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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, October 18, 2007, at the Carson City Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Richard S. Staub	Supervisor, Ward 4
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3

STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Larry Werner	Development Services Director/City Engineer
	Walter Sullivan	Community Development Director
	Sue Johnson	Finance Director
	Kevin Haggarty	Information Services Director
	Roger Moellendorf	Parks and Recreation Director
	Melanie Bruketta	Chief Deputy District Attorney
	Jeff Sharp	Deputy City Engineer
	Ken Arnold	Public Works Operations Manager
	Cheryl Adams	Purchasing and Contracts Manager
	Steve Schutte	Chief Deputy Sheriff
	Jarrad Adams	Deputy Sheriff
	Katherine McLaughlin	Recording Secretary

(BOS 10/18/07 Recording 8:28:00)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Agenda Report and/or supporting documentation. Staff members making the presentation are listed following the Department's heading. Any other individuals who spoke are listed immediately following the item's heading. A recording of these proceedings is on file in the Clerk-Recorder's office. It is available for review and inspection during normal business hours.

CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE, AND INVOCATION - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. City Manager Linda Ritter lead the Pledge of Allegiance. An Invocation was not given.

PUBLIC COMMENTS AND DISCUSSION (8:28:53) - Craig Sheets from Southern California espoused his belief that the populace is being poisoned through the use of chemicals in our food chain. He alleged that he had given copies of his proof to the FBI and documented it with 150 judges and "quite a few FBI agencies". He alleged that the general populace's every movement is being tracked by governmental agencies. This process utilizes the television, automobiles, etc. Such acts are illegal unless

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authorized by a federal warrant. Petitions were purportedly provided to nurses and doctors illustrating the depth of the contamination. Informational copies of documents supporting his contention were given to the Clerk. (A copy is in the file.) Additional comments were solicited.

Sam Dehne announced that Carbela's is coming to Reno and Shields is coming to Sparks. Washoe County approved a \$100 million waterline which will allow additional growth to occur. Reno demolished the Park Lane Mall. He felt that Carson City will benefit from these activities as Santa Claus is moving to the Carson City Mall. Reno will have a triple A baseball team. His name for the team was described. He alleged that he had supported these projects at public meeting more than "all of the other citizens". He alleged that all of these items were occurring as a result of scheduled airline service. He then displayed a T-shirt advertising Carson City's Airport. People had allegedly advised him that he needed to put a picture of either an airline or a 737 on it. He suggested that Max Baer have scheduled airline service to the Minden airport to support his casino. Additional comments were solicited but none were given.

1. ACTION ON APPROVAL OF MINUTES - 9/5/07 Special Western Nevada Legislation Coalition Thank You Luncheon and the 9/6 and 20/07 Regular Sessions (8:39:12) - Supervisor Aldean moved to approve the Minutes from the Special Western Nevada Legislation Coalition Luncheon of September 5, 2007, as presented. Supervisor Livermore seconded the motion. Motion carried 5-0.

Supervisor Aldean moved to approve the Minutes from the regular Carson City Board of Supervisors meetings dated September 6 and September 20 as presented. Supervisor Livermore seconded the motion. Motion carried 5-0.

2. CHANGES TO THE AGENDA (8:40:14) - Items 4C, 5-5A and B, and 12A were pulled. Mayor Teixeira explained that Item 12A was being pulled as the Brewery Arts Center had obtained financing from the Irwin Union Bank. He complimented the bank's directors for the investment in the community during this critical time. He also advised that Item 13A will be consider before Item 9.

3. SPECIAL PRESENTATIONS - PROCLAMATION DECLARING OCTOBER 29, 2007, AS "WE CAN" DAY IN CARSON CITY (8:41:40) - Parks and Recreation Director Roger Moellendorf explained the name, its purpose, and the individuals and groups who were involved with the program that addresses childhood obesity. Individuals representing several of these groups were present and were introduced. Mayor Teixeira read the proclamation into the record. He thanked the supporters for attending the meeting and gave the proclamation to Washoe Tribal Chairman of Nevada and California Waldo Walker. Mr. Moellendorf then described the training session scheduled for October 29 at the Community Center gym and the activities that will occur on October 29 and 30 at the Legislative Mall. The training sessions were free and will be on the website.

4. LIQUOR AND ENTERTAINMENT BOARD (8:49:00) - Mayor Teixeira then recessed the Board of Supervisors session and convened the Liquor and Entertainment Board. For Minutes of the Liquor and Entertainment Board, see its folder for this date.

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BOARD OF SUPERVISORS (8:57:25) - Following adjournment of the Liquor and Entertainment Board, Mayor Teixeira reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

5. CONSENT AGENDA (8:57:45)

5-1. ASSESSOR - ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBER 003-353-07 (LOCATED AT 915 CRAIN STREET) FROM THE 2007/08 REAL PROPERTY TAX ROLL PER NRS 361.765 IN THE AMOUNT OF \$66.48

5-2. SHERIFF - ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF TRAFFIC SAFETY JOINING FORCES GRANT IN THE AMOUNT OF \$18,793.72

5-3. PURCHASING AND CONTRACTS

A. ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF TUCSON, ARIZONA, AND CARSON CITY, WHEREBY CARSON CITY WILL BE ALLOWED TO UTILIZE THE COOPERATIVE CONTRACTS ENTERED INTO BY THE CITY OF TUCSON FOR THE PURCHASE OF SUPPLIES, MATERIALS, AND EQUIPMENT AND OTHER MATTERS PROPERLY RELATED THERETO (FILE 0708-020)

B. ACTION TO APPROVE THE RENEWAL OF CONTRACT NO. 0405-060 WITH HYDROTECH, INC., TO PROVIDE CLEANING OF SEWER MAINS ON AN AS-NEEDED BASIS THROUGH DECEMBER 15, 2008, SUBJECT TO THE FUNDS BEING BUDGETED IN THE SEWER FUND AND WITH THE OPTION TO RENEW FOR ONE (1) ADDITIONAL YEAR SUBJECT TO NEGOTIATIONS

C. ACTION TO DETERMINE THAT THE 1986 VAN PELT FIRE TRUCK PUMPER VIN 1S9ET6D02GC185957 AND THE 1986 VAN PELT FIRE TRUCK PUMPER VIN 1S9ET6D02GC185958 ARE SURPLUS VEHICLES, THAT IT IS IN THE BEST INTEREST OF CARSON CITY TO SELL THE VEHICLES TO FISH LAKE VALLEY FIRE PROTECTION DISTRICT FOR A TOTAL OF \$6,000, AND THAT THE SALE IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO NRS 334.030 (FILE 0708-061)

5-4. PUBLIC WORKS - TRANSPORTATION/CAPITAL PROJECTS - ACTION TO APPROVE AN ADDENDUM TO AGREEMENT NO. P417-06-030 BETWEEN THE NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) AND CARSON CITY FOR THE ADJUSTMENT OF UTILITY FACILITIES FOR A PORTION OF THE CARSON CITY FREEWAY PROJECT, PHASE 2A IN FIFTH ST AND THE FREEWAY CORRIDOR, TO ADJUST THE AGREEMENT COSTS TO REFLECT THE RELOCATION CONTRACTOR'S BID PRICES AND FINAL CONSTRUCTION PLANS, AND EXTEND THE REQUIRED COMPLETION DATE FROM SEPTEMBER 14, 2007, TO JANUARY 4, 2008

5-5. CITY MANAGER

A. ACTION TO APPROVE A REVISED JOB DESCRIPTION FOR THE POSITION OF CITY MANAGER

B. ACTION TO APPROVE A REVISED EMPLOYMENT AGREEMENT BETWEEN CARSON CITY AND CITY MANAGER LINDA RITTER

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5-6. FIRE DEPARTMENT - ACTION TO ENTER INTO A MUTUAL AID AGREEMENT BETWEEN CARSON CITY AND THE REGIONAL EMERGENCY MEDICAL SERVICES AUTHORITY

5-7. PARKS AND RECREATION

A. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A FUNDING AGREEMENT BETWEEN CARSON CITY (GRANTEE) AND THE STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF STATE LANDS (GRANTOR) FOR \$65,000 IN GRANT FUNDS TO BE USED TOWARDS THE CONSTRUCTION AND PAVING OF TWO TRAIL SEGMENTS ALONG THE LINEAR PARK BICYCLE/HIKING TRAIL

B. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A FUNDING AGREEMENT BETWEEN CARSON CITY (GRANTEE) AND THE STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, DIVISION OF STATE LANDS (GRANTOR), FOR \$85,000 IN GRANT FUNDS TO BE USED TOWARDS THE PURCHASE AND RELATED GRADING AND CONSTRUCTION WORK FOR TWO NEW PREFABRICATED BRIDGES WHICH WILL CROSS THE MEXICAN DITCH

C. ACTION TO AUTHORIZE THE MAYOR TO SIGN A LETTER TO KAREN DONATO, COORDINATOR OF THE NATIONAL HEART, LUNG, AND BLOOD INSTITUTE OBESITY EDUCATION INITIATIVE CONFIRMING CARSON CITY'S PARTICIPATION IN THE "WE CAN" CITY PROGRAM

5-8. DEVELOPMENT SERVICES - ENGINEERING

A. ACTION TO APPROVE DEDICATION OF LAND FOR PUBLIC RIGHT-OF-WAY FROM PROPERTY OWNER GARTH RICHARDS, PRESIDENT OF SILVER OAK DEVELOPMENT COMPANY, LTD, TO CARSON CITY FOR A PORTION OF OAK RIDGE DRIVE, CONTAINING 1.42± ACRES IN SILVER OAK PUD

B. ACTION TO APPROVE DEDICATION OF LAND FOR PUBLIC ACCESS AND UTILITIES FROM NEVADA WEST LAND, LLC, TO CARSON CITY FOR PARCEL "B" CONTAINING 2,444 SQUARE FEET AS SHOWN ON THE FINAL MAP FOR SUNDANCE RIDGE PHASE 2

C. ACTION TO APPROVE DEDICATIONS OF LAND FOR PUBLIC RIGHT-OF-WAY FROM NEVADA WEST LAND, LLC, TO CARSON CITY FOR CASSIDY COURT AND ETTA PLACE, CONTAINING 1.57± ACRES AND PARCEL "C" BEING A PORTION OF LEPIRE DRIVE, CONTAINING 1,702 ± SQUARE FEET IN SUNDANCE RIDGE PHASE 2 SUBDIVISION - Sam Dehne advised his desire to speak on Items 5-3A, 5-5, and 5-7. Mayor Teixeira explained that Item 5-5 had been removed. Mr. Dehne opined that the purchasing contract with Tucson is not an exclusive agreement and urged the City to have a similar agreement with Reno. Item 5-5 deals with the City Manager's contract. He felt that the public had a right to know why it was removed. He explained that the revisions were to have dealt with requirements mandating that the City Manager live within the City's limits and to add professional conduct language. He had not seen the staff's summary. He was not taking sides on this issue. He also felt that as the City is accepting large grants the individuals who had worked to obtain them should receive credit for their efforts. The Consent Agenda was created to handle mundane items and housekeeping matters. The City Manager's contract should be discussed

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by the public. It should not be listed on the Consent Agenda. Additional comments were solicited but none were given. Supervisor Livermore moved for approval of the Consent Agenda that consists of 5-1 Assessor; 5-2 Sheriff; two items under 5-3 Purchasing – three items under Purchasing and Contracts which includes for Item 5-3A Resolution No. 2007-R-33; one item under Public Works Transportation 5-4; one item under Fire Department 5-6; three items under Parks and Recreation 5-7; and three items under 5-8 Development Services - Engineering, as presented. Supervisor Staub seconded the motion. Supervisor Livermore indicated that the total number of items is 13. Supervisor Aldean explained that the Board had discussed the City Manager's job description and contract at the last meeting and made the suggested changes. The approval was delayed today for another revision. Mayor Teixeira indicated that the contract will be on the regular agenda when considered. The motion to approve the 13 items as indicated was voted and carried 5-0.

6. MAYOR MARV TEIXEIRA - PRESENTATION BY THE NEVADA CHAPTER OF OPERATION FIRST RESPONSE REGARDING THEIR PLANS FOR A CITYWIDE "CARSON CITY SUPPORT OUR TROOPS DAY" (9:02:51) - Mayor Teixeira introduced Carol Howell and explained her request. Ms. Howell described the plans and the support that had been received from individuals, groups, businesses, and the schools. She requested an endorsement and cosponsorship from the Board that included funding, participation in the parade, speaking at Mills Park, and attendance at the dinner dance. Mayor Teixeira explained that the Board's participation in the Parade and endorsement could be done. He was, however, concerned about sponsorship. Action by the Board had not been agendized, therefore, none could be taken. Ms. Howell explained that Supervisor Aldean had offered to serve as a liaison with the council. Mayor Teixeira complimented her on her volunteerism. He also suggested that a contingency be developed in case Mother Nature does not cooperate. Ms. Howell explained the weather conditions for the last five years which indicated Mother Nature will cooperate with them. Discussion also indicated that Ms. Howell has been a Carson City resident for 12 years. Supervisor Williamson congratulated her on her efforts. Ms. Howell provided the telephone number of 775-884-1989 so that others can offer support. The Council is a Nevada nonprofit organization. Supervisor Aldean disclosed her contact with the Council and explained the reasons May 17 was selected. She also believed that the weather will cooperate and it will be a successful event. Her pride in participating was indicated. Mayor Teixeira noted that it will draw/involve individuals from the surrounding area. Supervisor Livermore felt that the community will support the activities. He volunteered his assistance. Board support will be requested by Supervisor Aldean as the Council's liaison. Supervisor Aldean requested wording for a proclamation which she hoped to present to the Board at the next meeting. Ms. Howell agreed to provide it. Mayor Teixeira wished her success.

Sam Dehne advised his intent to establish a list of things Carson City does well. He disclosed his military background. He commended the Council on their efforts and wished them success. His support for the effort was explained. He cautioned them regarding the cost of putting on a dinner/dance as it can be very expensive. Mayor Teixeira opined that Mr. Dehne's band may have to participate.

Development Services Director Larry Werner suggested that the Board also consider waiving the nonprofit reduced fees that will be required for the event. No formal action was required or taken on this Item.

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7. INFORMATION TECHNOLOGY - Director Kevin Haggarty - PRESENTATION AND OVERVIEW OF CURRENT AND FUTURE ACTIVITIES OF THE INFORMATION TECHNOLOGY DEPARTMENT (9:58:01) - City Manager Linda Ritter - An explanation of the problems encountered with a recent test of the "Code Red" program was provided. Protocol addressing the problems is being developed. An apology for the disturbance was given. As the City pays for 50,000 minutes as part of this program, an additional expense was not incurred. Mr. Haggarty explained his slide presentation highlighting the Department's current and future activities. (A copy of Mr. Haggarty's slide presentation is in the file.) Discussion explained Mr. Haggarty's role in the acquisition of new programs by other Departments. He does not determine whether the program will function as desired. The Department had analyzed the judicial programs which have been brought on line. The Department did not analyze the HR program. Mr. Haggarty felt that the Department had learned from problems encountered with the HR program. Ms. Ritter explained that Mr. Haggarty has a template that is used to analyze new programs. The template has assisted with the removal of two programs—one in the courts and one in the building area. The template has saved the City funds as a result of its usage. Discussion then explained that Mr. Haggarty is in the process of reviewing the wireless usage in the City. He hoped to restrict the number of cell and Blackberries to 200 and consolidate the wireless devices as much as possible. He hoped to have one or two vendors rather than the four currently serving the City. Supervisor Williamson thanked him for his executive summary and for revitalizing the Department. She also felt that he is a strong, aggressive negotiator who has saved the City money. Discussion indicated that there is an interlocal agreement with Lyon County that provides it with technology assistance. Funds generated as a result of this agreement are used for the capital program. Additional comments were solicited but none were given. No formal action was required or taken.

8. DEVELOPMENT SERVICES - PLANNING AND ZONING - Community Development Director Walter Sullivan

A. ACTION TO ADOPT BILL NO.132 ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 17, DIVISION OF LAND, CHAPTER 17.06, FINAL SUBDIVISION MAPS, BY CHANGING THE TIME IN WHICH TO RECORD A FINAL MAP FROM ONE YEAR TO TWO YEARS AFTER APPROVAL OF A TENTATIVE MAP CONSISTENT WITH NEVADA REVISED STATUTES (NRS); AMENDING TITLE 18, ZONING, CHAPTER 18.02 ADMINISTRATIVE PROVISIONS, SECTION 18.02.035, COMMISSION AND BOARDS APPLICATION, BY CHANGING THE TIME IN WHICH THE CITY HAS TO REVIEW A ZONING APPLICATION FOR COMPLETENESS FROM 10 DAYS TO THREE DAYS PER NRS; AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, SECTION 1.15, MANUFACTURED HOME INSTALLATION WITHIN A SINGLE FAMILY ZONING DISTRICT, BY CHANGING THE MAXIMUM AGE OF A MANUFACTURED HOME THAT MAY BE PLACED FROM FIVE YEARS TO SIX YEARS PER NRS; AMENDING CHAPTER 18.16, DIVISION 1, SECTION 1.11, STREET VENDORS, MAKING CHANGES TO BE CONSISTENT WITH OTHER SECTIONS

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OF THE MUNICIPAL CODE; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 2, PARKING AND LOADING, SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO CLARIFY TANDEM PARKING REQUIREMENTS CONSISTENT WITH THE DOWNTOWN MIXED-USE PARKING STANDARDS (FILE ZCA-07-115) (9:20:41)

Comments were solicited but none were given. Supervisor Aldean moved to adopt Bill No. 132 on second reading, Ordinance No. 2007-33, an Ordinance amending various provisions of the Carson City Municipal Code Section 17.06, Final Subdivision Maps, 18.02, Administrative Provisions, Development Standards Section 1.11, Street Vendors, Section 1.15, Manufactured Home Installation within a Single Family zoning District, and Section 2.3, General Parking Requirements as agendized on the agenda and published in the newspaper. Supervisor Williamson seconded the motion. Motion carried 5-0.

B. ACTION TO ADOPT BILL NO. 133, ON SECOND READING, EFFECTING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM MOBILE HOME 12,000 (MH12) TO MOBILE HOME 6000-PLANNED UNIT DEVELOPMENT (MH6-P), ON PROPERTY LOCATED AT 3860 EAST NYE LANE, APN 008-192-69, A TOTAL OF APPROXIMATELY 5.12 ACRES, LOCATED SOUTH AND WEST OF COLLEGE PARKWAY, NORTH OF EAST NYE LANE AND EAST OF AIRPORT ROAD, AND OTHER MATTERS PROPERLY RELATED THERETO (ZMA-07-108) (9:22:50) - Comments were solicited but none were given. Supervisor Staub moved to adopt Bill 133 on second reading, Ordinance No. 2007-34, effecting a Zoning Map Amendment to change the zoning from Mobile Home 12,000, MH12, to Mobile Home 6000-Planned Unit Development, MH6P, on property located at 3860 East Nye Lane, APN 008-192-69, a total of approximately 5.12 acres, located south and west of College Parkway, north of East Nye Lane, and east of Airport Road, and other matters properly related thereto. Supervisor Livermore seconded the motion. Motion carried 5-0.

C. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, CHAPTER 18.05, GENERAL PROVISIONS, SECTION 18.05.030, TRAILERS, MOBILEHOME, RECREATIONAL VEHICLES, COMMERCIAL COACHES AND STORAGE CONTAINERS, TO PROHIBIT TENTS, TRAINS, BOXCARS, SEMI-TRUCK TRAILERS, PASSENGER COACHES, BUSSES, STREETCAR BODIES OR SIMILAR ENCLOSURES AND ROLLING STOCK IN ALL RESIDENTIAL ZONING DISTRICTS, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA-07-132) (9:31:30) - Comments were solicited but none were given. Supervisor Williamson moved to introduce on first reading Bill No. 134, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, CHAPTER 18.05, GENERAL PROVISIONS, SECTION 18.05.030, TRAILERS, MOBILEHOME, RECREATIONAL VEHICLES, COMMERCIAL COACHES AND STORAGE CONTAINERS, TO PROHIBIT TENTS, TRAINS, BOXCARS, SEMI-TRUCK TRAILERS, PASSENGER COACHES, BUSSES, STREETCAR BODIES OR SIMILAR ENCLOSURES AND ROLLING STOCK FROM ALL RESIDENTIAL ZONING DISTRICTS based on the findings that are contained in the staff report. Supervisor Livermore seconded the motion. Motion carried 5-0.

D. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING

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CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.030.2, NONCONFORMING USES - EXPANSION OF A NONCONFORMING BUILDING, TO AMEND THE SECTION ADDRESSING EXPANSION OF NONCONFORMING BUILDINGS TO CLARIFY WHEN A SPECIAL USE PERMIT IS REQUIRED, AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA-07-133) (9:33:44) - Discussion justified the revision. Comments were solicited but none given. Supervisor Aldean moved to introduce on first reading Bill No. 135, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.030.2, NONCONFORMING USES - EXPANSION OF A NONCONFORMING BUILDING, TO AMEND THE SECTION ADDRESSING EXPANSION OF NONCONFORMING BUILDINGS TO CLARIFY WHEN A SPECIAL USE PERMIT IS REQUIRED, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Williamson seconded the motion. Motion carried 5-0.

E. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "ADULT ENTERTAINMENT FACILITY," DELETE "VIDEO RENTAL" AND ADD "ADULT MERCHANDISE RETAIL ESTABLISHMENT" DEFINITIONS, AND AMENDING CHAPTER 18.16 DEVELOPMENT STANDARDS, DIVISION 1 LAND USE AND SITE DESIGN, ADDING SECTION 1.19 ADULT MERCHANDISE RETAIL PERFORMANCE STANDARDS, TO ESTABLISH REGULATIONS FOR THE ADULT MERCHANDISE RETAIL ESTABLISHMENT COMMERCIAL PROPERTIES AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZCA-07-135) (9:36:05) - Mr. Sullivan's introduction included justifying the revisions and explained the intent to have the ordinance conform with surrounding communities' ordinances. The three adult retail establishments operating in Carson City had voluntarily restricted their sales of this merchandise to ten percent of the establishment. The ordinance had been sent to those establishments. George Staff had allegedly indicated his support for the ordinance. Discussion noted the Planning Commission's recommendation that the restricted area for the merchandise be reduced to five percent. Staff supported ten percent. The area provided in the surrounding Counties' ordinances ranged from 5 to 7 to 10%. The three current establishments will be grandfathered until they relocate. They will then be required to meet the Code. The District Attorney's office had advised that a change of ownership would also require compliance with the Code. Other Code provisions address the concerns regarding signage with the exception of the establishment on Highway 50 which is grandfathered. The life of its banner is limited to 90 days, which should expire soon. Supervisor Livermore explained the residential area adjacent to that establishment and their concerns. Mr. Sullivan indicated an intent to meet with the residents regarding their concerns and to work with the establishment on the content of its banner/signage. The proposed ordinance will address similar situations in the future. Supervisor Aldean moved to introduce on first reading Bill No. 136, AN ORDINANCE AMENDING VARIOUS PROVISIONS OF THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "ADULT ENTERTAINMENT FACILITY," DELETE "VIDEO RENTAL" AND ADD "ADULT MERCHANDISE RETAIL ESTABLISHMENT" DEFINITIONS, AND AMENDING

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CHAPTER 18.16 DEVELOPMENT STANDARDS, DIVISION 1 LAND USE AND SITE DESIGN, ADDING SECTION 1.19 ADULT MERCHANDISE RETAIL PERFORMANCE STANDARDS, TO ESTABLISH REGULATIONS FOR THE ADULT MERCHANDISE RETAIL ESTABLISHMENT COMMERCIAL PROPERTIES AND OTHER MATTERS PROPERLY RELATED THERETO based upon the findings for approval contained in the staff report as agendized on the agenda and published in the newspaper, File ZCA-07-125. Supervisor Livermore seconded the motion. Motion carried 5-0.

F. ACTION TO INTRODUCE, ON FIRST READING, A ZONING MAP AMENDMENT FROM SIERRA ENGINEERING CONSTRUCTION, BRUCE BACON (PROPERTY OWNERS: A KRYUCHKOVA AND W. KRYUCHKOVA/VINCENT AND MARY ANNE PEARSON) TO CHANGE THE ZONING OF APN(S) 008-211-11 AND 008-184-36 FROM MOBILE HOME 12,000 TO MOBILE HOME 6,000 (MH6) ON PROPERTY LOCATED AT 2549 AND 2530 AIRPORT ROAD AND OTHER MATTERS PROPERLY RELATED THERETO (FILE ZMA 07-123) (9:46:01) - Comments were solicited but none were given. Supervisor Williamson moved to introduce on first reading Bill No. 137, A ZONING MAP AMENDMENT FROM SIERRA ENGINEERING CONSTRUCTION, BRUCE BACON; PROPERTY OWNERS: A KRYUCHKOVA AND W. KRYUCHKOVA/VINCENT AND MARY ANNE PEARSON; TO CHANGE THE ZONING OF APN 008-211-11 AND 008-184-36 FROM MOBILE HOME 12,000 TO MOBILE HOME 6,000 ON PROPERTY LOCATED AT 2549 AND 2530 AIRPORT ROAD based on the findings contained in the staff report. Supervisor Aldean seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 9:49 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:57 a.m., constituting a quorum.

G. ACTION TO APPROVE A BREW PUB AND BREWERY APPLICATION FOR FOOD MANAGEMENT SERVICES, INC., DOING BUSINESS AS DOPPELGANGERS, LOCATED AT 302 NORTH CARSON STREET, AND ITS CORPORATE OFFICERS AND MANAGERS: ALAN H. ADAMS, PRESIDENT; ROBERT STEWART, VICE PRESIDENT; JOHN F. SIEBEN, SECRETARY, TREASURER, MANAGER; MELISSA CLAUDE, TONY ALEC, JOHN WHITEMAN, MANAGERS; BART MOWRY, RESIDENT AGENT (9:24:12) - Development Services Director Larry Werner - Mr. Sullivan's introduction explained the Statute mandating the Board's role in the licensing and that Robert Stewart had been listed on the original application for this location. Mr. Stewart is on the current application. The State must rule on the brew pub's application. Until that occurs, the micro-brewery items cannot be sold. Hard liquor and boxed wine products can be sold. The original license has lapsed. The State must approve the revised application to manufacture the product. The Board must state that all of the applicants are of good moral character. Discussion noted that Mr. Adams is the majority stockholder and President of the corporation. Mr. Werner indicated that the City issued Liquor License is still valid and that the Liquor and Entertainment Board does not have to act on the changes. The Board's action today will satisfy the State requirements. Supervisor Livermore moved to approve a Brew Pub and Brewery Application for Food Management Services, Inc., dba Doppelgangers Alan H. Adams, President; Robert Stewart, Vice President; John F. Sieben, Secretary/Treas-

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urer/Manager; Melissa Claude, Tony Aldec, and John Whiteman, Managers; Bret (Bart) Mowry, Resident Agent. Supervisor Williamson seconded the motion. Motion carried 5-0.

Department of Taxation Tax Administrator Heidi Pettinger advised that as soon as the Mayor signs the application and her agency receives it along with the \$75 fee and \$1,000 bond they can begin production. They must have a Federal brewer's permit. She hoped that its application process has already begun. It may hold up the license. Mayor Teixeira noted the City's action had occurred as quickly as possible and advised his intent to sign the document today. The need to act on the license as quickly as possible was stressed. He thanked her and the business representatives for attending the meeting. He hoped that the State will be able to assist in expediting the process. Ms. Pettinger expressed a desire to expedite the process so that they can begin brewing this weekend.

14. CITY MANAGER - Linda Ritter

A. ACTION TO AUTHORIZE THE USE OF ECONOMIC DEVELOPMENT FUNDS IN AN AMOUNT NOT TO EXCEED \$240,000, TO CURE AN IMPENDING DEFAULT ON A 2004 LOAN MADE TO THE BREWERY ARTS CENTER BY WELLS FARGO FOR THE PURCHASE OF THE BREWERY ARTS CENTER'S PERFORMANCE HALL, ADDRESS 501 WEST KING STREET, APN'S 003-206-01 AND 003-206-02, AND DISCUSSION AND POSSIBLE ACTION REGARDING THE CURRENT FINANCIAL STATUS OF THE BREWERY ARTS CENTER (8:40:14) - Pulled.

B. UPDATE ON THE CURRENT AND FUTURE FINANCIAL CONDITION OF THE CARSON CITY GENERAL FUND (10:17:38) - Computerized slides showing the positions that have been eliminated and the monthly sales tax revenue for the last five years was explained. (Copies are in the file.) Discussion explained the status of the five positions which were not funded by the Board during development of the 07-08 budget. The Citizen Outreach Coordinator was transferred to CDBG program and is 75% funded under that program. The Deputy District Attorney was funded. The Alternative Sentencing Officer was funded by grants. Seventeen positions have been eliminated since January 2007. No new positions have been added although some shifting of positions has occurred. Some of the shifts were created by a change in duties and position consolidations. Reductions have also been made in the expenditures. The budget position is now a negative \$186,000. Discussion indicated that the contingency should be removed from the budget to have a true accounting. Ms. Ritter agreed that contingency may be needed later in the fiscal year. It was left in the approved budget as well as the revised budget to "provide an even comparison". The 06-07 budget had also had contingency funds within it. Its contingency funds were not used. Its removal created the reduction in that budget. An operating transfer has been built into the indigent fund to address its funding problem. It is estimated that the \$120,000 transfer will handle its shortage. Mayor Teixeira felt that additional funding may be needed. Ms. Ritter then described the current budget including the revenue streams and adjustments. A binder detailing this information had purportedly been given to the Board members prior to the meeting. (A copy was not given to the Clerk.) Updates to it are to be provided quarterly. The Business Analyst had provided a sales tax report which indicated that the estimated sales tax revenue is \$22.8 million for the

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year. The estimate for 2006 was \$22.1 million. Mayor Teixeira then went to the next item. No formal action was required or taken on this Item.

15. BOARD OF SUPERVISORS

A. MAYOR MARV TEIXEIRA - DISCUSSION ON THE FINANCIAL STATUS OF THE CITY BASED ON THE RECENTLY ISSUED JULY 2007 SALES TAX REPORT AND POSSIBLE ACTION TO DIRECT STAFF TO DEVELOP AN ACTION PLAN (10:29:38) - Human Resource Director Ann Silver - Mayor Teixeira then read his prepared statement into the record. (A copy is in the file.) It stressed his belief that the sales tax revenue had taken a downturn and will remain down for the entire year. Justification for steps to be taken reducing the budget at this time were limned. The suggested steps were then recommended. Discussion ensued regarding his recommendation to impose a hiring freeze for 120 days. There are 39 vacant positions at this time. Interviews for those vacancies are being held. Job offers have been made for several of these positions. Ms. Silver felt that the City could withdraw those offers. Mayor Teixeira clarified his freeze recommendation to indicate that grant positions and enterprise positions could be hired so long as no General Fund monies are required to support the funding. Hiring is allowed for critical positions in the Sheriff and Fire Departments.

Supervisor Livermore applauded Mayor Teixeira on his willingness to bring the concern forward and be proactive in its resolution. He assured the community that the City has sufficient operating capital for the social services that are desired by the residents which include public health, safety and welfare items. He was surprised that the suggestions had not been raised before now. He supported recognition of the concern and the proactive programs which will avoid a last minute stampede to reduce expenses. The 120 day period is not a life long period. The budget can be analyzed monthly and revised as is deemed appropriate.

Supervisor Staub disclosed his discussion about the proposed 120 day hiring freeze with staff members including the Sheriff. He disliked the concept due to the lack of knowledge regarding the net effect. He questioned the definition of the term "critical positions" due to his belief that it is subjective. He hoped that all Department Heads, including the elected officials, will analyze their needs and understand the collateral effect that will be created. The freeze on the 39 positions may avoid the necessity for a layoff in the future. The City is fiscally restrained due to the reduction in property taxes and the decrease in sales tax. There have been discussions regarding a potential layoff. Neither the bargaining units nor the Board, including himself, want layoffs to occur. He cautiously supported taking a proactive stance at this time as it could eliminate the need for layoffs. He also pointed out the need to address the PERS audit and the payroll program.

Discussion between Mayor Teixeira and City Manager Ritter indicated that any noncritical positions are to be approved by the Board before being filled. The Department Head will inform Ms. Ritter as to the essential/critical need for the position. The Board can agree or disagree with his/her designation. Mayor Teixeira felt that the Board will know the City's financial status in four months. Ms. Ritter advised that the capital survey forms have already been distributed. The survey is to be submitted to the Board for

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discussion/action in December.

Supervisor Aldean pointed out that road maintenance positions could be deemed essential as well as critical due to the health and safety needs. She urged the Board/staff to define the term critical. Mayor Teixeira agreed that the definition will be subjective. The Board can make the determination at the time of the request. Supervisor Staub expressed a desire to exempt the Sheriff and Fire Departments' line officers—individuals who are on the street. Mayor Teixeira did not have a problem with these exemptions. Discussion reiterated that Sheriff and Fire Departments' line positions do not have to come to the Board for approval. Mayor Teixeira also disclosed his belief that District Attorney Neil Rombardo will be bringing a request for a Deputy District Attorney to the Board due to his knowledge of the court issues. Comments indicated that 18 of the 39 open positions are full time. Mayor Teixeira reiterated his desire to avoid firing individuals who were recently hired.

Supervisor Staub moved to approve the action plan which Mayor Teixeira had proposed to the Board today with the corrections that all line police officers and firefighters are exempt from the freeze. Supervisor Livermore seconded the motion. Motion was voted by roll call with the following result: Supervisor Aldean - Yes; Supervisor Williamson - No, I want a more complete analysis; Supervisor Livermore - Yes; Supervisor Staub - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

9. OFFICE OF BUSINESS DEVELOPMENT - Manager Joe McCarthy - ACTION TO APPROVE A POLICY TITLED “ECONOMIC DEVELOPMENT FUNDING POLICY” (11:03:15)
- City Manager Linda Ritter, Chief Deputy District Attorney Melanie Bruketta - Supervisor Aldean advised that she will not leave the dias. She will not participate in the discussion nor vote when action is taken due to a possible conflict of interest. She had consulted with the District Attorney’s Office. They recommended that she abstain.

Justification for the proposal to transfer the Landfill Enterprise back to the General Fund and utilize revenue from it for Economic Development was provided. The transfer will be considered by the Board at its next meeting. The action requested today merely establishes the policy allowing the use to occur. Mayor Teixeira felt that the process should establish a paper trail illustrating how the funds are used and provide for repayment. He acknowledged that the landfill is an EPA issue which could be volatile due to EPA’s desire to have it lined. It is also possible that EPA will want it to be a transfer station. The cost to close it will be substantial. Its funding should be set aside and carried on the books. Discussion acknowledged that the landfill has been making a profit which is contrary to normal government practices and Statutes regarding enterprise funds. Ms. Bruketta acknowledged the legal concerns which had been voiced by her Department and indicated that Waste Management had allegedly voiced the same concern. Mayor Teixeira reiterated his request that a clear paper trail be established. Ms. Ritter advised that the funds will be “tracked”. Mayor Teixeira then indicated that he would support the Board and rescinded his request. He acknowledged Waste Management’s concerns. Supervisor Williamson moved to approve Policy No. 2007-P-3 entitled “Economic Development Funding Policy”. Supervisor Livermore seconded the motion. Motion carried 4-0-1 with Supervisor Aldean abstaining.

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RECESS: A recess was declared at 11:12 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 11:18 a.m., constituting a quorum.

10. REDEVELOPMENT AUTHORITY (11:17:43) - Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Chairperson Williamson who convened the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder.

BOARD OF SUPERVISORS (1:11:43) - Following adjournment of the Redevelopment Authority, Chairperson Williamson returned the gavel to Mayor Teixeira who reconvened the Board of Supervisors session. The entire Board was present, constituting a quorum.

11. ACTION TO APPROVE THE OWNER PARTICIPATION AGREEMENT WITH CITY MANAGEMENT SERVICES, OWNER ROBERT ROTHE, DOING BUSINESS AS CARSON SOUTHGATE, LLC, TO PROVIDE FINANCIAL ASSISTANCE ON A REIMBURSEMENT BASIS FOR THE REHABILITATION OF THE VACANT, BLIGHTED FORMER WAL-MART BUILDING IN THE SOUTHGATE SHOPPING CENTER TO ALLOW FOR THE OCCUPANCY OF A 70,000 SQUARE-FOOT BURLINGTON COAT FACTORY (1:11:46) - Mayor Teixeira noted Supervisor Aldean's intent to abstain on this Item. Supervisor Williamson moved to approve the owner participation agreement with City Management Services, Owner: Robert Rothe, doing business as Carson Southgate, LLC, to provide financial assistance on a reimbursement basis for the rehabilitation of the vacant, blighted former Wal-Mart Building in the Southgate Shopping Center to allow for the occupancy of a 70,000 square foot Burlington Coat Factory. Supervisor Livermore seconded the motion. Motion carried 4-0-1 with Supervisor Aldean abstaining.

RECESS: A recess was declared at 1:12 p.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 1:20 p.m., constituting a quorum.

13. PUBLIC WORKS - STORM WATER - ACTION TO APPROVE THE CLEAR CREEK STORM WATER MANAGEMENT PROGRAM AS REQUIRED UNDER THE CITY'S NPDES (NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM) PHASE II PERMIT AND AUTHORIZE CITY STAFF TO PROCEED WITH THE INTERAGENCY COLLABORATION AND IMPLEMENTATION OF THE PROGRAM (1:20:30) - Chief Storm Water Engineer Rob Fellows, City Engineer/Development Services Director Larry Werner, Bob Fredlund - A computerized slide presentation was given. (A copy is in the file.) The program is coordinated with Douglas County's. Funding has not been committed to the program. Supervisor Livermore noted the State's original involvement. The State had allegedly committed \$2 million for this program. Mr. Fellows agreed that all of the property owners should participate and financially support the program. There are 934 parcels in the watershed which includes 139 vacant parcels. The area map does not include a Douglas County subdivision that will have cluster housing. The former Clear Creek Youth Camp has been demolished and may be sold at a future date. A description of the watershed area was provided including the water classes. The primary goal and its goal strategies were listed and explained including the need to educate the property owners about maintenance of the watershed. The education program included advising the

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residents of the free oil recycling program conducted at the landfill, pretreatment of gas stations, establishment of a buffer between the creek and development, etc. Data regarding the watershed is currently being collected by the Washoe Tribe, NDOT, and Carson City. The proposed implementation programs were listed. NDEP believes that Carson City should work with the other property owners. Others may be added to the list in the future. Discussion indicated that the City cannot be held accountable for discharges from sites above its area. This is the reason all of the participants need to be involved with the water quality program. Supervisor Aldean emphasized that the City should not be penalized for the failings caused by others. Mr. Fellows felt that efforts are being made by Douglas County to implement some of the programs. Discussion indicated that permits are required before construction can occur. The contractors should use best management practices during development. Public comments were solicited.

Mr. Fredlund encouraged the Board to adopt the program. The watershed is a valuable asset to the community. It is a huge area that is much like a park. He did not want to see it ruined or polluted. He encouraged continuing to monitor the upstream residents. He also appreciated Mr. Fellows efforts.

Supervisor Staub moved to approve the Clear Creek Storm Water Management Program as required under the City's NPDES, National Pollution Discharge Elimination System, Phase II permit and authorize City staff to proceed with the interagency collaboration and implementation of the program. Supervisor Aldean seconded the motion. Motion carried 5-0.

12. PUBLIC WORKS - ACTION TO APPROVE FILING A PROTEST WITH THE STATE ENGINEER REGARDING PENDING WATER RIGHTS APPLICATION 76144 (1:39:00) - Development Services Director/City Engineer Larry Werner, Bruce Scott, Don Schultz' Attorney Harry Swainston - Mr. Scott explained the City's acquisition of water rights which had established a price for them in Carson City. These water rights can be used in City wells. The application is for 1,000 acre feet of water rights that is supplemental to water already recognized. He encouraged the City to file a protest to the application in order to retain the ability to take action regarding the application in the future. These actions include withdrawal, modifying the original protest, and participation in the protest. If the City fails to file a protest, it loses its standing in the matter. He believed that the water, if approved, will allow the applicant to step into the municipal water business. He urged the City to take a leadership role regarding the transfer of water rights in this area. The water rights are additional water which the City should be in the driver's seat regarding its usage. Clarification indicated that the process is adversarial. In order to participate in the decision, standing must be established via a protest. Mr. Scott indicated that he viewed an application for a 611-acre feet of water is different from this request for 1,000 acre feet. The 611 acre feet are also for quasi-municipal purposes. Discussion explained that some Dayton water rights had been modified as a result of a court ruling. Mr. Scott did not believe that this application will be discounted as those water rights had been. Discounting occurs when water rights are converted from agricultural uses to municipal uses. The filing is dated August 2007. The underlying claims are vested from the 1850, 1860 and 1870s. He also felt that it is very unique application due to the amount of ground water being claimed. Professionally dug wells appeared in the 1910 and 20s. Wells before that period were hand dug. The City's agreement with the Schultz family is clear and fair. They have to show the water. The applicants will have an uphill battle showing historic use from a ground water source.

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(1:49:24) Mr. Swainston displayed a “second minute photograph” of the area, which he described. The history of the ranch was limned. The water rights were established by serving the immigrants going to California. The photograph illustrated that there is a great deal of vegetation and cattle. The well contained large boulders in a “cistern” that was close to the ground. It was used for stock watering and quasi-municipal purposes. During the last 20 years the Schultz’ have encountered governmental road blocks in their efforts to find the highest and best of use of their water. In consummating the City agreement, the water rights were changed from agricultural purposes to municipal purposes. The place of use was changed to the Carson City water distribution system. These changes will not be processed until they have been adjudicated. The State Water Engineer has allegedly advised that he has no adjudications planned at this time and may not have any during their lifetime. Therefore, Mr. Swainston filed in district court for a quiet title to the water rights and to quantify them for transfer to the City to satisfy the contract. There are also a number of other causes for action involved. The only case the Water Engineer has adjudicated was a very aggressive forfeiture. Mr. Swainston thought that the same thing would happen with the Schultz’ case. So, Mr. Swainston filed under the application and permit process in order to keep the courts from ruling a forfeiture due to the lack of use for a five-year period. He felt justified in the filing due to the State Water Engineer’s response to the application indicated that all or a portion of the water rights had been forfeited in addition to other defenses. Mr. Swainston then, within the 20-day response period, filed to strike those defenses. This motion has been set for a hearing on November 15. He believed that the forfeiture issue will be won based on Nevada case law indicating that the forfeiture law does not extend retroactively past 1913. The water rights were created before that date. The application is pending and is in the early process of being published and protested. He urged the Board to accept the fact that they are working together on the process. The Schultz want the contract to be consummated so that everyone benefits. NRS 533.365 was read to illustrate the adversarial nature created by filing a protest against an application. He urged the Board not to file a protest but to file a petition to intervene in the process as a real party in interest. He would not oppose such a petition. It would allow them to remain in a good faith relationship with the City.

(1:58:19) Discussion indicated that the 611 acre feet of water rights is still working it way through the court process. The State Water Engineer’s opinion was that they had been forfeited in part or as a whole. Supervisor Aldean supported filing a petition to intervene rather than filing a protest. Mr. Swainston indicated that the Schultz do not oppose having the City file as a co-applicant.

Clarification by Mr. Swainston indicated that the Schultz do not intend to create a municipal water company. They want to protect and transfer the water rights to either Carson City or Douglas County. This could create an awful specter of having an inter-county conflict over water. He believed that the aquifer was the finest he had seen and may be one of the last ones in this part of the country. It was tested in 1994 by Kleinfelder who said they could sustainably pump 650 acre feet a minute. If Carson City does not purchase the water, then Douglas County is the only remaining interest. The well is located in Carson City.

Mr. Werner then explained that the decision to acquire the rights is up to the Board. The process used for water purchases was limned. Mr. Werner was not aware of a water right purchase from the Andersons’

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Ranch. Supervisor Livermore advised that the City currently has other water rights in Douglas County that are difficult to acquire and maintain. Mr. Werner felt that they were comparing apples and oranges. If the City files on the Schultz water rights, it will have to determine what the impact would be to the surrounding area. This would "put more water rights on the basin." Extraction of water under rights already owned by the City has been difficult at times. It is in the same aquifer as the Schultz'. Failure to protest, may damage the City's water rights. The protest will give the City the ability to negotiate the final results. If the City files as a co-applicant, the City may be responsible for a share or all of the costs. He also felt certain that the Washoe Tribe will be filing a protest. He advised that he had not discussed his comments with Mr. Scott.

Mr. Swainston assured the Board that they plan to proceed with the adjudication and will get a lot of water for the City as the priorities are exercisable and before the other wells.

Mr. Scott reiterated his strong recommendation that the Board not file as a co-applicant or party with the Schultz regarding their claims of vested rights. To do so, would provide entanglements. The City has an agreement with the Schultz that you will pay them for winning. It is a fair agreement. Clarification indicated that the 611 acre feet is still to be adjudicated. It is in the court system now and is moving forward. The application that Mr. Scott recommends they protest is for 1048 acre feet. Mayor Teixeira explained to Mr. Swainston and Mr. Schultz that the Board has a fiduciary responsibility to the community. Mr. Scott is the City Water Engineer and makes recommendations to the Board. He is recommending that the Board protest their application.

(2:08:13) Discussion between Supervisor Aldean and Mr. Scott explained Mr. Scott's belief that a protest should be filed first due to the timeframe for filings. If this timeframe is missed, the Board will not be able to intervene or protest. Without the protest, the Board will have a different standing with the State Water Engineer. He was uncertain about the court requirements. He believed that the Board could support their adjudicated rights even if a protest is filed. The protest merely maintains the City's position in the process. It can be withdrawn or modified in the future. The protest can include the reasons for the filing. The City is not concerned about the water rights being recognized but it has a contract to purchase additional rights and the needs to maintain the City's vested interest in those rights. Mr. Scott also recommended that the protest include, as the water purveyor in this area, that the Board feels that it is in its interest that the water in excess of what may be adjudicated not be appropriated to the Schultz' application. There are already applications and permits on file in the City and others' names in the Carson Valley which the City should be ahead of and not behind. He felt that it could be a 400+ windfall of water rights to the Schulz if this application is approved. The only thing they can do is to sell to the City or a developer who will furnish it. The City is in the water business and needs to protect its element.

Supervisor Staub moved to approve filing a protest with the State Engineer regarding pending Water Rights Application 76144. Supervisor Aldean requested an amendment to the motion to clarify the protest to include the caveats as discussed by Mr. Scott so as to clarify the Board's position regarding it. Supervisor Staub concurred. Supervisor Aldean seconded the motion. The motion was voted by roll call with the following result: Supervisor Aldean - Yes; Supervisor Williamson - Yes; Supervisor Staub - Yes;

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Supervisor Livermore - Yes; and Mayor Teixeira - Yes. Motion carried 5-0.

Mr. Scott then explained a “related element” regarding a State Water Engineer letter that was sent to the City as is required when there is a multi-county water application. A similar letter was sent to Douglas County. The letter is asking for informal feedback regarding this application. This letter is separate from the protest process. Mr. Scott offered to assist staff in responding to this letter. Mayor Teixeira agreed to have Mr. Scott write the letter and for either Mr. Burnham or Mr. Werner to sign it. No formal action was taken on this matter.

15. B. NON-ACTION ITEMS: INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS, CORRESPONDENCE TO THE BOARD OF SUPERVISORS, STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD (2:12:43) - Supervisor Williamson announced the Ghost Walk which will occur on Saturday. Tickets are available at the Convention and Visitors Bureau. She also announced the Riverview Park Cleanup scheduled for Saturday. Mayor Teixeira opined that the Nevada Day activities will be bigger and better than ever. He encouraged the public to attend its many activities, several of which he described. He also announced the band competition scheduled at the Carson High School after the Nevada Day Parade and thanked the volunteers for putting it on.

C. STAFF COMMENTS AND STATUS REPORT (2:12:36) - None.

16. DISTRICT ATTORNEY - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO THE NEVADA OPEN MEETING LAW, NRS 241.015(2)(B)(2), FOR THE PURPOSE OF RECEIVING INFORMATION REGARDING POTENTIAL OR EXISTING LITIGATION FROM AN ATTORNEY EMPLOYED OR RETAINED BY THE CITY, AND/OR DELIBERATING TOWARD A DECISION (2:14:42) - Supervisor Aldean moved to recess into Closed Session pursuant to the Nevada Open Meeting Law, NRS 241.015.2.B.2 for the purpose of receiving information regarding potential or existing litigation from an attorney employed or retained by the City and/or deliberating toward a decision. Supervisor Livermore seconded the motion. Motion carried 5-0.

17. ACTION TO ADJOURN (2:15:33) - Supervisor Livermore moved to adjourn the Open Session. Supervisor Aldean seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the Open Session at 2:16 p.m.

The Minutes of the October 18, 2008, Carson City Board of Supervisors meeting

ATTEST:

ARE SO APPROVED ON February 7, 2008.

/s/
Alan Glover, Clerk-Recorder

/s/
Marv Teixeira, Mayor