

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the October 5, 2017 Meeting**

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, October 5, 2017 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell  
Supervisor Karen Abowd, Ward 1  
Supervisor Brad Bonkowski, Ward 2  
Supervisor Lori Bagwell, Ward 3  
Supervisor John Barrette, Ward 4

**STAFF:** Nick Marano, City Manager  
Nancy Paulson, Deputy City Manager  
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 Carson City Clerk's Office, during regular business hours.

**1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** (8:32:10) - Mayor Crowell called the meeting to order at 8:32 a.m. Ms. King called the roll; a quorum was present. Calvary Chapel Pastor Pat Propster provided the invocation. Mayor Crowell led the pledge of allegiance.

(8:36:40) Mayor Crowell read into the record the language of a resolution expressing support for Clark County. Supervisor Abowd read a prepared statement into the record, expressing sympathy, concern, and prayers for all those affected by the violence which took place on Sunday, October 1, 2017. Supervisor Bagwell commended Supervisor Abowd's statement, and displayed "Nevada Strong; Pray for Vegas" patches. Mayor Crowell advised that the patches would be included with the Resolution. Each of the Board members signed the Resolution, together with Mr. Marano, Sheriff Ken Furlong, and Fire Chief Sean Slamon. The Board members, City staff, and citizens present applauded. Mayor Crowell recessed the meeting at 8:48 a.m. and reconvened at 8:54 a.m.

**5. PUBLIC COMMENT** (8:54:32) - Mayor Crowell entertained public comment; however, none was forthcoming.

**6. POSSIBLE ACTION ON APPROVAL OF MINUTES - September 7, 2017** (8:54:55) - 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. Supervisor Barrette seconded the motion. Motion carried 4-0.**

**7. POSSIBLE ACTION ON ADOPTION OF AGENDA** (8:55:17) - Mayor Crowell introduced this item, and advised of having been informed that item 13 would be heard separate from the consent agenda. At Supervisor Barrette's request, Mayor Crowell agreed to also separately hear item 11. He entertained

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additional modifications to the agenda and, when none were forthcoming, deemed the agenda adopted, as modified.

### 8. SPECIAL PRESENTATIONS:

**8(A) PRESENTATION OF A PROCLAMATION FOR NATIONAL 4-H WEEK, OCTOBER 1 - 7, 2017** (8:56:15) - Mayor Crowell introduced this item and, at his request, the Board members convened on the meeting floor. Mayor Crowell read into the record the language of the Proclamation, copies of which were included in the agenda materials. (9:00:44) University of Nevada Cooperative Extension (“UNCE”) Natural Resource Specialist Ed Smith introduced himself for the record. UNCE 4-H and Youth Development Program Manager Sandy Wallin thanked the Board for their support. UNCE Office Manager Marie Markovich, Office Assistant Karen Beattie, and Jim Barcellos introduced themselves for the record. Mr. Smith thanked the Board for the Proclamation and their support of 4-H, and encouraged everyone to attend a 4-H event.

### **8(B) PRESENTATION OF A PROCLAMATION FOR FIRE PREVENTION WEEK 2017**

(9:04:05) - Mayor Crowell invited the Fire Department personnel to the meeting table. At Mayor Crowell’s request, Fire Chief Sean Slamon introduced Deputy Fire Chief Chris Vaughn. Chief Slamon provided background information on Deputy Chief Vaughn’s education and experience. Mayor Crowell read into the record the language of the Proclamation, copies of which were included in the agenda materials.

Mayor Crowell presented the original Proclamation to Chief Slamon, who introduced Fire Department staff who were present in the meeting room. Chief Slamon provided historic information on Fire Prevention Week, and statistical information on home fires. He advised that this year’s Fire Prevention Week theme is “Seconds Count; Two Ways Out.” Chief Slamon responded to questions of clarification.

### CONSENT AGENDA

(9:12:02) - Mayor Crowell introduced the consent agenda and reiterated that items 11 and 13 would be separately heard. Mayor Crowell entertained a motion to approve the remainder of the consent agenda. **Supervisor Bagwell moved to approve the consent agenda, as published, with the exception of items 11 and 13.** Ms. King advised that the resolution number for item 10(B) was 2017-R-35. **Supervisor Bagwell amended her motion to include the resolution number. 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

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**9. 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 22, 2017, PURSUANT TO NRS 251.030 AND NRS 354.290**

**10. PUBLIC WORKS DEPARTMENT**

**10(A) POSSIBLE ACTION TO AUTHORIZE STAFF TO PURSUE ALL POSSIBLE AVENUES TO EFFECTUATE THE SALE OF CARSON CITY'S INTEREST IN WATER PERMIT 36079 (CERTIFICATE 11627), LOCATED IN WASHOE VALLEY, TOTALING 8.62 ACRE FEET, AND FOR THE HIGHEST DOLLAR AMOUNT POSSIBLE**

**10(B) POSSIBLE ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING A JOINT FUNDING AGREEMENT FOR A COOPERATIVE WATER RESOURCE MONITORING PROGRAM, WITH THE U.S. GEOLOGICAL SURVEY, WITH A COST TO CARSON CITY OF \$52,370**

**11. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO APPROVE THE SUBMISSION OF A RECREATIONAL TRAILS PROGRAM GRANT APPLICATION BY THE PARKS, RECREATION AND OPEN SPACE DEPARTMENT FOR PHASE 1 OF REHABILITATION OF THE PATH SYSTEM IN LONG RANCH PARK** (9:12:46) - Mayor Crowell introduced this item, and Parks and Recreation Department Director Jennifer Budge reviewed the agenda materials. (9:17:12) Mayor Crowell disclosed that his son is the Conservation and Natural Resources Department Director; that there was no conflict; and that he intended to participate in discussion and action on this item. Supervisor Barrette expressed support for this grant application, and requested Ms. Budge to locate the agreement, between the Long Ranch developers and the City, "on maintenance in that park. ... We need to start from there in the sense that that's a contractual agreement we made ..." Ms. Budge advised of having requested Community Development Director Lee Plemel to research the matter. "Basically, you have two portions of that development; a portion that is managed under a property owners association and is more private. My understanding is there used to be a gate and a private road and then that trail system was private even though you can still use and access and enjoy that trail system. But they do maintain that. I'm not aware of a separate maintenance agreement where the other portions were dedicated to the City for the City's responsibility. So these are only to cover ... those City-owned assets, not what's under the private property owners association."

Following a brief discussion, Ms. Budge stated, "This is a great example of ... that informal policy that we have moving forward, as we get new parks ... There's going to be a property owners association or a homeowners association or some kind of partnership where the park is still available for the public but that new development is going to fund 100 percent maintenance of that because we can't keep adding to our existing park system and be sustainable. It ... doesn't make good financial sense." Mr. Plemel advised of having done some cursory research and that there isn't a development agreement. "... the property was intended to be dedicated to the City from the start ... so there's not an agreement on the maintenance. It belongs to the City for those portions of it but we'll go back and dig further and see if we can find anything."

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Mayor Crowell entertained additional Board member questions or comments and public comments. When no further questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bagwell moved to approve the submission of a Recreational Trails Program grant application by the Parks, Recreation and Open Space Department for Phase 1 of rehabilitation of the path system in Long Ranch 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>	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

## 12. PURCHASING AND CONTRACTS

**12(A) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1718-084, CLINICAL TREATMENT AND COUNSELING SERVICES FOR JUSTICE / MUNICIPAL COURT, AND CONTRACT NO. 1718-085, FOR JUVENILE COURT AND JUVENILE SERVICES, WITH COMMUNITY COUNSELING CENTER (“CCC”), FOR A NOT-TO-EXCEED ANNUAL AMOUNT OF \$86,800 AND \$37,000, RESPECTIVELY, THROUGH JUNE 30, 2018, TO BE FUNDED FROM SEVERAL COURT FUNDS; THESE ARE PROFESSIONAL SERVICES CONTRACTS AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115(1)(b)**

**12(B) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1718-090, LEGAL SERVICES WITH WASHOE LEGAL SERVICES, FOR A NOT-TO-EXCEED ANNUAL AMOUNT OF \$105,000, THROUGH SEPTEMBER 30, 2020, TO BE FUNDED FROM THE COURTS DEPARTMENT IN THE GENERAL FUND; THESE ARE PROFESSIONAL SERVICES CONTRACTS AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115(1)(b)**

**13. SHERIFF - POSSIBLE ACTION TO APPROVE THE SUBMITTAL AND RECEIPT OF THE 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT WHICH IS ALLOCATED THROUGH THE UNITED STATES DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE, FOR THE CARSON CITY SHERIFF’S OFFICE COPS AND KIDS PREVENTION SERVICES, TOTALING \$11,857.00 (9:21:17) - Mayor Crowell introduced this item, and welcomed Undersheriff Steve Albertsen and Deputy Lisa Davis to the meeting table. Undersheriff Albertsen reviewed the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve the submittal and receipt of the 2017 Edward Byrne Memorial Justice Assistance Grant, which is allocated through the United States Department of Justice Bureau of Justice Assistance for the Carson City Sheriff’s Office Cops and Kids Prevention Services, totaling \$11,857.00. Supervisor Bagwell seconded the motion.** Mayor**

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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

### ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

**14. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:12:44)** - Please see the minutes for items 11 and 13.

**15. CARSON CITY AIRPORT AUTHORITY - POSSIBLE ACTION TO APPROVE AMENDMENTS TO EXTEND THE AIRPORT LEASE, BETWEEN THE CARSON CITY AIRPORT AUTHORITY AND THE BYARD FAMILY TRUST (9:23:12)** - Mayor Crowell introduced this item, and read a prepared disclosure statement into the record. Mayor Crowell passed the gavel to Mayor *Pro Tem* Karen Abowd, and advised of a conflict of interest relative to his professional association with Airport Authority Counsel Steve Tackes.

At Mayor *Pro Tem* Abowd's request, Mr. Tackes reviewed the agenda materials and responded to questions of clarification. He advised that Ordinance No. 2017-16 is in the process of being implemented. "... I'd say we're probably ... between 90 and 95 percent complete on obtaining all of the information which was required under that ordinance. The next step is to go through the information, determine which hangars require additional follow up and / or inspections. Plus, we will be doing some inspections because the FAA has asked us to inspect certain hangars ..."

Mayor *Pro Tem* Abowd entertained public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to approve the Amendment to extend the Airport Lease, between the Carson City Airport Authority and the Byard Family Trust. Supervisor Barrette seconded the motion.** Mayor *Pro Tem* Abowd entertained discussion on the motion and, when none was forthcoming, called for a vote.

<b>RESULT:</b>	Approved [3 - 0 - 1 - 1]
<b>MOVER:</b>	Supervisor Lori Bagwell
<b>SECOND:</b>	Supervisor John Barrette
<b>AYES:</b>	Supervisors Bagwell, Barrette, and Mayor <i>Pro Tem</i> Abowd
<b>NAYS:</b>	None
<b>ABSENT:</b>	Supervisor Brad Bonkowski
<b>ABSTAIN:</b>	Mayor Robert Crowell

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#### 16. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

**16(A) POSSIBLE ACTION TO ADOPT BILL NO. 124, ON SECOND 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 (9:29:10)** - Mayor *Pro Tem* Abowd returned the gavel to Mayor Crowell, who introduced this item. Mayor Crowell read a prepared disclosure statement into the record, and advised that he would participate in discussion and action on the subject and following items. Community Development Director Lee Plemel reviewed the agenda materials, and noted revisions to the proposed ordinance since introduction on first reading. In response to a question, Mr. Plemel advised of no other comments relative to the proposed ordinance.

Mayor Crowell entertained public comment. (9:31:49) Attorney Stephanie Rice advised that her client, Palladin LLC, "has actively already started working to try and relocate, in accordance with this Board's clear direction at the September 21, 2017 meeting. In doing that, we have run into some technical ... roadblocks that have made it so we are going to be unable to comply by January 1<sup>st</sup>." Ms. Rice respectfully requested "that the Board provide an extension just of that date for the relocation. It's my understanding that that would not cause any need to come back for a first reading. It's just the one technical date change; nothing substantive through the ordinance.

"The biggest hangup ... is that in order to relocate, for licensing purposes, first Palladin will need to update its federal liquor license which is through the TTB and that is a fluid process. Processing times are up and down. It could be up to 90 days. Right now, we're looking at probably 60 business days. That is fluid. In September, it was around 75 and, in July, it was higher than that. But it could go down as we go into winter. It could go up. However, we've been told up to 90 days. So, from there, in order to get the state liquor license, under NRS 369, the address change will have to be made on the federal license first. Otherwise, if they don't match, they won't issue the license change.

"So, all of that as well as securing and closing escrow on a building, will have to be done before any other steps. The latter steps are a little bit quicker. There's never been an issue with the speed that Carson City is issuing the local licensing ... They've been very accessible and I don't think that that will be problem ... especially because they're kind of a part of this process now so they know the reasons for the move ... But there will have to be a secondary submission to the Department of Taxation so that that actual distribution license can be changed to the address. There will have to be reinspections by the Department

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of Taxation, presumably, all of the fire inspections, pursuant to local codes, etc. So a rough time frame, based on these numbers that we've obtained from the various entities, a minimum we're looking at 165 days and a maximum, based on the estimates ... is 225 days. And all of that's contingent upon ... closing escrow within 30 to 45 days from now. So it's a real tight time frame. ... I'm very happy to report that we're doing everything we can to get on it but, before this went through for the second reading, we wanted to come to the Board and respectfully request that that extension be made.

"The low end, the 165 [days], would put it out to March 19<sup>th</sup>. And for 225 days would put it out to May 18<sup>th</sup>. Just for a little cushion, we are respectfully asking that the deadline to completely be relocated and operationally ... out of the current location is April 1<sup>st</sup>."

Ms. Rice acknowledged that Palladin is currently distributing marijuana to retail dispensaries in Washoe County, Clark County, and Carson City. In response to a further question, Ms. Rice advised that Palladin is licensed to distribute alcohol. "They can and ... I believe they have in the past. I don't know that they are doing it today. I don't believe so. It's a separate license. It has nothing to do with the separate, longstanding Capital Beverages license from 1971." Ms. Rice responded to questions of clarification.

Supervisor Abowd expressed appreciation for Ms. Rice having "reach[ed] out ahead of time with regards to this issue." Supervisor Abowd expressed adamance "about ... consistency and getting all agencies on board by January 1." Supervisor Abowd inquired of Ms. Rice and Deputy District Attorney Dan Yu, "If the existing ordinance language included an addendum that says 'or documented proof of pursuing compliance subsequent to the January 1, 2018 date,' is that all right to add without being a substantive change." Mr. Yu discussed his preference for "setting a date specific into the ordinance for grandfathering purposes." In response to a further question, Mr. Yu expressed confidence in being able to "come up with the necessary language to make it so that we can extend that time out for this purpose but also make it broad enough to where we're not applying the ordinance language to one particular business entity." Discussion followed.

In response to a question, Mr. Plemel advised that Palladin has a City business license to distribute liquor and marijuana. "We're not aware of the actual transactions. ... once the quarter is over and they submit for their business license fees for the marijuana distribution, we would know then that they conducted business but, until then, we don't actually know."

In response to a question, Mr. Yu expressed the opinion that changing a date and grandfathering Palladin is not "substantive to the extent where we would have to bring it back to square one, meaning requiring a first ... and a second reading." Supervisor Barrette discussed concerns over substantive changes. Mr. Yu clarified that the substantive change is "not ... merely technical. We're not talking about an abbreviation or a comma or ... a typographical change ... it's substantive to the effect that it does have an impact on the grandfathering provision, of course. So that will impact ... certain businesses that are already in existence. It does not, in my view, require us to go back to first reading because if we look at the City Charter provisions and also the statutory provisions that govern the adoption of ordinance by local government, the requirement there is two-fold. You need to have publication and, within that publication process, you have to set forth a summary and also the title. The change that is being proposed today, if this Board decides

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to make that change, would not necessitate any sort of an amendatory provision to the publication process; meaning you don't have to upend any of the language used in the title or the summary that's already been published and, therefore, we don't have to go back in time to first reading." Discussion followed, and Supervisor Barrette expressed concern over the "grandfathering" term relative to establishing a precedent. Mr. Yu expressed the opinion that no precedent will be established that would bind the City in any way. He explained that the grandfather provision has a sunset clause. "It allows the existing businesses to continue up to a date specific. After that date, ... what happens is a triggering effect of they're now zoned out. So that sunset basically applies to everyone. It is broad. It needs to be drafted that way but, again, we're not establishing any sort of a binding precedent moving forward with respect to other businesses. It's only with respect to this ordinance ..." Mr. Yu further clarified that sunset clauses are always policy decisions. "There's no legal impact ... as far as a precedent-establishing effect."

Mayor Crowell entertained public comment and, when none was forthcoming, Board member discussion. Mayor Crowell expressed a preference for "a hard date of January 1, ... although I also understand ... what's happening here. But, I guess, ... if we do extend the date, I'd like to know from our DA and Planning as to whether or not there's actually transactions going on in both the marijuana and the alcohol side."

Mayor Crowell requested Ms. Rice to return to the meeting table, and stated, "I take you at your word that you're distributing right now. But ... if I find out that you're not distributing, then ... I'm worried that we've made an exception for somebody who really doesn't comply." Ms. Rice stated that, "... I believe that we are coming up on the close of the first partial quarter so you're going to get to see what has and hasn't been done by the business when you get those reports coming in. And I believe it's reasonably soon. The second thing is I think we're talking about two different things. You're absolutely correct that if they're not complying in some other aspect of this business, their license is at risk either way. From my position, this is strictly a zoning issue so, if they're not complying with their license in some other manner, I don't think that has any effect on whether or not they relocate by a date certain in accordance with the zoning ordinance. ... if they're not complying with state law and the regulations on a day-to-day basis, they can have their license yanked tomorrow and that has nothing to do with the zoning."

Ms. Fralick suggested recessing the meeting and requesting Ms. Rice to contact her client prior to the Board taking action. In response to a question, Mayor Crowell reiterated that he would take Ms. Rice at her word. "But if they're not distributing now, I don't know what the harm is on just leaving it January 1 because they're not losing any money. ... So that's all I'm trying to get to." Ms. Rice advised that "currently, and granted we are operating under some emergency as well as temporary regulations that are going to change in the near future but, ... initially, when Palladin got their license from the State Department of Taxation, the language in the ballot initiative, under NRS 453D.210(3), provides that for the first 18 months of the license, the only people who can obtain marijuana distribution licenses are people who hold alcohol wholesale licenses under NRS 369. The provisions of that chapter essentially state that the requirements to be in good standing are that you are current on all taxes under that 369 license. So that ... was a requirement and is a requirement for a certain time period. It's currently on appeal and going back and forth but the only way to get the marijuana distribution license for that time period was if you had an ... alcohol wholesale license. So that's why it's not necessarily that ... if Palladin can't distribute alcohol for a few months in their new location, ... it's that in order get the second distribution license, ... they'd have

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to have their updated liquor license.” Ms. Rice acknowledged that, pursuant to the ballot initiative and NRS 453D, a license holder doesn’t have to physically distribute alcohol, but a license is required in order to qualify for a marijuana distributor license. “There are some additional requirements. You have to be current with your taxes with the Department of Taxation under that [NRS] 369 license, be in good standing, but there is no technical requirement currently in the temporary regulations that you have to be actually distributing alcohol.” Additional discussion followed, and Ms. Rice acknowledged that Palladin will lose business if it is precluded from continuing to distribute marijuana until April.

Mayor Crowell expressed reluctance to change the January 1<sup>st</sup> date, and concern ‘because I don’t see any business transactions occurring that are going to cause a loss of business opportunity. ... And if there was, it would help me make my decision because I get that.” Mr. Yu discussed understanding for Ms. Rice’s request and for the predicament in which it may place the Board. “For grandfathering purposes, for sunset clauses, I think in reality what we’re talking about here, even though the language is written broadly, we’re only talking about one business for limited industrial purposes. I think that, from a legal perspective, you set aside whether or not they’re currently transacting business, whether they currently have their applicable state or federal regulatory approvals in hand. I think we just throw that out of the equation for today’s consideration. The reason why is because I think really the only policy decision that needs to be made which can then effectuate through legal language, for purpose of the ordinance, is do we want to or do we not want to extend that date specific for the sunset purposes of getting everyone out as far as transacting retail marijuana operations ... from limited industrial. I think that’s really the only question that we have to answer today.”

In response to a question, Mr. Plemel advised that the business license is current and valid. “It’s a quarterly license so ... we’ll have the ability to pull it based on this expiration date.” In response to a further question, Mr. Plemel stated that, ‘If they were permitted to stay there, we would continue to renew [their business license] on a quarterly basis. They would pay quarterly and it would continue and, if there was no grandfather clause, we’d have to inform them to stop immediately. And so we’re discussing somewhere in between there. ... similar to a gaming license. Gaming is the other one that pays quarterly so they have to come in and pay quarterly otherwise ... once it’s not paid, then it’s not valid.” Mr. Plemel responded to additional questions of clarification.

Ms. Rice advised that if Palladin does not close escrow on a piece of property within the next two to three weeks, they’re not even going to make the April deadline. “... if this doesn’t start the ball rolling immediately which, fortunately, there are some identifiable locations that meet the zoning requirements that are suitable for relocation for Palladin. If ... escrow is not opened and they don’t close in the next 30 to 45 days to be able to then start submitting for the location changes on the licenses, I don’t know that they’ll have it done by April even if they comply with every single time frame because, if they don’t start until December, they’re going to be way behind. So if the concern is that by granting the extension Palladin is just going to kind of live it up and wait until February, March, April to decide to get it together, it won’t matter. There’s no way.” Supervisor Abowd pointed this out as her concern. ‘If they didn’t and we extend this date to April 1, then we’ve done it for no reason and January 1 was a hard and fast date that we really wanted to adhere to. And we have one instance that we’re dealing with here. So ... I’m having difficulty with the fact that I want to keep the January 1 date with the exception that the grandfather have an April

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1 date." Discussion followed, and Mayor Crowell recessed the meeting at 10:06 a.m. Mayor Crowell reconvened the meeting at 10:18 a.m.

Mayor Crowell entertained a motion. **Supervisor Abowd moved to adopt Bill No. 124, on second reading, Ordinance No. 2017-21, 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, with the corrections as noted that were presented earlier. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion. In response to a question, Supervisor Abowd referred to the late material which listed clerical corrections. Mayor Crowell entertained additional discussion 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

**16(B) POSSIBLE ACTION TO ADOPT BILL NO. 125, ON SECOND 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 A SA 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 (10:21:24) -** Mayor Crowell introduced this item, and Community Development Director Lee Plemel reviewed the agenda materials. He reviewed a revision which was outlined in late material provided to the Board members, the Clerk, and the public prior to the start of the meeting. Mayor Crowell entertained Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Abowd moved to adopt Bill No. 125, on second reading, Ordinance No. 2017-22, 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,**

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**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, to include the late material as submitted. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Barrette commented on the process, and offered assurances that problems will be dealt with. 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 John Barrette
<b>AYES:</b>	Supervisors Abowd, Barrette, Bagwell, and Mayor Crowell
<b>NAYS:</b>	None
<b>ABSENT:</b>	Supervisor Brad Bonkowski
<b>ABSTAIN:</b>	None

## 17. PUBLIC WORKS DEPARTMENT

**17(A) POSSIBLE ACTION TO APPROVE SUBMITTAL OF A GRANT APPLICATION TO THE U.S. DEPARTMENT OF TRANSPORTATION FOR TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (“TIGER”) DISCRETIONARY GRANT FUNDING FOR THE SOUTH CARSON STREET COMPLETE STREETS PROJECT**(10:24:20) - Mayor Crowell introduced this item, and Transportation Manager Lucia Maloney reviewed the agenda materials. Ms. Maloney congratulated Transportation Planner Hailey Lang, whose article was recently published in the Fall 2017 *Nevada Planner* magazine. At Supervisor Abowd’s request, Mayor Crowell discussed a recent meeting, together with Mr. Marano, with Division of State Lands representatives regarding the armory property. Supervisor Abowd commended City staff’s aggressive approach to the Tiger grant application. Following a brief discussion, Ms. Maloney responded to questions of clarification.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve submittal of a grant application to the U.S. Department of Transportation for Transportation Investment Generating Economic Recovery (“TIGER”) discretionary grant funding for the South Carson Street Complete Streets project. 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

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**17(B) POSSIBLE ACTION TO FIND THAT THE PROPOSED ORDINANCE, AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.17.040, SERVICE CHARGE RATES, BY INCREASING THE MONTHLY RATE BY 30 PERCENT FOR EACH PROPERTY CLASSIFICATION DOES IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICT FORMATION, OPERATIONS, OR EXPANSION OF A BUSINESS; THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, IN COMPLIANCE WITH NRS 237, AND IS ON FILE WITH THE BOARD OF SUPERVISORS (10:35:14) -** Mayor Crowell introduced this item, and Utility Manager David Bruketta reviewed the agenda materials. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to find that the proposed ordinance amending the Carson City Municipal Code, Title 12, Water, Sewerage, and Drainage, Chapter 12.17.040, Service Charge Rates, by increasing the monthly rate by 30 percent for each property classification does impose a direct and significant economic burden on a business or directly restrict formation, operations, or expansion of a business; that a Business Impact Statement has been prepared in compliance with NRS 237, and is on file with the Board of Supervisors.** 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

**17(C) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 12 OF THE CARSON CITY MUNICIPAL CODE, TO INCREASE THE RATE OF STORM WATER SERVICE CHARGES LEVIED UPON ALL DEVELOPED REAL PROPERTY LOCATED WITHIN CARSON CITY; TO REVISE PROVISIONS ESTABLISHING THE PROCEDURE BY WHICH TO PROTEST STORM WATER SERVICE CHARGES AND FEES; AND TO MAKE NON-SUBSTANTIVE CHANGES TO PROVIDE TECHNICAL, GRAMMATICAL, AND STRUCTURAL CORRECTIONS FOR LEGAL CLARITY (10:37:10) -** Mayor Crowell introduced this item, and Utility Manager David Bruketta 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. 126, an ordinance amending Title 12 of the Carson City Municipal Code, to increase the rate of storm water service charges levied upon all developed real property located within Carson City; to revise provisions establishing the procedure by which to protest storm water service charges and fees; and to make non-substantive changes to provide technical, grammatical, and structural corrections for legal clarity.** Supervisor Barrette seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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<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

**18. FINANCE DEPARTMENT - POSSIBLE ACTION TO ADOPT BILL NO. 123, ON SECOND 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 (10:39:01)** - Mayor Crowell introduced this item, and Ms. Paulson reviewed the agenda materials. In response to a question, Ms. Paulson advised of no changes since introduction, on first reading. Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote. **Supervisor Bagwell moved to adopt Bill No. 123, on second reading, Ordinance No. 2017-23, 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 issuance. 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

**19. CITY MANAGER - POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE NEVADA COMMISSION FOR THE RECONSTRUCTION OF THE V&T RAILWAY FROM AMONG THE MEMBERS OF THE CARSON CITY BOARD OF SUPERVISORS, OR WHO IS A DESIGNEE OF THE BOARD OF SUPERVISORS, PURSUANT TO SECTION 3 OF THE NEVADA COMMISSION FOR THE RECONSTRUCTION OF THE V&T RAILWAY ACT OF 1993, AS AMENDED BY SENATE BILL 57 FROM THE 2017 LEGISLATIVE SESSION (10:40:42)** - Mayor Crowell introduced, provided background information on this item, and reviewed the agenda materials. **Mayor Crowell moved to appoint Mr. Marano as the Board's designee. Supervisor Barrette seconded the motion.** Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion.

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

## 20. BOARD OF SUPERVISORS NON-ACTION ITEMS: FUTURE AGENDA ITEMS

### STATUS REVIEW OF PROJECTS

### INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

### CORRESPONDENCE TO THE BOARD OF SUPERVISORS

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS** (10:43:41) - Supervisor Abowd expressed appreciation to "those involved in 'Take Me Home Huey' here in Carson City. That was a really profound and moving exhibit and documentary." Supervisor Bagwell expressed an interest in working with "a cross-section of the community on ways to combat the use of drugs by youth and other impacts that drugs cause in our City. I think we'd already started a group before that would really understand the needs, such as social service providers, Health Department, Sheriff's Office, School District, and the Fire Department. So I'm interested in working with a cross-section to look at what impacts, where we see the next budget needs, and thoughtful use of any dollars that are going to be received." Mayor Crowell announced the U.S. Navy's birthday next Friday, October 13<sup>th</sup>. Supervisor Abowd encouraged everyone to purchase tickets for Capital Collage. Proceeds will help fund arts and culture in the community. Mayor Crowell thanked Supervisor Bagwell for the "Nevada Strong" patches which will be sent to Las Vegas. Supervisor Bagwell announced a flag retirement ceremony scheduled for 3:00 p.m. on Friday, November 10<sup>th</sup> at Fuji Park.

### STAFF COMMENTS AND STATUS REPORTS

## 21. PUBLIC COMMENT (10:48:53) - Mayor Crowell entertained public comment; however, none was forthcoming.

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**22. ACTION TO ADJOURN** (10:48:59) - Mayor Crowell adjourned the meeting at 10:48 a.m.

The Minutes of the October 5, 2017 Carson City Board of Supervisors meeting are so approved this \_\_\_\_\_ day of November, 2017.

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ROBERT L. CROWELL, Mayor

ATTEST:

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SUSAN MERRIWETHER, Clerk - Recorder