

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 1**

**DRAFT**

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, September 21, 2017 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell  
Supervisor Karen Abowd  
Supervisor Lori Bagwell  
Supervisor John Barrette

**STAFF:** Nick Marano, City Manager  
Sue Merriwether, Clerk - Recorder  
Adriana Fralick, Chief Deputy District Attorney  
Kathleen King, Chief Deputy Clerk

**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**  
(8:31:19) - Mayor Crowell called the meeting to order at 8:31 a.m. Ms. Merriwether called the roll; a quorum was present. Supervisor Bonkowski's absence was excused. Good Shepherd Wesleyan Church Pastor Nick Emery provided the invocation. At Mayor Crowell's request, Mr. Marano led the Pledge of Allegiance.

**5. PUBLIC COMMENT** (8:33:16) - Mayor Crowell introduced this item. (8:33:54) William Hopp expressed appreciation for and commended the Open Space Program. He advised that he is a resident of Pine Lane and discussed concern over a "traffic problem that has ... built up" over a period of time. He explained that "the volume of traffic has just increased. People have been finding that that's a good way to get across ... they don't have to go to the light at Roop and College. As a matter of fact, a lot of the people and some of the delivery trucks will actually cut through the service station ... at the corner of Hot Springs and they will cut straight across that parking lot, won't stop at Hot Springs, and they'll rip down Pine Lane in order to get across there as fast as possible. The speed is increasing. ... The traffic noise ... because of the volume of traffic is increasing. It's just getting worse and worse. ... It would be nice if somehow we could do something ..." (8:37:55) Transportation Manager Lucia Maloney discussed the possibility of a speed study, and offered her business card to Mr. Hopp. Mayor Crowell entertained additional public comment; however, none was forthcoming.

**6. POSSIBLE ACTION ON APPROVAL OF MINUTES - August 17, 2017** (8:38:36) - Mayor Crowell introduced this item, and entertained suggested revisions. When no suggested revisions were forthcoming, Mayor Crowell entertained a motion. **Supervisor Abowd moved to approve the minutes, as presented. The motion was seconded and carried unanimously.**

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 2**

**DRAFT**

**7. POSSIBLE ACTION ON ADOPTION OF AGENDA** (8:40:01) - Mayor Crowell introduced this item, and advised that item 27(C) would be withdrawn. He entertained additional modifications to the agenda and, when none were forthcoming, deemed the agenda adopted, as published.

**8. SPECIAL PRESENTATIONS:**

**8(A) PRESENTATION OF LENGTH OF SERVICE CERTIFICATES TO CITY EMPLOYEES** (8:40:24) - Mayor Crowell introduced this item, and requested the Board members to join him on the meeting floor. Mayor Crowell invited Deputy Sheriff Sean Palamar to the meeting table, and Deputy Palamar introduced his fiancée, Sarah. Mayor Crowell read into the record the language of a Longevity Award, commemorating Deputy Palamar's ten years of service to the City.

**8(B) PRESENTATION OF A PROCLAMATION FOR "WALK TO SCHOOL DAY," OCTOBER 4, 2017** (8:42:32) - Mayor Crowell read into the record the language of a Proclamation, copies of which were included in the agenda materials. Bicycle and Pedestrian Coordinator Courtney Bloomer described activities scheduled for this year's Walk to School Day. She expressed appreciation for the Board's support.

**CONSENT AGENDA**

(8:46:22) - Mayor Crowell entertained requests to hear items separate from the consent agenda and, when none were forthcoming, a motion. **Supervisor Bagwell moved to approve the consent agenda, as published. Supervisor Barrette seconded the motion.** Mayor Crowell called for a vote on the pending motion.

<b>RESULT:</b>	Approved [4 - 0 - 1]
<b>MOVER:</b>	Supervisor Lori Bagwell
<b>SECOND:</b>	Supervisor John Barrette
<b>AYES:</b>	Supervisors Bagwell, Barrette, Abowd, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	Supervisor Brad Bonkowski
<b>ABSTAIN:</b>	None

**9. CITY MANAGER - POSSIBLE ACTION TO RATIFY THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER, FOR THE PERIOD OF AUGUST 5, 2017 THROUGH SEPTEMBER 6, 2017**

**10. 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 8, 2017, PURSUANT TO NRS 251.030 AND NRS 354.290**

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 3**

**DRAFT**

**11. PURCHASING AND CONTRACTS**

**11(A) POSSIBLE ACTION TO APPROVE THE PAYMENT FOR ANNUAL LIBRARY SERVICES AS PART OF THE COOPERATIVE LIBRARIES AUTOMATED NETWORK, FOR A NOT-TO-EXCEED AMOUNT OF \$51,900.76, TO BE FUNDED FROM THE LIBRARY'S CONTRACTUAL SERVICES ACCOUNT**

**11(B) POSSIBLE ACTION TO APPROVE THE PURCHASE OF ROOFING MATERIAL FROM GARLAND DBS, INC., THROUGH JOINDER SEALED BID #09-5408, WITH US COMMUNITIES, A NATIONAL COOPERATIVE PURCHASING PROGRAM, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$178,781.41, TO BE FUNDED FROM THE CAPITAL PROJECTS FUND**

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**12. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME** - None.

**13. TREASURER**

**13(A) POSSIBLE ACTION TO ORDER AND DIRECT THE CARSON CITY TREASURER TO SELL, AFTER GIVING NOTICE OF SALE, FOR A TOTAL AMOUNT NOT LESS THAN THE AMOUNT OF TAXES, COSTS, PENALTIES AND INTEREST LEGALLY CHARGEABLE AGAINST THE PROPERTY, AS STATED IN THE ORDER, THE FOLLOWING PROPERTIES: APN 002-411-13; 002-662-06; 07-473-20; 008-192-53; 008-921-07; 010-351-15; 010-582-01; 008-222-13; WHILE THIS REQUIRED STEP TOWARDS A TAX SALE IS NOW BEING TAKEN, SOME OF THESE PROPERTIES MAY BE PROTECTED FROM SALE UNDER U.S. BANKRUPTCY LAWS (8:47:04) - Mayor Crowell introduced this item. City Treasurer Gayle Robertson reviewed the agenda materials, and responded to questions of clarification. Mayor Crowell entertained questions or comments of the Board members and of the public and, when none were forthcoming, a motion. Supervisor Karen Abowd moved to order and direct the Carson City Treasurer to sell, after giving notice of sale, for a total amount not less than the amount of taxes, costs, penalties, and interest legally chargeable against the property, as stated on the list of properties. Supervisor Bagwell seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.**

<b>RESULT:</b>	Approved [4 - 0 - 1]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor Lori Bagwell
<b>AYES:</b>	Supervisors Abowd, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	Supervisor Brad Bonkowski
<b>ABSTAIN:</b>	None

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 4**

**DRAFT**

**13(B) PUBLIC HEARING ON THE CARSON CITY TREASURER'S PROPOSED CITY POLICY FOR THE INVESTMENT OF SURPLUS MONEY** (8:49:06) - Mayor Crowell introduced this item, and City Treasurer Gayle Robertson reviewed the agenda materials. Mayor Crowell opened the public hearing and entertained questions or comments. When none were forthcoming, he thanked Ms. Robertson for her presentation.

**13(C) POSSIBLE ACTION TO APPROVE AND ADOPT THE CARSON CITY TREASURER'S PROPOSED CITY POLICY FOR THE INVESTMENT OF SURPLUS MONEY** (8:50:03) - Mayor Crowell introduced this item, and entertained a motion. **Supervisor Abowd moved to approve and adopt the Carson City Treasurer's proposed City Policy for the Investment of Surplus Money. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Bagwell thanked Ms. Robertson for providing requested data. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

<b>RESULT:</b>	Approved [4 - 0 - 1]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor Lori Bagwell
<b>AYES:</b>	Supervisors Abowd, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	Supervisor Brad Bonkowski
<b>ABSTAIN:</b>	None

**14. PURCHASING AND CONTRACTS - POSSIBLE ACTION TO DETERMINE THAT IMPACT CONSTRUCTION IS THE LOWEST RESPONSIVE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 1718-065, RIVERVIEW PARK TRAIL REPAIR PROJECT, TO IMPACT CONSTRUCTION FOR A BID AMOUNT OF \$183,781.00, PLUS A CONTINGENCY AMOUNT OF \$18,378.00, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$202,159.00, TO BE FUNDED FROM THE INSURANCE FUND - JANUARY 2017 FLOOD EVENT ACCOUNT, AS PROVIDED IN FISCAL YEAR 2017 / 18** (8:51:22) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Laura Rader reviewed the agenda materials. City Engineer Dan Stucky provided background information on the subject project, and responded to questions of clarification. Mayor Crowell entertained Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Bagwell moved to determine that Impact Construction is the lowest responsive bidder, pursuant to NRS Chapter 338, and to award Contract No. 1718-065, Riverview Park Trail Repair Project, to Impact Construction for a bid amount of \$183,781.00, plus a contingency amount of \$18,378.00, for a total not-to-exceed amount of \$202,159.00, to be funded from the Insurance Fund for the January 2017 Flood Event Account, as provided in the FY 2017 / 18 budget. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 5**

**DRAFT**

<b>RESULT:</b>	<b>Approved [4 - 0 - 1]</b>
<b>MOVER:</b>	<b>Supervisor Lori Bagwell</b>
<b>SECOND:</b>	<b>Supervisor John Barrette</b>
<b>AYES:</b>	<b>Supervisors Bagwell, Barrette, Abowd, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Supervisor Brad Bonkowski</b>
<b>ABSTAIN:</b>	<b>None</b>

**15. FINANCE DEPARTMENT**

**15(A) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE OF THE BOARD OF SUPERVISORS OF CARSON CITY, NEVADA PROVIDING FOR THE ISSUANCE OF GENERAL OBLIGATION (LIMITED TAX) SEWER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2017B, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,000,000; AND PROVIDING THE FORM, TERMS, AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BONDS (8:56:40) -** Mayor Crowell introduced this item. John Peterson, of JNA Consulting Group, introduced himself and Bond Counsel Ryan Henry for the record. Mr. Peterson provided background information on this item, and reviewed the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to introduce, on first reading, Bill No. 123, an ordinance of the Board of Supervisors of Carson City, Nevada providing for the issuance of General Obligation (Limited Tax) Sewer Bonds, additionally secured by pledged revenues, Series 2017B, in the maximum principal amount of \$6,000,000, and providing the form, terms, and conditions thereof, and covenants relating to the payment of said bonds. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	<b>Approved [4 - 0 - 1]</b>
<b>MOVER:</b>	<b>Supervisor Karen Abowd</b>
<b>SECOND:</b>	<b>Supervisor Lori Bagwell</b>
<b>AYES:</b>	<b>Supervisors Abowd, Bagwell, Barrette, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Supervisor Brad Bonkowski</b>
<b>ABSTAIN:</b>	<b>None</b>

**15(B) POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING A PUBLIC HEARING ON THE ISSUANCE OF HOSPITAL REVENUE BONDS AND HOSPITAL REVENUE REFUNDING BONDS FOR, AND A PRELIMINARY AGREEMENT WITH, CARSON TAHOE REGIONAL HEALTHCARE CORPORATION (9:00:24) -** Mayor Crowell introduced this item, and John Peterson, of JNA Consulting Group, reviewed the agenda materials. Mr. Peterson acknowledged no liability to the City. Mayor Crowell entertained public comment and, when none was forthcoming, Board member questions or comments. Supervisor Barrette requested a hospital representative to be present at the next meeting.

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 6**

**DRAFT**

Mayor Crowell entertained a motion. **Supervisor Abowd moved to adopt Resolution No. 2017-R-33, a resolution authorizing a public hearing on the issuance of hospital revenue bonds and hospital revenue refunding bonds for, and a preliminary agreement with, Carson-Tahoe Regional Healthcare Corporation. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	<b>Approved [4 - 0 - 1]</b>
<b>MOVER:</b>	<b>Supervisor Karen Abowd</b>
<b>SECOND:</b>	<b>Supervisor Lori Bagwell</b>
<b>AYES:</b>	<b>Supervisors Abowd, Bagwell, Barrette, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Supervisor Brad Bonkowski</b>
<b>ABSTAIN:</b>	<b>None</b>

**16. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO ACCEPT A \$261,657 (\$261,657 CITY-REQUIRED MATCH) LAND AND WATER CONSERVATION FUND GRANT (PROJECT NO. P17AP00160 / 32 - 00349) FOR THE DESIGN AND CONSTRUCTION OF A UNIVERSALLY-ACCESSIBLE PLAYGROUND AND SITE IMPROVEMENTS AT ROSS GOLD PARK (9:04:35)** - Mayor Crowell introduced this item and, in response to a question, Parks and Recreation Department Director Jennifer Budge advised that the Empire Ranch Trail is anticipated to be completed by spring depending upon the winter weather. Ms. Budge reviewed the agenda materials for the subject item, and responded to questions of clarification. Supervisor Barrette commended Ms. Budge on “cobbling together” the funding and thanked her for the benches at Sonoma Park.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to accept a \$261,657 Land and Water Conservation Fund grant, with the required match, as Project No. P17AP00160 / 32 - 00349, for the design and construction of a universally-accessible playground and site improvements at Ross Gold Park. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	<b>Approved [4 - 0 - 1]</b>
<b>MOVER:</b>	<b>Supervisor Lori Bagwell</b>
<b>SECOND:</b>	<b>Supervisor John Barrette</b>
<b>AYES:</b>	<b>Supervisors Bagwell, Barrette, Abowd, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Supervisor Brad Bonkowski</b>
<b>ABSTAIN:</b>	<b>None</b>

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 7**

**DRAFT**

**17. CITY MANAGER**

**17(A) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 122, AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.05, SURCHARGE FOR ENHANCEMENT OR IMPROVEMENT OF TELEPHONE SYSTEM USED FOR REPORTING EMERGENCIES, WITH AN ESTIMATED REVENUE INCREASE OF \$645,000 FOR FY 2019 (9:13:13)** - Mayor Crowell introduced this item and, in response to a question, Deputy District Attorney Iris Yowell advised of no changes since introduction, on first reading. Mayor Crowell provided the legislative background on this item. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt, on second reading, Bill No. 122, Ordinance No. 2017-20, an ordinance amending Title 4, Chapter 4.05, Surcharge for Enhancement or Improvement of Telephone System Used for Reporting Emergencies, with an estimated revenue increase of \$645,000, for FY 2019. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [4 - 0 - 1]
<b>MOVER:</b>	Supervisor Karen Abowd
<b>SECOND:</b>	Supervisor Lori Bagwell
<b>AYES:</b>	Supervisors Abowd, Bagwell, Barrette, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	Supervisor Brad Bonkowski
<b>ABSTAIN:</b>	None

Mayor Crowell recessed the meeting at 9:15 a.m., and reconvened at 9:39 a.m.

**17(B) POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE CARSON CITY REDEVELOPMENT AUTHORITY CITIZENS COMMITTEE; THERE IS ONE POSITION FOR “CITIZEN-AT-LARGE”, TO FILL AN UNEXPIRED TERM ENDING JANUARY 2020 (9:39:57)** - Mayor Crowell introduced this item and advised that, due to withdrawal of the only applicant, it would be deferred to a future meeting.

**18. BOARD OF SUPERVISORS NON-ACTION ITEMS:**

**FUTURE AGENDA ITEMS (9:47:12)** - Mayor Crowell advised that appointment of a new member to the V&T Railway Commission will be agendized for the October 5<sup>th</sup> Board meeting.

**STATUS REVIEW OF PROJECTS**

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS**

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS**

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (9:40:30)** - Supervisor Abowd announced a ribbon cutting ceremony for The Greenhouse Project Hoop House, at 11:00 a.m. on Tuesday, September 26<sup>th</sup>, near the Cancer Center at the Carson-Tahoe Hospital campus. Supervisor Abowd

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**  
**Page 8**

**DRAFT**

advised that the produce will benefit the Senior Center Meals-On-Wheels Program. Mayor Crowell advised that he would be attending the NACo Conference in Winnemucca next week. He announced the Take Me Home Huey ceremony scheduled for 12:00 p.m. on Sunday, October 1<sup>st</sup>. Mr. Marano provided additional detail. Supervisor Bagwell advised that she will be working with Mr. Marano and City staff to schedule a flag retirement ceremony. Mayor Crowell announced the Sutro Tunnel Restoration Project Open House scheduled for this weekend. At Supervisor Barrette's request, Supervisor Bagwell provided an overview of the most recent Parks and Recreation Foundation meeting. Supervisor Bagwell announced the Parks and Recreation Department's first community garage sale scheduled for Saturday, September 24<sup>th</sup>.

**STAFF COMMENTS AND STATUS REPORTS**

**RECESS BOARD OF SUPERVISORS** (9:47:59) - Mayor Crowell recessed the meeting at 9:47 a.m.

**BOARD OF HEALTH**

**20. CALL TO ORDER AND ROLL CALL** (1:30:48) - Chairperson Pintar called the Board of Health to order at 1:30 p.m. Ms. Merriwether called the roll; a quorum was present. Member Bonkowski was absent.

**21. PUBLIC COMMENT** (1:31:16) - Chairperson Pintar entertained public comment; however, none was forthcoming.

**22. POSSIBLE ACTION ON APPROVAL OF MINUTES - June 1, 2017** (1:31:29) - Chairperson Pintar entertained a motion to approve the minutes. **Member Abowd moved approval of the minutes, as presented. The motion was seconded and carried unanimously.**

**23. BOARD OF HEALTH**

**23(A) POSSIBLE ACTION TO APPROVE THE HEALTH OFFICER'S REPORT, WITH FEEDBACK AND DIRECTION FROM THE BOARD DISCUSSED AT THE MEETING, INCORPORATED** (1:32:00) - Chairperson Pintar introduced this item, and presented her report. Environmental Health / Epidemiology Division Manager Dustin Boothe acknowledged no deaths from West Nile Virus in the tri-county area. Chairperson Pintar entertained questions or comments; however, none were forthcoming. No formal action was taken.

**23(B) POSSIBLE ACTION ON AN UPDATE PRESENTED TO THE BOARD OF HEALTH, AND POSSIBLE DISCUSSION AND FEEDBACK ON THE PROGRESS MADE TO DATE AND FUTURE TIMELINE FOR BRINGING FORTH REGULATION REVISIONS TO THE CARSON CITY MUNICIPAL CODE, SECTION 9.05, FOOD ESTABLISHMENTS AND PUBLIC NOTIFICATION SYSTEM** (1:39:17) - Chairperson Pintar introduced and provided background information on this item. Environmental Health / Epidemiology Division Manager Dustin Boothe narrated a PowerPoint presentation, copies of which were included in the agenda materials. He responded to questions throughout the presentation, and extensive discussion followed. No formal action was taken.

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 9**

**DRAFT**

**23(C) POSSIBLE ACTION ON PRESENTATION, DISCUSSION, AND FEEDBACK FROM THE BOARD ON THE CARSON CITY HEALTH AND HUMAN SERVICES OPIOID ABUSE PROJECT MADE POSSIBLE BY A GRANT RECEIVED FROM THE STATE OF NEVADA DEPARTMENT OF HEALTH AND HUMAN SERVICES (2:01:49)** - Chairperson Pintar introduced this item. Public Health Nurse Sandy Wartgow introduced Public Health Nurse Celeste Pierini, and narrated a PowerPoint presentation, copies of which were included in the agenda materials. Ms. Wartgow responded to questions of clarification throughout the presentation, and discussion ensued. Health and Human Services Department Director Nicki Aaker and Chairperson Pintar commended Ms. Wartgow and Ms. Pierini on developing the program. No formal action was taken.

**24. PUBLIC COMMENT (2:39:26)** - Chairperson Pintar entertained public comment; however, none was forthcoming.

**25. ACTION TO ADJOURN BOARD OF HEALTH MEETING (2:39:38)** - A motion was made, seconded, and carried unanimously to adjourn the Board of Health meeting at 2:39 p.m.

**26. RECONVENE BOARD OF SUPERVISORS MEETING (2:54:59)** - Mayor Crowell reconvened the Board of Supervisors meeting at 2:54 p.m.

**27. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION**

**27(A) POSSIBLE ACTION INTRODUCE, ON FIRST READING, AN ORDINANCE RELATING TO MARIJUANA; AMENDING TITLE 18, ZONING, OF THE CARSON CITY MUNICIPAL CODE TO ESTABLISH VARIOUS PROVISIONS TO ALLOW MARIJUANA RETAIL STORES AS A CONDITIONAL USE WITHIN THE GENERAL COMMERCIAL AND GENERAL INDUSTRIAL ZONING DISTRICTS LOCATED WITHIN CERTAIN AREAS OF CARSON CITY; TO ESTABLISH VARIOUS PROVISIONS TO ALLOW MARIJUANA CULTIVATION ESTABLISHMENTS, MARIJUANA PRODUCT MANUFACTURING ESTABLISHMENTS, MARIJUANA TESTING LABORATORIES, AND MARIJUANA DISTRIBUTORS AS A CONDITIONAL USE WITHIN THE GENERAL INDUSTRIAL AND GENERAL INDUSTRIAL AIRPORT ZONING DISTRICTS LOCATED WITHIN CERTAIN AREAS OF CARSON CITY; AND TO REVISE CERTAIN PROVISIONS RELATING TO DEVELOPMENT STANDARDS CONCERNING LAND USE AND SITE DESIGN GOVERNING MEDICAL MARIJUANA ESTABLISHMENTS, TO INCLUDE MARIJUANA ESTABLISHMENTS (2:55:17)** - Mayor Crowell introduced this item, and Community Development Director Lee Plemel reviewed the agenda materials. Deputy District Attorney Dan Yu and Mr. Plemel responded to questions of clarification.

Mayor Crowell entertained public comment. (3:11:47) Attorney Kevin Benson, representing Palladin LLC, a licensed marijuana distributor, expressed understanding for "what occurred at the August 3<sup>rd</sup> meeting and the decision that was made there. ... I do want to address some of the concerns that were raised at that meeting and we do want to propose an alternative that ... would address many of those concerns and also would allow a business to keep operating where it's at and ... strike that balance between the two. ... really the reason that we're proposing this is based on the difference between marijuana distributors and other

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**  
**Page 10**

**DRAFT**

types of marijuana establishments. And so just to be very, very clear, what we're proposing would not affect the other marijuana establishments in any way, either medical or on the recreational side; only limiting this to distributors. And so, with that being said, ... the differences are really substantial ...”

In response to a question, Mr. Benson expressed the understanding that Palladin LLC is currently distributing marijuana. “... the main difference between the two ... is that a distributor for marijuana does not buy and sell marijuana. In fact, they're prohibited from doing so under the current statute and so this is significantly different from alcohol distribution, for example, where you would buy it and warehouse it at the place and then sell it to ... a retailer. Under the regulations and under the statute, the distributors are actually prohibited from keeping marijuana on site. Their job is to take it from a cultivator or a production facility to a retail store or to some other marijuana establishment. It's a point A to point B type of transaction. And so there is a provision that, if there is an exigent circumstance of some kind that prevents them from making the point A to point B transaction, under those circumstances, they can store it temporarily, perhaps overnight. If that happens, they have to notify the Department of Taxation within two hours of the event; what happened, how they're going to fix it, how much product is affected. ... there's a lot of red tape that they have to go through every time something like that would happen and, again, it's only in extremely exigent circumstances.

“So, the bottom line is essentially, the main difference between a distributor and other marijuana establishments is that ... 99% of the time, there will not be marijuana at the site. That's kind of the whole point is that it's not supposed to be there. And so, because of that, we think that it presents ... a different type of business than the other marijuana establishments. And you're not going to have the same issues and concerns with things like theft or ... with the public trying to line up to buy it there or anything of that nature.

“With that being said, we think we can address some of the concerns because we do understand that, as a member of the community, we're concerned about how close limited industrial is to residential areas and it does back right up to residential areas in some places and so we understand those concerns. ... we are proposing that the Board reconsider its decision to take them out of limited industrial and, instead, put them back in or keep them in limited industrial with some additional restrictions to address those concerns; those restrictions being that it must be at least 300 feet from any residential and that it must be at least 1,000 feet from any school or daycare or ... facility of that nature. I believe there were some discussions at the last meeting about how the statute says 300 feet from daycares but 1,000 feet from schools. And so we would propose that we just make those the same at 1,000 feet.

“We would also propose a potential additional restriction on that, similar to what is in the ordinance for the production and cultivation facilities which is that it be further limited only to certain parts of limited industrial. For example, east of I-580, because I understand that there is ... sort of a strip of limited industrial that goes down Fairview and it is very close to some residential areas. And so if it were limited to the part of limited industrial that is east of I-580, then that would prevent any distributors from being in that corridor that is close to the residential uses.”

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the September 21, 2017 Meeting

Page 11

DRAFT

In response to a question, Mr. Benson advised that one issue is that Palladin has an established business “and that significant resources have been put into, essentially, building it out there at the location that it’s at now.” Mr. Benson responded to questions of clarification regarding operation of the distributorship. In response to a further question, he reiterated the request to “amend the zoning ordinance so that ... another distributor could come in. They would be subject to those same restrictions on the distance ...; that would be part of the ordinance. And so, yes, they could come in and we believe that that ... strikes a balance, not just for Palladin, but for any distributor that wanted to potentially come in. And so ... I don’t think that precedent is exactly the right word. I think that that would be a permitted use as we’re proposing under the ordinance.” Mr. Yu expressed agreement with Mr. Benson’s “assessment of that. ... what he’s proposing here is option number one. ... on behalf of his client and that industry’s stakeholder is to ... open it up in that zoning district. Limited industrial, that’s going to be one of the permitted uses as enumerated. Now, with precedent in the context of what would happen if we grandfathered this in, there’s also no establishment of precedent because we’re only going to be grandfathering in an existing location and distributor as a non-conforming use. But that also shields the City from having to open it up to anybody else because a grandfather provision, in and of itself, ... operates as carving out whatever is currently in existence from future adoptions of regulations and ordinances and so we don’t have to worry about opening up a new can of worms with respect to allowing or having to allow other establishments to come into limited industrial.”

Supervisor Abowd expressed concern that “it doesn’t really fit the description of grandfathering something in because marijuana is a new business. It’s not something that was pre-existing. Secondly, this is a cash business so, regardless, when drivers are going out to drop off or to pick up, there’s cash and that cash coming back to a location does present a security issue so that’s troublesome to me. And I understand the residents that really do not want to have this near their residence. It does present a problem ...”

In response to a question, Mr. Benson explained “generally, the cash is treated like the product. ... a cultivator, for example, who sells to a retail store, they want their cash back quickly. So ... in typical situations, cash is not going to be stored on site. It’s going to be transacted between the buyers and the sellers who are the cultivators and the retail stores ... And so, ... I think the cash is, in many ways, very similar to the product itself in that, typically, they are not going to be storing large amounts of cash on site.” Discussion followed, and Mr. Benson responded to questions of clarification.

(3:31:14) Attorney Stephanie Rice, representing Palladin LLC Operations Manager Shelly Brown, provided more detail regarding the operations of Palladin. “... there’s never cash stored. Ever. Palladin is not paid in cash. Palladin is acting as a service so, for example, more similar to FedEx or UPS or a Mailboxes, Etc.” In response to a question, Ms. Rice explained that the problem with relocating to the general commercial zoning district, “is all of the requirements that it took to get this business up and operational where it is now.” In response to a further question, she reviewed the requirements. “This is basically an office. That’s all Palladin is. From standing outside, you would have no idea what it was, what it did. There’s no advertising. You literally can’t tell what the building is; however, in approximately 390 square feet, there are six cameras, there’s a vault. Aside from limited and redacted personnel files and visitor logs, any records that are stored, without disclosing anything that is confidential information to Palladin’s business operations, are not physically printed records that are there. There are electronic records. They’re backed

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**  
**Page 12**

**DRAFT**

up to an external hard drive at the end of every single day. One of the hard drives is stored in a secure location off-site and the other one is in a vault.” Ms. Rice explained the method by which business is transacted by a marijuana distributor. “This is really a home-office kind of situation. It’s very small.”

Mayor Crowell expressed concern that “for what you call a home-office, we’re being asked to make a zoning change. I kind of understand that, but I’m having trouble understanding why a zoning change for just a home-office because it doesn’t seem like it’s that big of an imposition to find a home-office in general commercial.” In response to a question, Ms. Rice explained that “the amount of money spent to get that into compliance and get it approved and inspected by the Department of Taxation, ... there is a concrete vault. These are all things that had to be put into this and ... the other issue that I would like to speak on ... I think there is some confusion as to the expectancy and the expectations that were conveyed to this particular business. And part of it is this business has been issued a license that doesn’t expire until June 30, 2018. I have a copy of the license on my phone that I scanned in. It is June 30, 2018.” Ms. Rice read an email into the record. “Candidly, this has been ... a very difficult transition for everybody in this state. There were very aggressive time lines for state governments, local governments, counties; so some confusion is expected. That’s a pretty straightforward statement that this business owner will be able to continue. He can maintain his valid business license regardless of the final outcome of the new ordinance.” Mayor Crowell expressed understanding for Ms. Rice’s point, but uncertainty in reaching “that conclusion. ... That statement you just read is an accurate statement but it doesn’t say anything about location.” Ms. Rice offered copies of the email correspondence and stated, “It’s about the location.” She continued reading the email correspondence into the record.

“It’s not just the letter. It’s not just the confusion and reliance. I think those are huge but I, personally, ... would be happy to have someone with a valid agent card, who is employed by Palladin, walk each one of you through the business. ... I can appreciate the security concerns. As to the safety concerns ... and I think it’s a difficult position for everybody to be in, especially because it’s very new for everyone. But under this circumstance, ... if your concerns are safety and security, I am confident that that will change your minds in a heartbeat because I think that would illustrate the fact that there are extensive cameras, there is a live, real-time security system, there’s sign in codes, there’s access codes and this is for nothing but an office. But that’s what’s required by the Department of Taxation. And that’s what this business did to get up and running.”

In response to a question regarding the June 30, 2018 date, Mr. Plemel explained, “They didn’t catch that. It’s a temporary license ... These are quarterly licenses. They have to pay quarterly. That’s also in there. ... But the piece of paper that they have for business license does actually say for June 30<sup>th</sup>. I don’t think that precludes the City from revoking that license and making it any other date, based on the decision by the Board of Supervisors today.”

Supervisor Bagwell reviewed the Board’s action from the August meeting. “When Mr. Brown came to the meeting in August ... was it not clear, and it was prior to the issuance of that license on the 7<sup>th</sup>, it was clear that this Board said it would be only in the general commercial and general industrial. Both those locations and no light industrial. We made it clear several times at this Board level that that license was revocable and a privilege; that it was not a grandfathered, ongoing right. ... I do mean to put you on the spot because

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**  
**Page 13**

**DRAFT**

I think the plain language of everything that we did was very clear in our intent. ... Did you not have the impression that we wanted you to go to general industrial and general commercial?" Ms. Rice expressed the belief "it was a timing issue because, at that time, his business license was already being issued before that meeting. I don't think there's any confusion as to what you guys had said and what has been displayed as your intent going forward but, at that point in time, the license was already processed and probably in the mail with the hard copy of it to him as that meeting occurred. So part of it absolutely the timing because the Department of Taxation started licensing at the beginning of July. At the beginning of July, Carson City didn't have regulations that prohibited it from being where it's at. So the Department of Taxation's reliance in issuing the license was based on the fact that the statute was not worded as stellar as it should have been but it wasn't precluded by any zoning that was then in place at the time. So this ball started rolling long before it kind of got to your plate at that time and so the investments were, essentially, already made. But I don't think that there's confusion as to what was expressed by the Board members."

In reference to the email correspondence read into the record by Ms. Rice, Supervisor Bagwell expressed surprise "because I think even the Attorney General had the impression, from what this Board did in action, that there might not be a license to be issued at the state level or something because the zoning wasn't appropriate."

In response to a question, Mr. Yu expressed understanding that the position being submitted "is ... implicitly or expressly [that] my client has, to his or her detriment, relied upon certain statements or indications made by personnel or staff or even an entire department at the City. ... in my mind, that's not dispositive of anything that's before the Board today. We're talking about making a decision with respect to the enactment of an ordinance upon first reading and, then subsequent to that, we're going to second reading. That's for zoning purposes.

"To go back to what I said earlier this afternoon, I believe it is within the municipal powers of this Board, as a governing body of local government, to exercise those zoning powers because of the express language that we've always included as part of these ordinances. It's not a vested property right. It's a revocable privilege and, based on case law research that I've preliminarily had a chance to review, there is no requirement of an amortization period for any business that's currently in existence. I'm not advocating for a certain policy position one way or the other, but legally speaking, I do believe that this body is on solid ground ... I understand, of course, that counsel is submitting for your consideration, as both a policy ... and then also perhaps as a legal theory that she may or may not be advancing right now ... What I'm hearing is that ... there's been some sort of reliance here and we think that that's significant.

"Now, as you all know, I'm also counsel for our City's Community Development Director ... With his permission, I can also share ... that there was, in fact, a subsequent correspondence via email that the director had submitted to the same deputy attorney general after that email that was just read into the record by counsel ..." Mr. Yu reviewed the contents of said email correspondence, "that ... the Board maintains its jurisdictional authority as the governing body to revoke that because it is, again, ... a revocable privilege license. ... Of course, counsel, including Mr. Benson, ... were not copied on that. I didn't see a reason to ask Mr. Plemel to copy anyone else ... because even the initial correspondence between the City, meaning Mr. Plemel, and with the Attorney General's Office ... was just between those two parties. ... The response

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**  
**Page 14**

**DRAFT**

from that deputy attorney general was along the lines of ‘thank you for the clarification.’ There was no dispute and there was no objection.”

Supervisor Barrette expressed understanding for the argument. (3:52:50) In response to a question, Ken Brown advised of having “fully expected to do business under the circumstances that I have all the correspondence and was told at the meeting that I was grandfathered in by more than three people. ... And the other thing I’d like to clarify, ... I’ve been operating a business that does cash for 45 years and I’ve never been robbed. And I do \$12 million in business and 20 percent of my business is cash. And I do not even have one-tenth of that in cash in the business I’m presently in in Palladin.”

Ms. Rice expressed no disagreement with Mr. Yu’s analysis. “It is clear. It is a privilege license. I would argue that there are still some inherent due process rights that go along with that but, as just a general understanding, I don’t disagree with anything that counsel essentially stated. We never received a copy of the subsequent email. Never. ... and just as another ... explanation, the only reason why I kind of brought up the reliance and expectations matters is because it was an explicit issue set forth in the staff report. So where the staff report states that ... there shouldn’t be an expectation beyond April 2018, that’s why I wanted to ensure that the Board all knew ... the history and what had gone on. I’m not making a legal argument necessarily. I just wanted to present the other side as far as what’s in the staff report. But, as a matter of fairness, and I would still extend the same invitation that I previously extended because we have some time on our side at the moment, I will personally be happy to show any one of you through the facility at any point in time so that you can resolve any concerns that may have specifically related to its location, security, and safety. But, as a matter of fairness, we would ask that there be some courtesy extended with respect to this particular business because of the investment that’s been made and the way that we’ve ... gone above and beyond and done any and everything to ensure the safety and security of the business and everything associated with it, especially employees.”

Mr. Benson acknowledged that the request to change zoning “is an uphill climb. ... but part of why I gave that background is because I think it’s also relevant to the grandfathering issue and that, if you do decide to grandfather this particular business in, that it is different. There’s not going to be product, there’s not going to be a lot of cash there ... And, as staff mentioned early on, ... it’s a policy decision for this Board of whether to grandfather in temporarily, not at all, or permanently. And so I understand you don’t want to entertain the zoning change and so what we would ask you to do, instead, is to entertain grandfathering permanently for this particular location which, as discussed by staff, would allow it to continue. We think, for the reasons I expressed earlier, that it’s different from the other marijuana establishments; that it does not pose a risk to the community and that it doesn’t set a precedent because it’s limited to this particular business. And ... that would be our request to the Board.”

At Supervisor Abowd’s request, Sheriff Furlong stated, “It is challenging because, while we are the local law enforcement agency, we don’t have the authority of oversight of these businesses when it comes to marijuana. And, as some Board members here are aware, ... we are learning at the same time. But I do want to make a notation because there’s a communications issue here. We did inspect this business ... whether or not we had the authority or the authorization to do it. We’re still working these issues, as we’ve discussed within the last week. But the return information to me, as of August 2<sup>nd</sup>, there were an enormous

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**  
**Page 15**

**DRAFT**

amount of unsatisfactory conditions as far as safety and security from the opinion of those persons inspecting this business as it relates to the storage and ongoing activities. So, when we talk about things like a vault, we'll describe what a vault is. We have no ability here right now, as we've discussed, to enforce any of these activities or to have an ordinance to land in front of them. But I do want to make it absolutely clear that at our inspection in August, I was briefed this was a dismal failure at least at their early onset of activities. We have since gone back, as two of the Board members are aware here today, ... and we are retraining some of our officers so that they better understand those compliance rules that the state has established and that we can stay in line with those. But, unfortunately, we have a triad because we have a state authority over this industry and we have a community Board of Supervisors that enacts ordinances and we have a law enforcement organization that's expected to uphold the safety and security of the community. It's very difficult when they're portraying themselves as outstanding safety and security when we've already assessed it as being very, very poor. There needs to be an established standard so that all are talking about the same thing." Supervisor Abowd commented this was the reason "why all of our rules and regulations were directed towards what we put in place for medical establishments because those are stringent and they are secure and that was why we labored over this to the extent that we did because that's really important to the health, safety, and welfare of our community." Sheriff Furlong accepted any offer to tour the business, and reiterated that "the Sheriff's Office has no authority over those businesses."

Mayor Crowell entertained additional public comment and, when none was forthcoming, additional questions or comments of the Board members. In response to a question, Mr. Plemel advised that there is one other liquor distributor in the community. He responded to additional questions of clarification.

Mayor Crowell entertained additional public comment. (4:04:50) Will Adler, representing the Sierra Cannabis Coalition, commented "this is new ... for all of us. And ... as far as we're concerned, we're separate from this issue. So I know this makes it really difficult for everybody being in one ordinance together because these are totally different arguments. So I'd like to speak to the retail store part of the ordinance and speak to what we've been doing and how we've been doing it in Carson City to try and ... reaffirm our actions here.

"So our dispensaries are secure locations that are to the nth degree. ... we have real vaults, we have cameras, we have personnel, staffing, ordinances, policies that we have to follow, and internal procedures. So we have taken it to the next level. But one thing Carson City has ... gotten the jump on ... is more interaction with the local government and with the Sheriff's Office actually. So ... as my clients ask me to and as I advise, we've actually reached out and gone the extra mile and tried to do the most we could in Carson City to not just do the bare minimum but go above and beyond, interact with the Sheriff's Department, try and have a real conversation, a real dialogue because we felt it was important to make you guys feel comfortable with us. So I just wanted to explain that we did have a community meeting on the 14<sup>th</sup> and we did have a Sheriff's meeting on the 13<sup>th</sup> and we have decided to move forward with things that are not even regulated yet. We're not waiting for the regulations to mandate it. We're going to have a great partnership with the Sheriff's Office, with the people in Carson City because we feel like we're ready and we want to show that we're ready. We're the best actors anywhere in the state ... because we're going forward and saying, 'Come inspect us. Do transparency. Do tours. Meet our staff and, in fact, we're actually going to train one of the Sheriff's Officers to be up to snuff with all state levels of compliance and

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**  
**Page 16**

**DRAFT**

with all levels of local compliance and our own internal policies so they have zero questions about what goes on behind our doors because we have actually said come in and we'll tell you. We'll train you and you will have instant access to anybody you want."

Mr. Adler advised that "both RISE and Sierra Wellness are both ready ... to serve Carson City. We could serve them today but we see it as an opportunity right now to say ... thank you for bringing this back up and I wanted to issue that we are separate in this but we are the ready part of this ordinance. We could go today, no problems. And we have done everything we can to make Carson City comfortable with us because we're ready to service it."

Mayor Crowell entertained additional public comment; however, none was forthcoming. Supervisor Abowd stated, "exceptions to the rule have consistently come back to be headaches for future boards and so I have real heartburn going against what we deliberated on at such length a few weeks ago. And I'm not about to do it in this case. I'm not saying that this liquor distributor cannot do business, just not in that location. It's just not what we approved. And this Board voted on a January 1 date for retail stores and I'd prefer to just keep a consistent date for all this to be compliant. I just feel that that's in the best interests of our community and that's my thought process going forward."

Supervisor Barrette expressed agreement "with much of what Supervisor Abowd has said but I would make one exception and that is that, after hearing the testimony today and seeing the April 1<sup>st</sup> date as the first recommendation or one of several ..., but a recommendation that would allow us to let the distributor go until whatever date, any date we wanted to choose since we have that option. I would say, just because of the glitch involved, that I would propose that we go to June 30<sup>th</sup> of 2018 and then he'd have to move but that's up to the majority of the Board. ... I pretty much agree we said January 1<sup>st</sup> of 2018. I've said that pretty consistently. I actually have the belief that this is not going to be as harrowing as we think but I have no crystal ball. It might turn out to be more harrowing; that's bringing marijuana to us. I happen to be of the belief that it's all medicinal. Alcohol is medicinal, marijuana is medicinal, opiates are medicinal and then people abuse them. ... Whether it's good, bad, or indifferent, we are stuck with making the decision here. I didn't want recreational because I think it's medicinal. I think we had a nice, small industry here but the people who want to make money felt that they wanted to go recreational so that's where we're going to go. ... My only difference with Karen is I would say let's give him more time to move."

Mayor Crowell expressed reserved agreement "but on the other hand ... the Sheriff raised some concerns for me. ... If they're going to move, ... what's the rationale for extending the time to move?" Supervisor Barrette clarified that he was referring to the "overlap of the business license. It's not a big deal to me if you want to go a different way. April 1<sup>st</sup>, June 30<sup>th</sup>, January 1<sup>st</sup>, whatever the majority decides. I just proposed that as a thought because I don't buy the argument that they didn't see it coming but I do buy the argument they had an expectation they had a business license and they went ahead and started a business because they can ship it anywhere ... So they wanted to get up and running and they did. I don't particularly buy the argument that they've invested a huge amount in a 390-square foot facility and I don't think it can't be moved. I just think they don't want to move it."

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the September 21, 2017 Meeting

Page 17

DRAFT

Following additional discussion, Mayor Crowell recessed the meeting at 4:17 p.m. Mayor Crowell reconvened the meeting at 4:24 p.m., and entertained a motion. **Supervisor Abowd moved to introduce, on first reading, Bill No. 124, an ordinance relating to marijuana, as submitted today with the revisions, to allow nonconforming marijuana establishments operating under a valid business license at the time of the adoption of this ordinance to continue to operate until January 1, 2018 after which such businesses shall cease operation unless all requirements have been met in full compliance with the zoning provisions of Title 18.** Supervisor Bagwell seconded the motion. Supervisor Bagwell requested Supervisor Abowd to amend her motion to include a correction to the exemption in light industrial, as discussed at this meeting. **Supervisor Abowd so amended her motion. Supervisor Bagwell continued her second.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	<b>Approved [4 - 0 - 1]</b>
<b>MOVER:</b>	<b>Supervisor Karen Abowd</b>
<b>SECOND:</b>	<b>Supervisor Lori Bagwell</b>
<b>AYES:</b>	<b>Supervisors Abowd, Bagwell, Barrette, and Mayor Crowell</b>
<b>NAYS:</b>	<b>None</b>
<b>ABSENT:</b>	<b>Supervisor Brad Bonkowski</b>
<b>ABSTAIN:</b>	<b>None</b>

**27(B) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE RELATING TO MARIJUANA; AMENDING TITLE 4, LICENSES AND BUSINESS REGULATIONS, TO ESTABLISH VARIOUS PROVISIONS FOR THE ISSUANCE OF A BUSINESS LICENSE TO OPERATE AS A MARIJUANA CULTIVATION FACILITY, MARIJUANA PRODUCT MANUFACTURING FACILITY, MARIJUANA DISTRIBUTOR OR MARIJUANA RETAIL STORE; TO REPEAL VARIOUS OTHER PROVISIONS RELATING TO THE ISSUANCE OF A TEMPORARY BUSINESS LICENSE TO OPERATE AS A MARIJUANA ESTABLISHMENT; AND TO REPEAL PROVISIONS ESTABLISHING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS FOR A BUSINESS LICENSE TO OPERATE AS A MARIJUANA ESTABLISHMENT (4:26:33) -** Mayor Crowell introduced this item, and Community Development Director Lee Plemel reviewed the agenda materials. Supervisor Bagwell suggested revising Section II, paragraph 9(a) of the proposed ordinance, to indicate that the license holder will provide the annual compilation, by an auditor, as required by the Department of Taxation. She responded to questions of clarification regarding the mechanism.

Mayor Crowell entertained public comment. (4:31:07) Will Adler advised that all MMEs and MEs have to do an annual report to the Department of Taxation that has “everything in it including a compilation from a CPA of our entire year’s books and that’s whether you’re just a cultivation / production or you have all three businesses. You have to get a compilation from each business you have so we’re already doing this packet for the state. We could just run this into you guys as well.” (4:32:27) Lucinda Mahoney provided additional clarification in response to questions of clarification.

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**  
**Page 18**

**DRAFT**

Lucinda Mahoney suggested further revising Section II, paragraph 9, to indicate that the business license fee should be due on the “last day of the subsequent month.” She explained that “it’s difficult to close your books in ten days and get the money out,” and suggested that “we just be consistent with other taxes for the State of Nevada, like the sales tax.” Discussion took place to clarify the suggested revision. In response to a question, Mr. Yu advised that the suggested revisions were not substantive enough to require re-introduction of the bill, on first reading.

Ms. Mahoney discussed concerns over confidentiality relative to “publications that are made in the newspaper and other areas that identify our street address. And, from a safety perspective, I try to not ever give out our street address. I don’t want anybody to know where we are. And so my suggestion would be that in [Section VI, paragraph] 5, that we add a statement that says something like this: ‘A marijuana establishment may request that the street address is replaced with a post office box for publication purposes.’ And then that way, criminals can’t find us easily.”

Mr. Yu explained that the language, as originally proposed, “doesn’t allow Carson City to do anything above and beyond what would also be allowed under NRS. So I would be really reluctant to change it so that it no longer mirrors what state law already says on the subject.” Discussion followed, and Mayor Crowell instructed staff to make such changes as are necessary in the ordinance to protect the confidentiality, where appropriate, on the address of a location.

Mayor Crowell entertained a motion. **Supervisor Bagwell moved to introduce, on first reading, Bill No. 125, an ordinance relating to marijuana; amending Title 4, Licenses and Business Regulations, to establish various provisions for the issuance of a business license to operate as a marijuana cultivation facility, marijuana product manufacturing facility, marijuana distributor, or marijuana retail store; to repeal various other provisions relating to the issuance of a temporary business license to operate as a marijuana establishment; to repeal provisions establishing a moratorium on the acceptance of applications for the business license to operate as a marijuana establishment; to revise Section II, Paragraph 9, to indicate that we will accept an annual compilation from an auditor for validation of taxes, the same as provided to the Department of Taxation; and that staff can work with applicants to ensure confidentiality of specific addresses. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [4 - 0 - 1]
<b>MOVER:</b>	Supervisor Lori Bagwell
<b>SECOND:</b>	Supervisor John Barrette
<b>AYES:</b>	Supervisors Bagwell, Barrette, Abowd, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	Supervisor Brad Bonkowski
<b>ABSTAIN:</b>	None

**27(C) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT, BETWEEN CARSON CITY AND THE MYERS FAMILY EXEMPT TRUST; THE ARRAIZ FAMILY 1993 TRUST 10/18/93; RD LOMPA**

**CARSON CITY BOARD OF SUPERVISORS**  
**Minutes of the September 21, 2017 Meeting**

**Page 19**

**DRAFT**

**LLC, A NEVADA LIMITED LIABILITY COMPANY; LOMPA RANCH EAST HILLS LLC, A NEVADA LIMITED LIABILITY COMPANY; AND TERRASAS & TRIPP LLC, REGARDING THE DEVELOPMENT OF A PROJECT KNOWN AS THE LOMPA RANCH NORTH SPECIFIC PLAN AREA, ASSESSOR'S PARCEL NUMBERS 010-041-16, -38, -52, -70, -71, -75, AND -76 - Withdrawn.**

**28. PUBLIC COMMENT** (4:46:45) - Mayor Crowell entertained public comment; however, none was forthcoming.

**29. ACTION TO ADJOURN** (4:46:55) - Mayor Crowell adjourned the meeting at 4:46 p.m.

The Minutes of the September 21, 2017 Carson City Board of Supervisors meeting are so approved this \_\_\_\_\_ day of October, 2017.

---

ROBERT L. CROWELL, Mayor

ATTEST:

---

SUSAN MERRIWETHER, Clerk - Recorder