

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the October 4, 2012 Meeting**

**Page 1**

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, October 4, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell

Supervisor Karen Abowd, Ward 1

Supervisor Shelly Aldean, Ward 2

Supervisor John McKenna, Ward 3

Supervisor Molly Walt, Ward 4

**STAFF:** Alan Glover, Clerk - Recorder

Stacey Giomi, Fire Chief / Acting City Manager

Randal Munn, Chief Deputy District Attorney

Kathleen King, Deputy Clerk / Recording Secretary

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

**1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** (8:31:54) - Mayor Crowell called the meeting to order at 8:31 a.m. Mr. Glover called the roll; a quorum was present. Calvary Chapel Pastor Pat Propster provided the invocation. At Mayor Crowell's request, Chief Giomi led the pledge of allegiance.

**5. PUBLIC COMMENTS AND DISCUSSION** (8:34:17) - Mayor Crowell entertained public comment. (8:34:45) Cory Cormiere, representing TrashCo Dumpster Service, requested the City to reconsider the recent elimination of charge accounts at the landfill. He explained the hardship associated with trash haulers, who visit the landfill several times in one day, not being able to carry sufficient cash to cover the associated expense. He advised of having only received the notice last evening and that if the decision is not reversed "we'll be forced to take our loads to other facilities that will allow us to charge." He suggested this would result in a loss of revenue at the City's landfill and "defeats the purpose of what you're trying to do." He expressed understanding for the factors involved in the City's decision, but suggested that delinquent account holders should be held accountable without "punish[ing]" the other trash haulers. He urged the Board's reconsideration of the decision. Mayor Crowell thanked Mr. Cormiere for his articulate presentation and advised that the matter will be reviewed and considered. Mayor Crowell entertained additional public comment; however, none was forthcoming.

**6. POSSIBLE ACTION ON APPROVAL OF MINUTES - September 6, 2012** (8:38:36) - **Supervisor Aldean** advised of a clerical correction and **moved to approve the minutes, as amended.** **Supervisor Abowd** seconded the motion. **Motion carried 5-0.**

**7. POSSIBLE ACTION TO ADOPT THE AGENDA** (8:39:03) - Mayor Crowell advised that item 8-4(A) would be deferred to a future meeting. He entertained additional modifications to the agenda and, when none were forthcoming, a motion. **Supervisor Aldean** **moved to approve the agenda, as amended.** **Supervisor Walt** seconded the motion. **Motion carried 5-0.**

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the October 4, 2012 Meeting**

**Page 2**

**8. CONSENT AGENDA** (8:39:46) - Mayor Crowell noted that item 8-4(A) had been deferred, and entertained requests to hear items separate from the consent agenda. Supervisor Aldean requested to separately hear item 8-5. Mayor Crowell entertained additional requests and, when none were forthcoming, a motion to approve the remainder of the consent agenda. **Supervisor Aldean moved to approve the consent agenda, consisting of three items from the Assessor's Office, one item from Finance, two items from Purchasing and Contracts, one item from the District Attorney's Office, and one item from Public Works.** Supervisor Walt seconded the motion. Motion carried 5-0.

#### **8-1. ASSESSOR**

**8-1(A) POSSIBLE ACTION TO APPROVE THE CORRECTION / INCREASE OF TAXES FOR THE 2009 / 10, 2010 / 11, 2011 / 12, AND 2012 / 13 TAX YEARS FOR PARCEL NUMBER 009-302-15, 5400 SOUTH CARSON STREET, PURSUANT TO NRS 361.765, IN THE AMOUNT OF \$3,768.55**

**8-1(B) POSSIBLE ACTION TO APPROVE THE CORRECTION AND REFUND OF TAXES FOR THE 2009 / 10, 2010 / 11 AND 2011 / 12 TAX YEARS FOR PERSONAL PROPERTY ACCOUNT NUMBER AC 051268, AIRCRAFT - N28X, PURSUANT TO NRS 361.767, IN THE AMOUNT OF \$322.52**

**8-1(C) POSSIBLE ACTION TO APPROVE THE PARTIAL REMOVAL AND REFUND OF REAL PROPERTY TAXES FOR PARCEL NUMBER 009-153-13, SOUTH CARSON STREET, FOR THE 2012 / 13 TAX YEAR, PURSUANT TO NRS 361.055, IN THE AMOUNT OF \$218.84**

**8-2. 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 SEPTEMBER 25, 2012, PURSUANT TO NRS 251.030 AND NRS 354.290**

#### **8-3. PURCHASING AND CONTRACTS**

**8-3(A) POSSIBLE ACTION TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THE RELEASE OF FINAL PAYMENT, IN THE AMOUNT OF \$18,348.60, FOR CONTRACT NO. 1112-154, CARSON CITY PUBLIC WORKS TENANT IMPROVEMENT OF BUILDING "C", TO SHAHEEN BEAUCHAMP BUILDERS, LLC**

**8-3(B) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1213-105, A REQUEST TO HAVE THE BOARD OF SUPERVISORS DETERMINE THAT THE LISTED CITY PROPERTY IS NO LONGER REQUIRED FOR PUBLIC USE AND TO DEEM ITS SALE BY PUBLIC AUCTION DESIRABLE AND IN THE BEST INTERESTS OF CARSON CITY**

#### **8-4. DISTRICT ATTORNEY**

**8-4(A) POSSIBLE ACTION TO APPROVE AN UPGRADE OF ONE LEGAL SECRETARY I POSITION TO A LEGAL SECRETARY II POSITION WITHIN THE CARSON CITY DISTRICT ATTORNEY'S OFFICE - Deferred.**

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 4, 2012 Meeting

Page 3

**8-4(B) POSSIBLE ACTION TO APPROVE, PURSUANT TO SECTION 3.070(3) OF THE CITY CHARTER, A CONTRACT AMENDMENT TO INCREASE THE NOT-TO-EXCEED MAXIMUM, FROM \$30,000.00 TO \$60,000.00, FOR THE INDEPENDENT CONTRACT AGREEMENT FIRST APPROVED BY THE BOARD ON AUGUST 17, 2011 AND RETROACTIVE TO JULY 25, 2011, BETWEEN THE DISTRICT ATTORNEY AND THE LAW FIRM OF TAGGART & TAGGART, LTD., FOR SPECIAL DISTRICT ATTORNEY SERVICES ON AN HOURLY BASIS, PRIMARILY FOR CONTRACT MATTERS INVOLVING WATER RIGHTS AND RELATED MATTERS**

**8-5. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO APPOINT AND AUTHORIZE THE MAYOR, THE CLERK-RECORDER, OR DESIGNEE TO SWEAR MR. STEPHEN R. JOHNSON AND ASSOCIATES, MAI, SREA, AS THE APPRAISER FOR CARSON CITY WITH REGARD TO A SELF-CONTAINED SUMMARY APPRAISAL FOR THE POTTER PROPERTIES, APNs 009-014-05 AND 003-151-25** (8:40:47) - Mayor Crowell introduced this item and advised that he would abstain from discussion and action due to a previous professional association with the Potter family. He passed the gavel to Mayor *Pro Tem* Shelly Aldean. Open Space Property Manager Juan Guzman provided background information on this item, and reviewed the agenda materials. In response to a question, he advised that the City has never participated in a land exchange for the Open Space Program. Mayor *Pro Tem* Aldean noted the uniqueness of the situation in consideration of the two appraisals, one for the Potter property and one for a potential exchange property, the cost of which totals \$10,000. She expressed concern that, ultimately, the Potter property appraisal is only of value to the Potter Family Trust. She suggested that the taxpayers should not bear the cost of paying for both appraisals, and the possibility of at least sharing the \$4,000 cost for the Potter property appraisal.

At Supervisor McKenna's request, Mr. Guzman reviewed the open space values of the Potter property. Supervisor McKenna expressed concern regarding one of the appraisals expiring prior to the other being completed. Mr. Guzman discussed the appraisal process which will include comparables. "If, at that point, ... the values that are coming up on the property of Mr. Potter are not high enough to ... move forward, we will stop the contract. We'll pay Mr. Johnson for the work he has done, up to ... a maximum of \$4,000 for that part, and we will not proceed ... any further. If, in fact, we are all in agreement at that stage, then we will continue to identify City properties that are acceptable to the Potter Family Trust and to the City that could be involved. And then Mr. Johnson will proceed to appraise that property. The total overall cost will be no more than \$10,000 if it moves forward."

Supervisor Abowd expressed agreement that at least a portion of one of the appraisals needs to be borne by the Potter Family Trust. In response to a question, Mr. Guzman provided background information on research into ownership of a portion of Ormsby Boulevard which traverses the Potter property. After having discussed the matter with then-City Manager Linda Ritter, consensus was to appraise and base any future offer on the entire property, including that portion of the right-of-way in question. Mayor *Pro Tem* Aldean noted that the right-of-way diminishes the value of the property, and suggested that the matter is more complicated than simply ordering appraisals. She further suggested that the right-of-way issue should be resolved prior to paying for joint appraisal of property, and discussion followed. In response to a question, Mr. Guzman advised that the subject property has been designated as a high priority acquisition for the Open Space Program. "It's contiguous, ... is being used by the public, and it has cultural resources. By the time they come here, they are very high [priority]." Mr. Guzman provided background information on the reason the Open Space Program has traditionally paid for appraisals. In response to a further

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 4, 2012 Meeting

Page 4

question, Mr. Guzman described ownership and use of the “trail” as it continues past the Potter property. He acknowledged that access is currently available from Ormsby Boulevard. Mayor *Pro Tem* Aldean entertained additional questions and, when none were forthcoming, entertained public comment.

(8:56:04) Attorney Jim Cavilia, representing the Potter Family Trust, provided historic information on the acquisition process associated with the Potter property. In response to a previous question regarding the Ormsby Boulevard right-of-way, he advised that the City hired Silver State Right-of-Way Consulting in 2007 to research the matter. “And they concluded that there is no public right-of-way there. There’s no record of the City owning that property other than some references of the future extension of Ormsby.” Mr. Cavilia assured the Board of the Potter family’s desire for the parcel to be owned by the City, and that they are a willing seller. “The reason we’re in an exchange situation is the City’s Open Space [Program] is out of money ... The City doesn’t have the ability to buy that property. [Mr. Guzman] and Mr. Potter came up with the idea amongst themselves, ‘what about an exchange? Is there property that the City has that the City doesn’t need that’s not typical open space, it’s not recreation space, it might have some value otherwise? Is there a way we can come up with that exchange?’ Well, here we are seven years later and we still don’t have an appraisal of the property.” Mr. Cavilia expressed understanding for the Supervisors’ opinions that the property owner should have to pay for a portion of the appraisal, “but that would be the first. This City has acquired open space for many, many years now and done a great job doing it, but the City’s paid for the appraisal. And the reason the City’s paid for the appraisal is it’s for the City’s use and the City’s controlling that appraiser.” Mr. Cavilia expressed the hope that the appraisal will go forward and that similarly-valued property will be identified for an exchange. He advised that the Potter family is in agreement over the City’s acquisition of the property, “but we need to get the value out of it on behalf of all the ... trust beneficiaries ...” He expressed the opinion that the appraisal cost is nominal in consideration of “the big picture.” He assured the Board that “the property owner has sat on this and passed up opportunities to do things with this property for seven years in great reliance upon the decision that was made seven years ago to move forward with this.” Mr. Cavilia advised of a willingness “to give you credit for half the value of the appraisal if we go forward with an exchange ... meaning, if it’s \$5,000, we’ll take \$5,000 off the value, our credit to effectively, at that point, pay for half the appraisal. That way, we only pay for half the appraisal if the exchange happens and maybe it’ll give us all some motivation to get it done.” Discussion took place to clarify the offer, and Mayor *Pro Tem* Aldean expressed appreciation.

Supervisor McKenna acknowledged the subject transaction would represent the first exchange for the Open Space Program, and expressed a preference to “get this open space acquisition phase behind us.” In consideration of the Board’s representations to the Potter family, in 2005, “that we wanted this property and they’ve been, in good faith, dealing with us,” Supervisor McKenna expressed the opinion “we don’t change the rules on the last one, but hopefully this is the last one that we acquire or pretty close to it.” He expressed the further opinion “we ought to continue dealing with people the same way we’ve been dealing with them for years but make sure that we don’t start anything new without cost sharing ...” Supervisor Abowd expressed appreciation for Mr. Cavilia’s offer and agreement with “moving forward in that fashion.”

Discussion took place regarding the Board’s action and Mayor *Pro Tem* Aldean entertained a motion. **Supervisor McKenna moved to appoint and authorize the Mayor, the City Clerk - Recorder, or designee to swear Mr. Stephen R. Johnson, MAI, SREA, and Johnson, Perkins and Associates, as the appraiser for Carson City with regard to a self-contained summary appraisal for the Potter properties, APNs 9-014-05 and 3-151-25, and to include in any agreements the offer made by the**

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 4, 2012 Meeting

Page 5

Potters, represented by their attorney, to cover one-half the appraisal cost in the form of a credit, up to \$5,000 and not to exceed \$10,000, should the deal be finalized. Supervisor Walt seconded the motion. Mayor *Pro Tem* Aldean entertained public comment and, when none was forthcoming, called for a vote on the pending motion. Motion carried 4-0-1, Mayor Crowell abstaining.

#### **8-6. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO APPROVE THE PROMOTION OF A STREET TECHNICIAN I TO A STREET TECHNICIAN 2 WITHIN THE PUBLIC WORKS DEPARTMENT**

#### **ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**9. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME** (8:40:42) - Please see the minutes for item 8-5.

**10. DISTRICT ATTORNEY - POSSIBLE ACTION TO ADOPT BILL NO. 113, ON SECOND READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 8, PUBLIC PEACE, SAFETY, AND MORALS, CHAPTER 8.04, PROHIBITED CONDUCT, SECTION 8.04.121, THEFT OFFENSES - DEFINITIONS - PUNISHMENT, BY AMENDING THE THRESHOLD DOLLAR AMOUNT FOR WHICH A MISDEMEANOR OFFENSE MAY BE CHARGED, AND BY AMENDING SECTION 8.04.122, DEFRAUDING COMMERCIAL PROPRIETORS, TAXICAB OPERATORS, BY AMENDING THE THRESHOLD DOLLAR AMOUNT FOR WHICH A MISDEMEANOR OFFENSE MAY BE CHARGED, AND BY ADDING A MANDATE THAT THE COURT ORDER THE PERSON WHO COMMITTED THE THEFT TO PAY RESTITUTION, AND OTHER MATTERS PROPERLY RELATED THERETO** (9:06:21) - Mayor Crowell introduced this item, and Mr. Munn advised of not having received any comments since introduction, on first reading. Mr. Munn reviewed the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Aldean moved to adopt, on second reading, Bill No. 113, Ordinance No. 2012-17, an ordinance amending the Carson City Municipal Code, Title 8, Public Peace, Safety, and Morals, Chapter 8.04, Prohibited Conduct, Section 8.04.121, Theft Offenses - Definitions - Punishment, by amending the threshold dollar amount for which a misdemeanor offense may be charged, and by amending Section 8.04.122, Defrauding Commercial Proprietors, Taxicab Operators, by amending the threshold dollar amount for which a misdemeanor offense may be charged, and by adding a mandate that the court order the person who committed the theft to pay restitution, and other matters properly related thereto. Supervisor McKenna seconded the motion. Motion carried 5-0.

#### **11. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION**

**11(A) PRESENTATION BY TAHOE PROSPERITY CENTER CEO MONÉ HAEN REGARDING THE CENTER'S ACTIVITIES AND STRATEGIES TO IMPLEMENT THE LAKE TAHOE BASIN PROSPERITY PLAN, A REGIONAL PLAN TO PROMOTE ECONOMIC DEVELOPMENT WITHIN THE TAHOE BASIN AND COMMUNITIES SURROUNDING THE BASIN** (9:08:27) - Mayor Crowell introduced this item. Planning Division Director Lee Plemel reviewed the agenda materials, and introduced Tahoe Prosperity Center CEO Moné Haen and Board of Directors Chair Tom Green. Mr. Plemel referred to the presentation included in the agenda materials, and provided background information on the Lake Tahoe Basin Prosperity Plan.

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the October 4, 2012 Meeting**

**Page 6**

Mayor Crowell welcomed Ms. Haen, who provided background information on her experience, and presented the Lake Tahoe Basin Prosperity Plan. Ms. Haen, Mr. Green, and Mr. Plemel responded to questions of clarification and discussion took place throughout the presentation.

Supervisor McKenna wished the Tahoe Prosperity Center great success, and expressed agreement “that Tahoe success drives success here. ... we’re a region and we need to act like a region ...” He discussed concerns with regard to Carson City “end[ing] up with Tahoe’s problems,” and encouraged the Tahoe Prosperity Center to include “the practical” at the same time as “going for the gold and the beautiful.” Discussion followed, and Mayor Crowell thanked Ms. Haen, Mr. Green, and Mr. Plemel for their presentation.

**11(B) POSSIBLE ACTION TO APPROVE A REQUEST FOR A TWO-YEAR EXTENSION OF THE TENTATIVE PLANNED UNIT DEVELOPMENT RESIDENTIAL SUBDIVISION KNOWN AS CLEARVIEW RIDGE, LOCATED WEST OF COCHISE STREET, BETWEEN WEST ROVENTINI WAY AND WEST OVERLAND STREET, APNs 009-263-06, -07, -08, AND -09, EXTENDING THE TIME FOR FILING THE FIRST MAP TO SEPTEMBER 6, 2014 (TPUD-06-146)** (9:46:41) - Mayor Crowell introduced this item, and Mr. Plemel reviewed the agenda materials. Mr. Plemel advised of no reason not to approve the request for extension of time. “Things have not changed in terms of zoning or other development in the vicinity.” Mr. Plemel reviewed the table of Approved Tentative Subdivision / PUD Maps with Lots Pending to Record, which was included in the agenda materials. Supervisor McKenna suggested agendizing discussion and possible action regarding the possibility of imposing a deadline. Supervisor Aldean suggested notifying the developers of the need to request an extension, and discussion followed.

Mayor Crowell entertained public comment. (9:55:54) Ward 2 Supervisor Candidate Brad Bonkowski expressed agreement with Supervisor Aldean’s suggestion, and discussed specific situations to which a timely notice would apply.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve a request for a two-year extension for the tentative planned unit development residential subdivision, known as Clearview Ridge, located west of Cochise Street between West Roventini Way and West Overland Street, APNs 9-263-06, -07, -08, and -09, extending the time for filing the first final map to September 6, 2014. Supervisor McKenna seconded the motion. Motion carried 5-0.**

**11(C) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, TO ADD DIVISION 22, STREET NAMING AND ADDRESS ASSIGNMENT REGULATIONS (ZCA-12-034)** (9:59:10) - Mayor Crowell introduced this item. Chief Giomi provided background information and reviewed the agenda materials. Supervisor Aldean suggested revisions to the proposed ordinance included in the agenda materials, and Chief Giomi and Mr. Plemel responded to questions of clarification regarding the function of the proposed ordinance. Discussion followed, and Chief Giomi assured the Board that the intent of the proposed ordinance is not to “go around changing street names.” He further assured the Board that staff is very mindful of the expense associated with changing a street name. “If we do it, we’re ... doing it for a reason that has some sort of public safety concern and that we can articulate that to you as a Board and that you either agree or disagree with it at that

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the October 4, 2012 Meeting**

**Page 7**

point. But this, in and of itself, doesn't cause any of that to happen." At Supervisor McKenna's request, Chief Giomi advised that he would re-review the ordinance to ensure its provisions are relative to new construction. In response to a further question, Chief Giomi assured the Board the intent of the proposed ordinance represents "an effort to set a standard that we would use from this point going forward." He described a hypothetical situation, by way of example.

In response to a question, Mr. Munn advised that most of the City's policies are not codified in any way. Chief Giomi discussed the importance of the ordinance relative to the City's existing development standards, and Mr. Plemel provided additional clarification. Based on the discussion, Chief Giomi advised that he would re-agendize this item for first reading.

**12. CITY MANAGER - DISCUSSION AND POSSIBLE ACTION TO CHANGE THE MEETING DATE FOR THE SECOND REGULARLY SCHEDULED BOARD OF SUPERVISORS MEETING IN NOVEMBER (10:22:055)** - Mayor Crowell introduced this item, and Chief Giomi reviewed the agenda report. Supervisor McKenna suggested keeping the agenda light. Mayor Crowell entertained a motion. **Supervisor Aldean moved to reschedule the second Board of Supervisors meeting in November to Tuesday, November 13, 2012, commencing at 8:30 a.m. in the Community Center Sierra Room. Supervisor Abowd seconded the motion. Motion carried 5-0.**

**13. BOARD OF SUPERVISORS NON-ACTION ITEMS:**  
**STATUS REVIEW OF PROJECTS (10:24:56)** - None.

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** - None.

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS** - None.

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (10:25:07)** - Supervisor Abowd reported on the Monday, October 1<sup>st</sup> Redevelopment Authority Citizens Committee meeting. Supervisor Aldean reported on the most recent Tahoe Regional Planning Agency Board of Governors meeting. Mayor Crowell related details of a recent meeting with Congressman Mark Amodei and the new Nevada Department of Transportation Director to discuss the importance of completing the Carson City freeway bypass. Supervisor Aldean announced the most recent graduation of a Carson City Circles Initiative Getting Ahead Program class. She discussed the importance of allies for the success of the graduates, and described the corresponding responsibilities. She invited anyone interested in serving as an ally to contact her or the Circles Initiative office. Supervisor Abowd reported that The Greenhouse Project recently received a \$25,000 grant from the Nevada Department of Agriculture. She commended Jenny Scanlon on her efforts, and discussed proposed uses for the grant funding.

**STAFF COMMENTS AND STATUS REPORTS** - None.

**14. PUBLIC COMMENT (10:31:24)** - Mayor Crowell entertained public comment. (10:31:33) Ward 2 Supervisor Candidate Brad Bonkowski advised that the Combs Canyon subdivisions developer has expressed an interest in renewing the tentative map approvals. He advised of having spoken with Planning Division Director Lee Plemel "and the development agreements required to approve those maps are already in process."

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the October 4, 2012 Meeting**

**Page 8**

**15. ACTION TO ADJOURN** (10:32:11) - Supervisor Aldean moved to adjourn the meeting at 10:32 a.m. The motion was seconded and carried unanimously.

The Minutes of the October 4, 2012 Carson City Board of Supervisors meeting are so approved this 1<sup>st</sup> day of November, 2012.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder