURSE COST RECOVERY STUDY RECOMMENDATIONS PREPARED BY MOSS-ADAMS, LLP (11:23:34) - Mayor Crowell introduced this item, and Mr. Steranka narrated a Power Point presentation of the recommendations which were included in the agenda materials.

Mayor Crowell entertained public comment. (11:37:01) Attorney Norman Azevedo, representing the Silver Oak Golf Course, expressed support for Finding 4, "CCMGC is unable to meet the terms of the facility lease." "There is a default under the lease agreement. From a lawyer's perspective, that's a significant conclusion. And, from that, he makes a recommendation: that the lease should be terminated and ... that it be either put out to bid or renegotiate with the existing company." Mr. Azevedo expressed support for submitting the lease to the bid process "because that would give this body the opportunity to see what type of demand there is for that particular operation." He noted that "Silver Oak's been in business for a long time and Mr. Richards ... has been here in town for a very long time, has paid all of his obligations, since 1962, in a timely fashion." Mr. Azevedo reviewed the *ad valorem* property taxes paid by Silver Oak Golf Course "and golf courses, under Chapter 361, are taxable different than anything else, but that's a significant amount of money for that course to contribute on an annual basis." He pointed out that the Eagle Valley Golf Course "contributes nothing. The other course in town has been assessed but our records indicate hasn't paid in the last four years." Mr. Azevedo described the Silver Oak Golf Course as "a good taxpayer and timely paying." He advised that the Silver Oak Golf Course filed a Petition for Review of Assessed Valuation with the Board of Equalization, and discussed the recent appraisal of the golf course. He requested the Board to consider the indirect cost, represented by the default on the lease agreement, reiterated support for the auditor's conclusions, and requested the Board to proceed forward with the options presented. In response to a previous statement, Mr. Steranka reviewed the recommendations, as outlined in the report. "... our recommendation is not specifically to terminate the lease."

(11:43:12) Dwight Millard, representing the Empire Ranch Golf Course, advised of having "struggled with this report ... under the fact of it was a cost recovery analysis. What that says to me is we're going to analyze how much we're getting as a recovery of our costs, of what we spent to create the box, how much is the box paying us. How is that cost recovery coming back?" In consideration of the lease default, he

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expressed an interest in “how much it costs the City in addition to the lack of revenue. There’s property tax, ... sales tax, ... water and sewer use fees ... There are also supplies that sometimes go back and forth between Parks and Rec and then there’s a \$70,000 line item in wastewater treatment plant’s budget to help facilitate wastewater at the Eagle Valley Golf Course. ... it appears ... that perhaps it’s costing somewhere between \$250,000 to \$500,000 a year ... in addition to ... the lost revenue from the lease.” He noted building, parking lot, and infrastructure maintenance as additional costs. In reference to income figures presented in the report, he noted an error in that “they didn’t divide that by two.” He suggested “assess[ing] part of the nut that needs to be paid back to wastewater treatment ... because that’s a benefit to the City and that would go to wastewater users.” He expressed understanding for the controversial nature of the suggestion, but reiterated “it’s a solution.” He questioned a figure representing “management, fund raising, and general expenses,” and suggested the Board investigate further.

(11:49:58) In reference to previous public testimony Mark Turner, representing Silver Oak Golf Course, suggested that “everyone can agree that something is going to have to be done ...” He noted a point of the audit “that we have a ... gross oversupply of golf in this community. It’s unsustainable.” He suggested that reducing that supply to the demand will raise the question, “What’s going to break?” In consideration of the decline in the demand for golf, he suggested the City should consider “getting out of the golf business and letting the private operators provide that service.” He requested the Board to seriously consider an alternative use for the Eagle Valley Golf Courses because they “are no longer necessary.” In response to a question, he discussed accessibility at the Silver Oak Golf Course. He suggested that the Board consider “the message that this sends to other businesses who may want to come to Carson City when, in a *de facto* way, Carson City is directly competing with private industry here.”

(11:56:04) Jim Kepler, representing the Eagle Valley Golf Course, advised of an intent to work with City staff and reviewed changes to be implemented to golf course operations. He further reviewed historic and statistical information relative to the golf course. In response to a question, he reviewed the revenue generated from the east and west courses. In response to a question, Mr. Werner advised that the City’s IT Department has the available technology to assist the Eagle Valley Golf Course with marketing. He is working with Parks and Recreation Department Director Roger Moellendorf and Mr. Kepler to determine marketing content. Supervisor Abowd advised that the new CCCVB Executive Director’s job description will include marketing all City facilities, including the golf course. In response to a question, Mr. Kepler expressed no objection to having a City representative appointed to the Carson City Municipal Golf Corporation Board. He noted that Finance Department Director Nick Providenti attends all the meetings. In response to a further question, he expressed a preference to renegotiate the lease. In response to a further question, he expressed the opinion that “if 80 percent of the golf courses were built like the east course, in the United States, golf would be up 50 percent.” He described amenities of the west course. He responded to various questions relative to historic information on the golf course. In response to a further question, he provided background information on the golf course payroll, and on his salary in particular. In response to a question, Mr. Steranka advised that payroll information would not make a difference to the findings or recommendations presented in the report. Mr. Kepler responded to additional questions regarding the golf course marketing plan, existing staff, and golf course operations.

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional Board member questions or comments. Mr. Steranka and Mr. Providenti responded to questions of clarification regarding lease payments to date, marketing, operations and maintenance, and oversight. In response to a further question, Mr. Steranka advised that the Board’s acceptance of the subject report “doesn’t obligate

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you to do anything ... All of that is up to your discretion. Basically, this is advisory to you.” He briefly re-reviewed the recommendations contained in the report.

Mayor Crowell entertained additional Board member questions or comments and called again for public comments. When no further questions or comments were forthcoming, he entertained a motion. **Supervisor McKenna moved to accept the Eagle Valley Golf Course Cost Recovery Study prepared by Moss-Adams. Supervisor Bonkowski seconded the motion.** Supervisor McKenna expressed the opinion that “this issue is much more complicated than Eagle Valley Golf Course. Sewer plant, State environmental people fining us if we don’t do it right. This is not a simple issue of somebody not paying a lease if you want to get into what to use the land for.” Supervisor McKenna advised of having heard of plans “to make the east course a regional park, ... to move the sewer plant. This is not a simple issue. This is a report on one small factor in a major issue for Carson City.” He expressed reluctance to going “too far down the road on this thing.” Discussion took place regarding the intent of the motion. Supervisor Abowd expressed the opinion that renegotiating the lease is vital. In response to a question, Supervisor McKenna advised of a preference to submit the lease to the bid process as soon as possible or to close Eagle Valley East. He expressed confidence that Mr. Werner is dealing with the problem. Supervisor Shirk expressed concern with regard to defining a direction. Mr. Werner suggested renegotiating a lease “that gives us time to ... look at some of the other things ... before us.” Supervisor Bonkowski advised of having approached the subject item as a business person, and delineated the facts as presented. He expressed the opinion that the lease should be formally declared to be in default “which is not the same thing as terminating the lease. It gives us the ability to look at alternatives moving forward, if we want to terminate the lease or put it out to additional bids.” He advised of the intent to vote in favor of accepting the report “and then we can come back to how we want to direct staff to deal with those recommendations and what items we’d like to see brought back here to the Board.” Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

Mayor Crowell entertained discussion with regard to staff direction. Supervisor Bonkowski expressed a preference to request staff to return to the Board with a prioritization list, based on the recommendations outlined in the study. Mayor Crowell suggested requesting staff to return to the Board with renegotiated lease terms “and if it doesn’t produce something that we feel comfortable with, that we follow [Supervisor Bonkowski’s] comment that the market is the best place to determine what lease terms should be.” Mayor Crowell expressed concern about leaving people “in limbo about what they’re doing on all sides ...” He expressed sensitivity to the internal auditor’s recommendations relative to terminating the lease, and expressed support for moving forward “without the termination ...” Supervisor Abowd suggested imposing a time limit of thirty days. Supervisor McKenna suggested agendaing an item for the Board’s decision at the next meeting “so everybody is noticed that next meeting we are going to take action on the golf course ...” He expressed no objection to renegotiating the lease, but noted the option “limits closing [the golf course], ... putting it out for bid, ... all types of things. ... we know we have to do something. We know it’s not going to go away.” Supervisor McKenna expressed a preference to “have a final discussion on the fate of Eagle Valley Golf Course consistent with the needs of our wastewater treatment plant.”

In consideration of the recommendations, Mr. Steranka suggested prioritizing them, as follows: “... that the City and the Golf Corporation would develop an operating budget for the facility that should, ideally, get them in a position to be able to meet their current lease terms. ... If they’re not able to come to an agreeable operating budget that would meet those requirements, then you either renegotiate the lease or you terminate it. And so, perhaps, maybe you would give them thirty days or to your next meeting ... to

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hammer out an operating budget that either gets you in compliance or not. And, the whole purpose of our report was, in essence, to see ... if those two things can align. Can the golf course corporation meet their obligations and, based on our findings, we think with the right actions on their part and the City's part, in helping, they could get there. And that operating budget should be the tool by which you can determine that. That gives you a position to make a decision on, your motion could be: 'hammer out an operating budget that meets the obligations of the lease, or renegotiate or terminate the lease and do that in the next thirty days.' ... Everything else really cascades from that because those are things that support those actions depending on which way it goes." Mayor Crowell expressed agreement with Mr. Steranka's recommendation.

Supervisor Shirk expressed a preference to submit the lease agreement to the bid process at the same time as staff is working with the golf corporation to develop an operating budget. "... in thirty days, if we don't come to terms with them, we're right back to where we started." Mayor Crowell expressed uncertainty as to "how we'd do all that in thirty days." He suggested directing staff to develop an operating budget with golf corporation representatives and present it to the Board in thirty days "with the understanding that if an operating budget is not acceptable or it does not pass our muster ..., the next step will be default or termination and sending it out ..." Finance Department Director Nick Providenti expressed the belief that an operating budget can be developed. "The problem is ... we're not going to know how much money they're going to have in thirty days. ... It's going to take a year to figure out whether or not they can actually ... make good on that operating budget." Mayor Crowell acknowledged that "the numbers can change," and suggested "prepar[ing] an acceptable operating budget that, based upon an estimate, will ... keep the lease current ... But, if we can't agree to an operating budget which has everything in it, ... within thirty days, we want it [agendized] and then we'll make a decision as to whether or not this lease should be terminated." Discussion followed. In response to a question, Mr. Steranka agreed with the Board's direction. He suggested "based on the current lease and the current commitment, right now you're at a \$60,000 difference." He suggested there is surely "a way to come up with an operating plan that is going to bridge that \$60,000 difference." He acknowledged the simple approach and the unknowns, and reiterated "that's the most prudent first step. See if you can get to where they are meeting their obligation and ... that's your starting point. Regardless of what direction you took, that's what you need to do anyway with whomever it is. So, why not take that first step?"

Mr. Rombardo acknowledged that the Board can formally declare the lease to be in default without taking further action. Supervisor Bonkowski suggested a larger problem than whether an operating budget can be developed. "... that is ... the lease stream from the golf course is not making the payments, the sinking fund is going to be depleted, and those funds are going to come out of the general fund which is going to affect our general fund balance which we have not accounted for." Supervisor Bonkowski expressed agreement with Supervisor McKenna's comments that "we need to be looking at all alternatives here and not just fixing the operation of the golf course. At the same time, we need to come up with a comprehensive master plan that determines whether it should be closed, whether there should be another operator, whether it should be an alternative use. We need to do all those things at the same time." Mr. Werner advised whether or not to close the golf course will not be known for approximately a year "because it'll take us that long to sort out what it would do if that course wasn't there." He expressed concern over the discussion "because if these folks get up and walk away, we're going to be looking at ... a half million dollar impact to the general fund tomorrow. ... that course cannot be closed. It has to be operated. It may not be operated as a golf course, but it cannot be that you close the gate and walk away. If they walk, we accept it as a liability and it's ours and we'll have [Mr. Moellendorf's] crew out there

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starting right away. So that, in itself, is going to take some time to analyze as to can we get rid of that golf course with the wastewater complication that we have on that. That's not a thirty-day decision because that, in itself, could take over a two-year implementation program and a couple million dollars. The least amount we've been able to identify to take that effluent off that course and put it someplace else is about a \$2 million hit and that's going to be to the sewer fund. So if you're looking for a revenue stream, charge the \$200,000 to the sewer fund and call it good. That's cheaper than taking the effluent off of it and putting it someplace else. So, there's a lot of alternatives out there that won't be resolved in thirty days or six months." Mr. Werner expressed the opinion that the most prudent approach is "get this in compliance ... and meeting the terms of the lease and getting us a revenue stream. If we have problems with the revenue stream, it doesn't have to be the general fund. It could be the sewer fund. But for that sewer fund building that course, we wouldn't have it out there ..." He suggested considering the golf course as "a third part of the treatment of the wastewater effluent because we have no other alternatives. There is no other place to put that today." He suggested being "very careful about what we're actually asking for because we're in a box and the box is to try to make this as amicable and fair to everybody that we can, try to get the revenue stream where we can, but if, at the end of the day, it turns out they can't make it, that's going to be a whole other story but ... closing the golf course and walking away is not going to be an alternative you can do for two to three years." Supervisor Bonkowski clarified his intent to "examine every opportunity on the table so that we have a comprehensive picture of a long-term goal for the golf course." Mr. Werner agreed and advised "we are doing that now, but it's a long, drawn-out process."

In response to a question, Mr. Werner advised of having recommended taking "the money out of the sewer fund and call[ing] it good and just forgive the whole thing because that's, in reality, where we're at." He expressed agreement with the recommendation to work with the golf corporation to develop an operating budget. "We set aside a budget that shows us getting the payment and then, if there's an improvement out there that all of a sudden comes up that we need to come back and talk about, we've got a mechanism that we make that as a conscious decision, not as a *de facto* default that we end up giving up our portion on." Mr. Werner recommended renegotiating the lease and developing an operating budget. "If we can do that, that buys us time to deal with these other issues long-term." Discussion followed, and Mayor Crowell entertained a motion. Supervisor Abowd moved to direct staff to work with Eagle Valley Golf Course representatives to renegotiate the lease and develop an operating budget for the current lease payments, under a 30-day time limit, to bring Eagle Valley Golf Course in compliance. Motion died for lack of a second. Mayor Crowell entertained a motion; however, none was forthcoming. Mayor Crowell recessed the meeting at 1:11 p.m. and reconvened at 2:03 p.m.

16. RECESS BOARD OF SUPERVISORS (2:45:33) - Mayor Crowell recessed the Board of Supervisors, and passed the gavel to Redevelopment Authority Vice Chair Karen Abowd.

REDEVELOPMENT AUTHORITY

17. CALL TO ORDER AND ROLL CALL (2:45:52) - Vice Chairperson Karen Abowd called the Redevelopment Authority to order at 2:45 p.m. Mr. Glover called the roll; a quorum was present.

18. CITY MANAGER - POSSIBLE ACTION TO ELECT THE CHAIR AND VICE CHAIR OF THE REDEVELOPMENT AUTHORITY FOR TERMS ENDING DECEMBER 31, 2013 (2:46:21) - Vice Chairperson Abowd introduced this item, and Mr. Werner reviewed the agenda materials. **Member Crowell moved to appoint Karen Abowd as chair of the Redevelopment Authority. Member**

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McKenna seconded the motion. Vice Chair Abowd entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

Chairperson-elect Abowd entertained a motion for Redevelopment Authority vice chair. **Member McKenna moved to appoint Brad Bonkowski as vice chair of the Redevelopment Authority, with term ending December 31, 2103. Chairperson-elect Abowd seconded the motion. Motion carried 5-0.** Chairperson-elect Abowd entertained public comment; however, none was forthcoming.

19. OFFICE OF BUSINESS DEVELOPMENT - POSSIBLE ACTION TO APPROVE AND RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF AMENDMENT #3 TO THE OPERATING COVENANT AND AGREEMENT, BY AND BETWEEN CARSON CITY REDEVELOPMENT AUTHORITY AND CARSON CITY AND THE CARRINGTON COMPANY, TO EXTEND THE TIME IN WHICH A TENANT MUST BE IN BUSINESS IN THE VACANT ANCHOR TENANT SPACE LOCATED AT 1443 SOUTH CARSON STREET, CARSON MALL, TO DECEMBER 31, 2014 (2:47:45) - Chairperson Abowd introduced this item, and Planning Division Director Lee Plemel reviewed the agenda materials. Mr. Werner explained the mechanism of redevelopment property tax revenue allocation.

At Supervisor Bonkowski's request, Carrington Company Property Manager Joanne Holmes stepped to the podium and introduced herself for the record. In response to a question, Ms. Holmes provided background information on negotiations over the past three weeks. She and Mr. Werner responded to additional questions regarding negotiations relative to the lease term. In response to a further question, Ms. Holmes advised of not yet having discussed with the prospective tenant their agreement to make their sales tax reports public. Supervisor Bonkowski expressed concern that Ms. Holmes be well aware of required lease covenants, and she advised "we are at that point where I can do that." She responded to additional questions of clarification, and discussion ensued, relative to the lease provisions, improvements, signage, and ongoing negotiations.

Discussion took place to determine the Board's options and Mr. Werner responded to questions relative to the history and mechanism of the incentive program. Member Crowell advised of having received e-mail correspondence from the Chamber of Commerce Executive Director expressing support for the requested extension of time. In consideration of the Redevelopment Authority's decision to phase out the incentive program, he expressed confidence that the negotiations are moving toward a positive conclusion. In response to a question, Mr. Munn provided direction with regard to the recommended motion.

Chairperson Abowd opened this item to public comment. (3:11:54) Lori Bagwell, representing Charley's Grilled Subs, acknowledged the difficulties associated with the negotiations and provided background information on her decision to locate her business in the Carson Mall. She expressed support for the requested extension of time.

Chairperson Abowd entertained additional public comment and, when none was forthcoming, a motion. Based on the discussion, Mr. Plemel made a suggestion to the recommended motion. **Member McKenna moved to approve and recommend to the Board of Supervisors approval of amendment #3, modified by paragraph 4 of the Agreement to add "if the participant enters into a lease agreement for a period of less than fifteen years but, in no case, less than ten years, the period of payback from the City, pursuant to paragraph 3, of this agreement, shall be reduced correspondingly, to the Operating**

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Covenant and Agreement, by and between Carson City Redevelopment Authority and Carson City and The Carrington Company, to extend the time in which the tenant must be in business in the vacant anchor tenant space, located at 1443 South Carson Street, Carson Mall, to December 31, 2014. Vice Chairperson Bonkowski seconded the motion. Motion carried 5-0.

20. PUBLIC COMMENT (3:16:46) - Chairperson Abowd entertained public comment; however, none was forthcoming.

21. ACTION TO ADJOURN REDEVELOPMENT AUTHORITY (3:16:52) - Chairperson Abowd adjourned the Redevelopment Authority at 3:16 p.m., and returned the gavel to Mayor Crowell.

22. RECONVENE BOARD OF SUPERVISORS (3:17:05) - Mayor Crowell reconvened the Board of Supervisors at 3:17 p.m.

23. OFFICE OF BUSINESS DEVELOPMENT - POSSIBLE ACTION TO APPROVE AMENDMENT #3 TO THE OPERATING COVENANT AND AGREEMENT, BY AND BETWEEN CARSON CITY REDEVELOPMENT AUTHORITY AND CARSON CITY AND THE CARRINGTON COMPANY, TO EXTEND THE TIME IN WHICH A TENANT MUST BE IN BUSINESS IN THE VACANT ANCHOR TENANT SPACE LOCATED AT 1443 SOUTH CARSON STREET, CARSON MALL, TO DECEMBER 31, 2014 (3:17:07) - Mayor Crowell introduced this item, noting it as the companion to item 19, and incorporated the testimony from that item. He entertained public and Board member comments and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to adopt the language from the corresponding Redevelopment Authority item in regard to the Operating Covenant and Agreement, by and between Carson City Redevelopment Authority and Carson City and The Carrington Company, to extend the time in which a tenant must be in business in the vacant anchor space, located at 1443 South Carson Street, Carson Mall, to December 31, 2014. Supervisor Abowd seconded the motion.** Mayor Crowell noted the intent of the Board that all the pending incentive program applicants be treated equally. In response to a question, Mr. Werner advised that the other applicants had been contacted relative to the subject item, but neither requested any extension of time. Mayor Crowell called for a vote on the pending motion; **motion carried 5-0.**

24. HUMAN RESOURCES DEPARTMENT - POSSIBLE ACTION TO REVIEW THE CITY MANAGER'S PERFORMANCE FOR THE PERIOD JANUARY 20, 2012 TO JANUARY 17, 2013, AND DISCUSSION AND POSSIBLE ADMINISTRATIVE ACTION RELATING TO THE EMPLOYMENT OF LAWRENCE A. WERNER AS CITY MANAGER FOR CARSON CITY AND ACTION TO SET A DATE IN FEBRUARY TO ESTABLISH THE GOALS AND OBJECTIVES THROUGH DECEMBER 2013 (3:19:35) - Mayor Crowell introduced this item, and Human Resources Department Director Melanie Bruketta reviewed the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, Board member comments. Supervisor Shirk advised of having informed Ms. Bruketta that he would not participate in Mr. Werner's evaluation due to not having worked with him prior to January 7th. Supervisor McKenna expressed an interest in hearing Mr. Werner's comments. Mr. Werner advised of having taken to heart the suggestions offered during the previous performance review. He expressed appreciation for feedback from the Board members, and for his position. Mayor Crowell commended Mr. Werner on his work, and looked forward to continuing to work with him. Supervisor Abowd thanked Mr. Werner for his service, and agreed with Mayor Crowell's comments that the next few months may be tough.

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Mayor Crowell entertained a motion. **Supervisor McKenna moved that the City Manager's performance, for the period January 20, 2012 through January 17, 2013, is outstanding and to set a date in February to establish goals and objectives to be used to evaluate his performance in January 2014. Supervisor Abowd seconded the motion. Motion carried 4-0-1, Supervisor Shirk abstaining.**

25. CITY MANAGER

25(A) POSSIBLE ACTION TO DIRECT STAFF TO PROCEED WITH EXERCISING THE OPTION TO PURCHASE THE PROPERTY AT 108 EAST PROCTOR STREET, APN 004-215-07, AND THE ASSOCIATED PARKING LOT ON APNs 004-202-01 AND 004-202-02, IN ACCORDANCE WITH THE AGREEMENT BETWEEN THE CITY AND FIRESIDE INVESTMENTS, LLC, DATED JUNE 4, 2010 AND TO UTILIZE THE 15-YEAR INSTALLMENT PURCHASE PLAN FOR FINANCING (3:23:56) - Mayor Crowell introduced this item. Mr. Werner provided background information and reviewed the agenda materials. Mayor Crowell entertained public comments; however, none were forthcoming.

Supervisor Bonkowski expressed agreement with the valuation of the building and the sales price. Based on the lease agreement provisions, at page 6, he noted the requirement to close escrow by June 30th and, therefore, provide written notice of the intention to purchase by May 2nd. He suggested having a structural inspection of the building prior to May 2nd. Mr. Werner advised of having had the same concerns prior to leasing the building, and that a structural inspection was done at that time. He offered to provide the report to Supervisor Bonkowski and / or to have another structural inspection conducted.

Mr. Werner acknowledged that Sperry Van Ness is representing the City. In response to a question, he advised that Fireside Investments, LLC is the building owner. In response to a further question, he advised that a negotiated fee would be paid to Sperry Van Ness. In response to a comment, he explained the grant funding which was expended for business development. Michael Salogga, the Business Development Manager, whose salary was funded by the grant will be transferred to the Redevelopment Authority. In response to a further comment, he advised that redevelopment funding was allocated to a portion of the lease rate. The same proportionate share would continue. Supervisor Shirk expressed opposition to using redevelopment funding to purchase the property. Mr. Werner advised that the "focus of that whole bottom floor is business development, business encouragement; the basic focus of redevelopment. So, it seemed to be appropriate ..."

Supervisor Bonkowski expressed strong support for purchase of the building, and the opinion that "we would be doing a disservice to the City if we did not purchase this building." Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to direct staff to proceed with exercising the option to purchase the property at 108 East Proctor Street, APN 004-215-07, and the associated parking lot on APNs 004-202-01 and 004-202-02, in accordance with the agreement between the City and Fireside Investments, LLC, dated June 4, 2010, and to utilize the 15-year installment purchase plan for financing. Supervisor Abowd seconded the motion. Motion carried 5-0.**

25(B) POSSIBLE ACTION TO APPOINT MEMBERS OF THE BOARD OF SUPERVISORS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES (3:33:37) - Mayor Crowell introduced this item and provided an overview of the process. He expressed an interest in being reappointed to the Regional Transportation Commission, and the opinion that a Board of Supervisor liaison

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should be reappointed to the Airport Authority. Supervisor Abowd reminded the Board that Shelly Aldean was recently elected to the Tahoe Regional Planning Agency Board of Governors, and had requested to remain. Supervisor Abowd expressed an interest in stepping down from NACo, being appointed to the Carson City Convention and Visitors Bureau, and remaining as a member of the Cultural Commission. She acknowledged a willingness to serve as Mayor *Pro Tem*. Supervisor Bonkowski expressed an interest in serving on the Regional Transportation Commission, as a member of NACo, and as a member of the Debt Management Commission. Supervisor McKenna acknowledged a willingness to continue serving on the Regional Transportation Commission and the Audit Committee. He expressed a preference to remain as a member of the Carson Water Subconservancy Board, and offered to serve as the Board liaison to the Parks and Recreation Commission. Supervisor Shirk expressed a preference to serve as Board liaison to the Airport Authority and NACo. Supervisor McKenna expressed a willingness to serve as the Western Nevada Legislative Coalition liaison, together with Mayor Crowell. Discussion took place to establish the terms of service. Supervisor McKenna discussed the importance of the City liaison to the TRPA Governing Board, and Supervisor Bonkowski advised that Shelly Aldean had agreed to provide written reports for all items and to personally report to the Board with regard to significant items.

Following a brief discussion, Supervisor Abowd agreed to serve as the liaison to Nevada Works with the option of sending a delegate to the meetings. Mayor Crowell advised of a request from NNDA for a Board liaison, noting Supervisor Bonkowski's current involvement. Mr. Werner advised that he had delegated Business Development Manager Michael Salogga to attend the meetings. Supervisor Bonkowski advised of having discussed the matter with Mr. Salogga and Rob Hooper. Mr. Salogga agreed to provide reports on the BRIC, and Supervisor Bonkowski will handle other City matters. Supervisor Bonkowski advised of having resigned his other NNDA committee memberships.

Mayor Crowell entertained a motion, and read into the record the list of appointments, as follows: Supervisor Abowd for a two-year term as Mayor *Pro Tem*; Supervisor Bonkowski for a two-year term to the Regional Transportation Commission, expiring December 31, 2014; Supervisor Bonkowski for a two-year term to the Debt Management Commission; Supervisor McKenna for a four-year term to the Parks and Recreation Commission; Supervisor McKenna for a one-year term to the Audit Committee, ending December 31, 2013; Supervisor Abowd for a two-year term to the Cultural Commission, ending December 31, 2014; Supervisor Abowd to the CCCVB for a term coinciding with her term as supervisor; Supervisor Shirk for a one-year term to NACo; Mayor Crowell to the V&T Railway Commission and the Western Nevada Legislative Coalition, for a term expiring December 31, 2013; Supervisor McKenna to the Western Nevada Legislative Coalition; Shelly Aldean to the TRPA Governing Board for a two-year term; Supervisor Abowd to Nevada Works, with the option of delegating meeting attendance to a City staff person; and Supervisor Bonkowski to the Northern Nevada Development Authority. **Supervisor McKenna so moved. Supervisor Bonkowski seconded the motion.** Discussion took place to clarify the Western Nevada Legislative Coalition appointments, and Mayor Crowell called for a vote on the pending motion. **Motion carried 5-0.**

25(C) POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE AIRPORT AUTHORITY TO FILL THE "CITY OFFICIAL" POSITION FOR A FOUR-YEAR TERM, TO EXPIRE JANUARY 2017 (3:48:32) - Mayor Crowell entertained a motion to appoint Supervisor Shirk to a four-year term. **Supervisor Bonkowski so moved. Supervisor McKenna seconded the motion. Motion carried 5-0.**

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**26. BOARD OF SUPERVISORS NON-ACTION ITEMS:
STATUS REVIEW OF PROJECTS; CAPITAL PROJECTS STATUS REPORT**

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (3:50:06) - Mr. Werner acknowledged that City staff is reviewing the health and human services portion of the State budget. In response to a comment, Mr. Werner reviewed the process by which the City's contract lobbyist keeps staff informed of legislative actions. He requested the Board members to keep him informed of questions and concerns. In response to a question, Mr. Munn suggested agendaizing a discussion-only item to provide for legislative reports. Mr. Werner reminded the Board members of the special orientation meeting scheduled for January 24th; the February 28th strategic planning / goal setting session; the February 5th legislative reception.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (3:49:25) - Supervisors Bonkowski and Shirk expressed appreciation for the honor of serving the community.

STAFF COMMENTS AND STATUS REPORTS

RECESS AND RECONVENE BOARD OF SUPERVISORS (3:55:28) - Mayor Crowell recessed the meeting at 3:55 p.m., and reconvened at 5:31 p.m.

27. CITY MANAGER

27(A) POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE CARSON CITY SHADE TREE COUNCIL FOR A TWO-YEAR TERM THAT WILL EXPIRE ON JANUARY 1, 2015 (5:31:42) - Mayor Crowell introduced this item, and invited Terrill Ozawa to the podium. In response to a question, Ms. Ozawa discussed her interest in being reappointed to the Shade Tree Council. Supervisor Abowd thanked Ms. Ozawa for her involvement in The Greenhouse Project. In response to a question, Ms. Ozawa discussed her goals to continue work on the urban canopy, to contribute more trees to the arboretum, and "to keep an eye on the kinds of trees and the number of trees that are planted by our efforts in Carson City in reference to water demand and availability and climate appropriateness."

In response to a question, Parks and Recreation Department Director Roger Moellendorf advised that the Shade Tree Council was instrumental, together with the Planning Division, in developing landscape standards for commercial development. This included developing a list of recommended trees. Supervisor Bonkowski commended Ms. Ozawa's interest in being reappointed. Supervisors McKenna and Shirk thanked Ms. Ozawa for her service. In response to a question, Ms. Ozawa advised that a NV Energy representative recently met with the Shade Tree Council to discuss the recent pruning project.

Mayor Crowell entertained a motion. **Supervisor Abowd moved to appoint Terri Ozawa to the Shade Tree Council for a two-year term that will expire January 1, 2015. The motion was seconded and carried unanimously.** Ms. Ozawa thanked the Board.

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27(B) POSSIBLE ACTION TO APPOINT TWO MEMBERS TO THE CARSON CITY AUDIT COMMITTEE, EACH FOR A TWO-YEAR TERM THAT EXPIRES IN DECEMBER 2014

(5:37:57) - Mayor Crowell introduced this item, invited John Bullis to the podium, and thanked him for his application. In response to a question, Mr. Bullis advised of having reviewed a few sets of the Audit Committee minutes. He discussed his understanding of the Audit Committee's function. In response to a comment, he provided brief background information on his residence and CPA practice in Carson City.

Supervisor Shirk thanked Mr. Bullis for his application. In response to a previous question, Supervisor McKenna expressed the opinion that the Audit Committee is "seeking to define itself." He clarified this is "because, for years, it languished but now we'd like to make it a robust committee where it's out helping the City operate better, investigating ... things ..." He advised that the committee will be open to an outside opinion as to direction. He expressed personal reluctance, as the Board liaison, to becoming too involved in setting the committee's direction, and a preference for the citizen members to set the direction. Supervisor Bonkowski thanked Mr. Bullis for volunteering and expressed appreciation for his newspaper column. In response to a question, Mr. Bullis advised of no "burning issues" to address as a committee member. He recalled serving as chair of the committee the Board of Supervisors appointed to determine whether or not to construct an 18-hole golf course. He provided historic information on use of effluent water for the golf course.

Mayor Crowell described the City's active strategies program, and discussed an interest in the Audit Committee taking responsibility for its overview. He cautioned that the Audit Committee is advisory to the Board of Supervisors, and advised that it's "designed to integrate with City functions and to take a look at all of our audit issues ..." He suggested a joint meeting between the Board and the Audit Committee to "hash out some of these issues because there are some rough edges between what the Audit Committee ... could believe ... just so we're all on the same page of what the Audit Committee is supposed to do."

Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to appoint John Bullis to serve on the Carson City Audit Committee for a two-year term that expires in December 2014. Supervisor Abowd seconded the motion. Motion carried 5-0.**

(5:48:08) Mayor Crowell invited William Prowse to the podium. In response to a question, Mr. Prowse discussed his interest in being reappointed to the Audit Committee. Mayor Crowell thanked Mr. Prowse for his service. Supervisor Abowd thanked Mr. Prowse for his service. In response to a question, Mr. Prowse discussed an interest in disaster preparedness. In consideration of his interest in fraud, waste, and abuse, he discussed the need to work more closely with the Board of Supervisors in developing an audit plan. Supervisor Bonkowski thanked Mr. Prowse for his request for reappointment, and agreed with the importance of accurate, informational data in consideration of making effective decisions. In response to a question, Mr. Prowse discussed the advantages of a contract internal auditor. He commended the work of Moss-Adams, LLP representatives. He discussed the importance of the audits serving as a useful product to the Board and the City. In response to a question, he expressed the opinion that "because of the Open Meeting Law and ... uncertainty in terms of what the ... committee can do separately and distinct from our internal audit function, ... the committee doesn't have a lot of leeway in terms of what we, as committee members, can get involved in." Mr. Prowse acknowledged the committee's advisory capacity to the Board of Supervisors, and considered internal audits as "support for the organization's chief officers ..."

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Supervisor Shirk thanked Mr. Prowse for volunteering, and expressed appreciation for the Audit Committee's function and service. At Mayor Crowell's request, Mr. Prowse discussed his understanding of the differences between the functions of the Audit Committee and the contract internal auditor. Mayor Crowell entertained additional questions of the Board members and, when none were forthcoming, a motion. **Supervisor Abowd moved to appoint Bill Prowse to serve on the Carson City Audit Committee for a two-year term that expires in December 2014. Supervisor Bonkowski seconded the motion. Motion carried 5-0.** Mayor Crowell thanked Mr. Prowse.

27(C) POSSIBLE ACTION TO APPOINT THREE MEMBERS TO THE CARSON CITY OPEN SPACE ADVISORY COMMITTEE, EACH FOR A FOUR-YEAR TERM THAT EXPIRES IN JANUARY 2017 (6:06:48) - Mayor Crowell introduced this item, and disclosed that Laura Fitzsimmons is his neighbor. Supervisor Abowd disclosed that she recently stayed at Laura's home in Hawaii and that Laura serves on The Greenhouse Project Board of Directors. Mayor Crowell invited Ms. Fitzsimmons to the podium and, in response to a question, she provided a status report on the Open Space Advisory Committee. She commended the cohesive diversity of the committee members and staff, and discussed the current focus to change direction from acquisition to management. Mayor Crowell thanked Ms. Fitzsimmons for her service.

In response to a question, Ms. Fitzsimmons discussed the multi-faceted mandate of the Open Space Program to preserve viewsheds, natural resources, and passive recreation in the community. In response to a further question, she discussed various trails on Open Space Program properties. In response to a further question, she expressed the opinion that the "hot issue" is off-road vehicle access to Open Space Program properties. She expressed the personal belief that "open space is for everyone; ... that off-road vehicles ... bring revenue to our community. There are people that live here that pay ... their share just like everyone else and ... how passionate the off-road vehicle users are." Ms. Fitzsimmons expressed the opinion that off-road vehicle access should be perpetuated to the BLM lands through Open Space Program properties, and that there are very large tracts of land appropriate for off-road vehicle use. "At the same time," she expressed the belief that not "every inch of our open space should be open to undesignated" use. She noted environmental and safety considerations as concerns. She expressed support for access and use, but reiterated opposition to allowing off-road vehicles "in every single open space place that we have." Supervisor McKenna expressed support for "appropriate use based upon the terrain and that decides who goes where, not who wants to do whatever they want to do."

In response to a question, Ms. Fitzsimmons discussed the importance of education and marketing relative to Open Space properties. She noted the unique opportunity represented by "being in nature or being alone or being with your children" in Open Space Program properties. Supervisor Bonkowski discussed opportunities for hosting regional, national, and international events. In response to a question, Ms. Fitzsimmons discussed partnerships for education and marketing, and expressed support for any event that would utilize the Open Space Program properties in a passive manner. Supervisor Abowd suggested developing an interface between the Open Space Program and the Carson City Convention and Visitors Bureau. In response to a question, Ms. Fitzsimmons expressed the opinion that a potential conflict exists between the Open Space Program vision and off-road vehicle use. She clarified that her understanding of the word "passive" doesn't include machines, and expressed a commitment to trailheads in consideration of providing access to BLM land. She emphasized the importance of considering historic uses as well. Mayor Crowell advised of having watched a recent Open Space Advisory Committee meeting at which off-road users provided testimony with regard to access. He expressed the opinion that "the issues on the

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competing interests were handled extremely well.” Ms. Fitzsimmons expressed the opinion that people attended that meeting with the expectation that the issue was going to be different than it was. “Cooler heads prevailed in a sense of community ... and consensus.” Mayor Crowell thanked Ms. Fitzsimmons for her participation.

(6:26:23) Mayor Crowell welcomed Terri Green-Preston to the podium, and thanked her for her service. In response to a question, she discussed her interest in reappointment, her experience and qualifications. She discussed concerns relative to continued access to the Carson River Canyon, and an interest in more public meetings. Supervisor Abowd inquired as to a concern over conflicts between the Open Space Program vision statement and off-road access into the future. In reference to Question #18, Ms. Green-Preston discussed concerns with regard to continued access for off-road vehicle users and advised of a “difficulty with the actual definition of passive recreation.” Supervisor Bonkowski advised that the Open Space Program is now part of the Carson City Convention and Visitors Bureau strategic plan which may provide for marketing. In response to a question, Ms. Green-Preston suggested that the River runs too sporadically to market. She expressed support for marketing the trail being constructed by Muscle Powered volunteers. She discussed her involvement in a recent American Motorcycle Association event, and the requirement for off-road vehicles to now be licensed. She described off-road vehicle areas in Winnemucca, Nevada. In response to a question, she discussed the importance of considering historic use prior to designating an area for specific use. In response to a further question, she discussed concerns with regard to continued Carson River Canyon access and frustrations associated with various uses. She reiterated support for more public meetings. Mayor Crowell thanked Ms. Green-Preston for her participation in the interview process.

(6:49:09) Mayor Crowell invited Donna Inversin to the podium, and thanked her for her service. In response to a question, Ms. Inversin discussed her interest in and goals for reappointment. Supervisor Shirk thanked Ms. Inversin for volunteering, and commended the vision for connectivity, as outlined in her request letter. Supervisor McKenna inquired as to the criteria Ms. Inversin would use to determine appropriate uses for Open Space Program properties. Ms. Inversin referred to the Municipal Code definition for open space, and listed the appropriate uses. Supervisor Bonkowski inquired as to Ms. Inversin’s ideas for marketing Open Space Program properties and the types of events. Ms. Inversin discussed the importance of connectivity and described a proposed rail trail “from the Lyon County line to the Carson River, through town, connect to the V&T ... all the way to the Washoe County line ...” Supervisor Abowd thanked Ms. Inversin for her volunteer service. In reference to the Open Space Program vision statement, Supervisor Abowd inquired as to a future conflict between the definition of passive recreation relative to off-road vehicle use. Ms. Inversin expressed the opinion that off-road vehicle use does not represent passive recreation. She acknowledged areas currently designated for off-road vehicle use, but expressed the opinion that passive recreation does not include motorized vehicles. She emphasized the benefits of the Open Space Program properties to the community, to visitors, and to potential residents.

(6:59:32) Mayor Crowell thanked Toby Welborn for his application, and provided an overview of the interview process. In response to a question, Mr. Welborn discussed his interest in serving as a committee member. In response to a further question, he discussed criteria for designating land uses. In response to a further question, he discussed his educational background in land use planning, his experience as a Muscle Powered volunteer and as a member of the Lake Tahoe State Park Back Country Patrol. In response to a question, Mr. Welborn expressed the opinion that off-road vehicles can interface with passive recreation. He discussed the importance of open dialogue relative to rights-of-way and restrictions.

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Supervisor Bonkowski inquired as to Mr. Welborn's ideas for marketing events on Open Space Program properties. Mr. Welborn expressed the opinion that any event requires consideration as to a clearly defined route for both safety and support purposes. He expressed support for "starting out small, learning from mistakes ...". Mayor Crowell entertained comments of Mr. Welborn, who apologized for not being available in person due to a required out-of-town class.

Mayor Crowell polled the Board members. Following discussion, he entertained a motion to appoint Ms. Fitzsimmons, Ms. Inversin, and Mr. Welborn. **Supervisor Abowd moved to appoint Laura Fitzsimmons, Donna Inversin, and Toby Welborn to the Open Space Advisory Committee, each for a four-year term that expires in January 2017. Supervisor McKenna seconded the motion. Motion carried 5-0.** Mayor Crowell thanked the applicants for volunteering.

28. PUBLIC COMMENT (7:15:21) - Mayor Crowell entertained public comment; however, none was forthcoming.

29. ACTION TO ADJOURN (7:15:30) - Supervisor Abowd moved to adjourn the meeting at 7:15 p.m. Supervisor Bonkowski seconded the motion. Motion carried 5-0.

The Minutes of the January 17, 2013 Carson City Board of Supervisors meeting are so approved this 7th day of March, 2013.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder