CARSON CITY BOARD OF SUPERVISORS
Minutes of the January 5, 2012 Meeting
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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, January 5, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Shelly Aldean, Ward 2
Supervisor John McKenna, Ward 3
Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Neil Rombardo, District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

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

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:31:11) - Mayor Crowell wished everyone a Happy New Year, and called the meeting to order at 8:31 a.m. Mr. Glover called the roll; a quorum was present. Supervisor Abowd was absent. First Christian Church Pastor Ken Haskins provided the invocation. At Mayor Crowell's request, Carson Nugget General Manager Star Anderson led the pledge of allegiance.

5. PUBLIC COMMENTS AND DISCUSSION (8:33:25) - Mayor Crowell entertained public comment. (8:33:44) Bruce Kittess expressed understanding that the "Smart Meter issue is a State issue," but advised that he would provide public comments relative to the same. "It looks like NV Energy Smart Meters are on their way to Northern Nevada, including Carson City. All of Northern Nevada will have Smart Meters by the end of this year. Some of us from Carson and Reno will be addressing the PUC Hearing Officer on Wednesday, January 18th at 9:00 at 1150 [William] Street, across from Mills Park." Mr. Kittess discussed the purpose of the PUC hearing, and expressed the belief that "the issue should not be 'opt-out' because we never opted in. The Smart Meter and the dynamic pricing plan should both be voluntary. It is called free to choose. We can find no federal mandate for Smart Meters. We believe the U.S. and Nevada Constitutions protect citizens from unauthorized search of property, unauthorized wire tapping, and the kinds of potential home security and health issues created by the Smart Meters and the Smart Grid plans to implement home area networks. ... Once a customer accepts a Smart Meter, which may not be fully activated for all of its capabilities - that comes later - it may be too late." Mr. Kittess expressed the belief that "the legal term is implied consent. 'I accept the new meter and now I'm going to accept all the wonderful things that it can do for me.' Utility companies have never had the authority to do more than capture monthly utility consumption data and bill accordingly. If NV Energy wants to offer optional service and its customers choose the service and agree, in writing, that's their choice." Mr. Kittess expressed opposition to "more data. The whole premise of this is to let us learn about how each appliance, how much it uses. The ever-increasing cost of my monthly statement is incentive enough to conserve energy. Isn't a guarantee of ... ten percent return on investment for a public utility enough? Evidently not. ... Our State Consumer Advocate, working for our Attorney General, has the task to represent the public at the PUC. It appears he has failed to research and inform the PUC they have no authority to mandate Smart Meters be installed and operated as planned." Mr. Kittess expressed no objection to "digital meters read from the street as our water and gas meters are read now. Over 600,000 meters have been installed in Southern Nevada. It may be a few years but unpleasant surprises may be in store for many of those

users." Mr. Kittess expressed the hope that the Mayor and the Supervisors could "behind-the-scenes ... ask questions and help the cause." He suggested that the District Attorney "could help the Consumer Advocate research the legality of the current mandate." Mayor Crowell entertained additional public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - December 1, 2011 (8:38:58) - Supervisor Aldean advised of minor clerical corrections which she offered to provide to the recording secretary. **Supervisor Aldean moved to approve the minutes, as amended. Supervisor McKenna seconded the motion. Motion carried 4-0.**

7. POSSIBLE ACTION ON ADOPTION OF AGENDA (8:39:25) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed it adopted.

8. SPECIAL PRESENTATION OF THE REDEVELOPMENT AUTHORITY CITIZENS COMMITTEE 2011 MIRACLE WORKER AWARDS TO THE CITY CENTER HOTEL FOR PROPERTY RENOVATION, AND TO DR. THOMAS GIBBONS FOR NEW CONSTRUCTION, FOR COMMENDABLE CONTRIBUTIONS TO IMPROVING THE CARSON CITY REDEVELOPMENT DISTRICT (8:39:36) - Mayor Crowell introduced this item, and Supervisor Aldean stepped from the dais to the podium. Supervisor Aldean provided background information on this item, and commended the property owners of both the City Center Hotel and the Bristlecone Family Eye Care Center for "increasing their investment in Carson City during these challenging economic times." Supervisor Aldean invited Redevelopment Authority Citizens Committee ("RACC") Vice Chair Stan Jones to the podium. Supervisor Aldean advised that the City Center Hotel was awarded a 2011 Miracle Worker Award for improvements made to their property, which she reviewed.

(8:41:38) Carson Nugget General Manager Star Anderson thanked the RACC for their recognition, and provided background information on the improvements. She introduced Operations Director Ron Chancellor, who thanked the RACC for the award. Mae B. Adams Trustee Steve Neighbors acknowledged his commendation of the Carson Nugget and City Center Hotel staff, and Supervisor Aldean thanked him for the investment in the improvements.

Supervisor Aldean introduced Dr. Thomas Gibbons, the owner of the Bristlecone Family Eye Care Center, and commended his new building as "a fine tribute to Victorian architecture" which "has helped to further enhance the aesthetic appeal of redevelopment area number one and the southern end of the Carson City Historic District. (8:43:23) Dr. Gibbons thanked everyone, including the Historic Resources Commission and the Planning Commission, and provided historic information on the property and its development. He thanked the RACC for the recognition. Mayor Crowell commended the beautiful building "inside as well as outside." He thanked Supervisor Aldean for presiding over the award presentations. Supervisor Aldean described the award plaques which utilized some of the redevelopment district annual Christmas ornaments.

Supervisor McKenna thanked and complimented the Sheriff, the Fire Department, and the Public Works Department staff for their response to the fire last week. "We easily could have lost houses on that particular fire because of the wind ... [Fire Chief] Stacey [Giomi]'s people were right on it within seconds and they did a great job putting the thing out." The Board members, City staff, and citizens present applauded.

9. CONSENT AGENDA (8:46:04) - Mayor Crowell entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt the consent agenda, consisting of one item from Fire; five items from Finance; three items from Purchasing and Contracts; under item 9-3(C), the Resolution number is 2012-R-1; two items under Public Works; one item under Health and Human Services, Resolution No. 2012-R-2; one item under the Assessor's Office; and two items under the City Manager's Office, with acknowledgment of the reappointment of Michael Bertrand and Ken Brown to the Carson City Audit Committee, and the reappointment of Charles Des Jardins to the Regional Transportation Commission and the appointment of Jim Smolenski to the Regional Transportation Commission; they both will be serving two-year terms, expiring December 2013. Supervisor McKenna seconded the motion. Motion carried 4-0.**

9-1. FIRE DEPARTMENT - POSSIBLE ACTION TO ENTER INTO A COOPERATIVE FIRE PROTECTION AGREEMENT BETWEEN THE UNITED STATES DEPARTMENT OF AGRICULTURE - FOREST SERVICE, HUMBOLDT-TOIYABE NATIONAL FOREST CARSON RANGER DISTRICT (AGREEMENT NO. 12-FI-11041701-019) AND THE CARSON CITY FIRE DEPARTMENT, FOR THE PROVISION OF MUTUAL AID FOR WILDLAND FIRES

9-2. FINANCE DEPARTMENT

9-2(A) POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY, THROUGH DECEMBER 23, 2011, PURSUANT TO NRS 251.030

9-2(B) POSSIBLE ACTION TO APPROVE CHANGES IN THE BUDGETED POSITIONS IN THE FINANCE DEPARTMENT FY 2012 BUDGET TO INCLUDE ADDING A MANAGEMENT ASSISTANT III POSITION AND DELETING THE OFFICE SUPERVISOR POSITION AND THE MANAGEMENT ASSISTANT I POSITION

9-2(C) POSSIBLE ACTION TO ALLOW THE FINANCE DEPARTMENT TO DELETE FIXED ASSETS FROM THE ENTERPRISE FUNDS FIXED ASSET LISTING FOR FISCAL YEAR 2010 - 2011

9-2(D) POSSIBLE ACTION TO ALLOW THE FINANCE DEPARTMENT TO DELETE FIXED ASSETS FROM THE GENERAL FUND FIXED ASSET LISTING FOR FISCAL YEAR 2010 - 2011

9-2(E) POSSIBLE ACTION TO ADOPT THE CARSON CITY PLAN OF CORRECTIVE ACTION FOR FY 10 - 11 APPARENT STATUTORY VIOLATION INCLUDED IN THE ANNUAL AUDIT

9-3. PURCHASING AND CONTRACTS

9-3(A) POSSIBLE ACTION TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THE RELEASE OF FINAL PAYMENT, IN THE AMOUNT OF $12,836.76, FOR CONTRACT NO. 1112-046, TITLED CARSON CITY WATERFALL WATERSHED IMPROVEMENTS - PHASE 3, TO V & C CONSTRUCTION COMPANY, INC.

9-3(B) POSSIBLE ACTION TO RATIFY PURCHASES OF DEMONSTRATION EQUIPMENT BY CARSON CITY PUBLIC WORKS STAFF, AS APPROVED BY THE BOARD AT THEIR REGULAR MEETING OF SEPTEMBER 17, 2011 AND PURCHASED PURSUANT TO NRS 332.146

9-3(C) POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO DETERMINE THAT THE SEVEN (7) PIECES OF MISCELLANEOUS SURPLUS PROPERTY HAVE REACHED THE END OF THEIR USEFUL LIVES AND WILL BE DONATED TO ANOTHER GOVERNMENTAL ENTITY OR TO A REQUESTING NON-PROFIT ORGANIZATION CREATED FOR RELIGIOUS, CHARITABLE, OR EDUCATIONAL PURPOSES, AS SET FORTH IN NRS 372.3261 (FILE NO. 1112-147)

9-4. PUBLIC WORKS DEPARTMENT

9-4(A) POSSIBLE ACTION TO ACCEPT EASEMENTS ALONG NORTH ROOP STREET FOR THE PURPOSES OF PUBLIC UTILITIES, PEDESTRIAN ACCESS, AND DRAINAGE IMPROVEMENTS, ON APNs 002-101-77, 002-104-01, AND 002-103-01

9-4(B) POSSIBLE ACTION TO APPROVE THE RENAMING OF THE NORTH / SOUTH PORTION OF BUTTI WAY TO AIRPORT ROAD

9-5. HEALTH AND HUMAN SERVICES DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION ACCEPTING AN INTERLOCAL AGREEMENT, IN THE AMOUNT OF $45,000, WITH LYON COUNTY FOR CARSON CITY HEALTH AND HUMAN SERVICES ("CCHHS") TO PROVIDE LOW INCOME HOUSING IN CARSON CITY

9-6. ASSESSOR - POSSIBLE ACTION TO APPROVE THE PARTIAL REMOVAL AND REFUND OF REAL PROPERTY TAXES FOR PARCEL NUMBERS 002-072-13 (NORTH CARSON STREET), 002-244-07 (HIGHWAY 50 EAST / SALIMAN ROAD), AND 009-111-22 (SOUTH CARSON STREET) FOR THE 2011 / 2012 TAX YEAR, PURSUANT TO NRS 361.055, IN THE AMOUNT OF $198.75

9-7. CITY MANAGER

9-7(A) POSSIBLE ACTION TO REAPPOINT MICHAEL BERTRAND AND KENNETH BROWN TO THE CARSON CITY AUDIT COMMITTEE FOR TWO-YEAR TERMS, EXPIRING DECEMBER 2013

9-7(B) POSSIBLE ACTION TO REAPPOINT CHARLES DES JARDINS AND TO APPOINT JAMES SMOLENSKI TO THE CARSON CITY REGIONAL TRANSPORTATION COMMISSION FOR TWO-YEAR TERMS, EXPIRING DECEMBER 31, 2013

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

10. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:47:23) - None.

11. PURCHASING AND CONTRACTS - POSSIBLE ACTION TO APPROVE PURCHASE ORDER 2012-061 FOR THE PURCHASE OF EIGHT (8) SHERIFF VEHICLES, IN THE AMOUNT OF $219,589.30, TO DPS-OCJA (1122) PROG AND TO APPROVE PURCHASE

ORDER 2012-062 FOR OUTFITTING THE VEHICLES WITH SPECIFIC PUBLIC SAFETY EQUIPMENT, IN THE AMOUNT OF $63,504.97, TO LEHR AUTO ELECTRIC, ALL TO BE FUNDED FROM THE CAPITAL FUND ACCOUNT 210-0000-413-77-05, AS PROVIDED IN FY 2011 / 2012 (8:47:30) - Mayor Crowell introduced this item, and Purchasing and Contracts Manager Kim Belt reviewed the agenda materials. In response to a question, Mr. Werner explained that, using the State's bidding process, the Chevrolet dealership which had the best bid is out of the area. He advised of having talked with the local Chevrolet dealer, who has chosen not to participate in the State's bidding process. In response to a question, Finance Department Director Nick Providenti advised that the balance in the capital projects account will be between $170,000 and $200,000. "It will replenish in July ... but, between now and then, ... we're pretty much at the bare bones level in that account."

In response to a question, Sheriff Ken Furlong advised that Fire Chief Stacey Giomi has "been leading the charge on the communications side. We are making really good progress and have been for years. We've anticipated some of the changes and most of our replacement equipment that we purchased will be in compliance." Fire Chief Giomi explained the FCC's narrow banding requirement, and advised of having worked closely with the contractor. He further advised that the City is "moving forward. We've identified all the radios that need replacing and we're working on a pricing plan from our contract ... for replacement of those radios for both the labor and the physical hardware. And then we'll be working through [the City Manager] to identify some funding." Sheriff Furlong assured the Board that each new purchase is compliant with the conversion.

Mayor Crowell entertained public comment and Board member questions or comments. When none were forthcoming, he entertained a motion. **Supervisor McKenna moved to approve Purchase Order 2012-061 for the purchase of eight (8) sheriff's vehicles, in the amount of $219,589.30, to the DPS-OCJA (1122) PROG, and to approve Purchase Order 2012-062 for outfitting the vehicles with specified public safety equipment, in the amount of $63,504.97, to Lehr Auto Electric, all to be funded from the capital fund account 210-0000-413-77-05, as provided in FY 2011 / 2012. Supervisor Aldean seconded the motion. Motion carried 4-0.**

12. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION

12(A) POSSIBLE ACTION TO ADOPT BILL NO. 122, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF APNs 010-121-44 (20 ACRES), 010-121-43 (22 ACRES), 010-121-42 (22 ACRES), AND 010-502-01 (19 ACRES) FROM SINGLE FAMILY FIVE ACRE (SF5A) TO PUBLIC COMMUNITY (PC) (ZMA-11-131) (8:52:42) - Mayor Crowell introduced this item. In response to a question, Principal Planner Jennifer Pruitt advised of no changes to any of the bills on second reading and no comments from the public. Mayor Crowell entertained public and Board member comments and, when none were forthcoming, a motion. **Supervisor Aldean moved to adopt Bill No. 122, on second reading, Ordinance No. 2012-1, an ordinance to change the zoning of certain properties owned by Carson City, located in the vicinity of the Carson River and Mexican Dam, as published on the agenda, from single-family five-acre to public community, based on the findings contained in the staff report. Supervisor Walt seconded the motion. Motion carried 4-0.**

12(B) POSSIBLE ACTION TO ADOPT BILL NO. 123, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF A PORTION OF APN 002-523-18, LOCATED AT 1946 HAMILTON AVENUE, FROM PUBLIC NEIGHBORHOOD TO SINGLE FAMILY 6,000 (ZMA-11-055) (8:53:42) - Mayor Crowell introduced this item, and entertained public and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt Bill No. 123, on second reading, Ordinance No. 2012-2, an ordinance to change the zoning of a**

portion of APN 002-523-18, located at 1946 Hamilton Avenue, from public neighborhood to single-family 6,000, based on the findings contained in the staff report. Supervisor McKenna seconded the motion. Motion carried 4-0.

12(C) POSSIBLE ACTION TO ADOPT BILL NO. 124, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF APN 007-092-08 (77 ACRES) FROM CONSERVATION RESERVE (CR) TO PUBLIC COMMUNITY (PC), AND APNs 007-601-02 (96 ACRES) AND 007-031-04 (15 ACRES) FROM CONSERVATION RESERVE (CR) TO PUBLIC REGIONAL (PR) (ZMA-11-124) (8:54:26) - Mayor Crowell introduced this item, and Ms. Pruitt acknowledged no changes to the proposed ordinance. Mayor Crowell entertained public and Board member comments and, when none were forthcoming, a motion. **Supervisor McKenna moved to adopt Bill No. 124, on second reading, Ordinance No. 2012-3, an ordinance to change the zoning of APN 007-092-08 from conservation reserve to public community, and APNs 007-601-02 and 007-031-04, from conservation reserve to public regional, based upon the findings contained in the staff report. Supervisor Walt seconded the motion. Motion carried 4-0.**

12(D) POSSIBLE ACTION TO ADOPT BILL NO. 125, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF APN 008-922-11 (17.6 ACRES) FROM LIMITED INDUSTRIAL (LI) TO PUBLIC NEIGHBORHOOD (PN), APN 002-101-73 (8.6 ACRES) FROM SINGLE FAMILY 6,000 (SF6) TO PUBLIC NEIGHBORHOOD (PN), APNs 008-541-92 (16 ACRES) 008-541-73 (16 ACRES), AND 008-531-05 (0.73 ACRES) FROM AGRICULTURE (A) TO PUBLIC REGIONAL (PR), APNs 010-011-26 (80 ACRES), 010-011-27 (100 ACRES), 008-531-40 (20 ACRES), AND 010-021-55 (35 ACRES), FROM CONSERVATION RESERVE (CR) TO PUBLIC REGIONAL (PR), AND APNs 010-681-01 (0.06 ACRES) AND 010-681-02 (39 ACRES) FROM SINGLE FAMILY ONE ACRE (SF1A) TO PUBLIC COMMUNITY (PC) (ZMA-11-127) (8:55:22) - Mayor Crowell introduced this item, and entertained public comment. When none was forthcoming, he entertained Board member comments. When none were forthcoming, he entertained a motion. **Supervisor McKenna moved to adopt Bill No. 125, on second reading, Ordinance No. 2012-4, an ordinance to change the zoning of certain properties owned by Carson City, located in and around the northeast quadrant of Carson City, as published on the agenda, based upon the findings contained in the staff report. Supervisor Walt seconded the motion. Motion carried 4-0.**

12(E) POSSIBLE ACTION TO ADOPT BILL NO. 126, ON SECOND READING, AN ORDINANCE TO CHANGE THE ZONING OF APNs 007-051-07 (40 ACRES), 007-051-80 (60 ACRES), 007-051-76 (93 ACRES), AND 007-031-33 (222 ACRES), FROM CONSERVATION RESERVE (CR) TO PUBLIC REGIONAL (PR) (ZMA-11-129) (8:56:05) - Mayor Crowell introduced this item, and entertained public comment. When none was forthcoming, he entertained Board member discussion. When none was forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt Bill No. 126, on second reading, Ordinance No. 2012-5, an ordinance to change the zoning of certain properties owned by Carson City, located in the southwest quadrant of Carson City, as published on the agenda, from conservation reserve to public regional, based on the findings contained in the staff report. Supervisor McKenna seconded the motion. Motion carried 4-0.** Mayor Crowell thanked Ms. Pruitt, and recessed the meeting at 8:56 a.m.

13. PARKS AND RECREATION DEPARTMENT, OPEN SPACE DIVISION - POSSIBLE ACTION TO ACCEPT THE RECOMMENDATION OF THE OPEN SPACE ADVISORY COMMITTEE TO APPROVE THE FEE TITLE ACQUISITION OF THE BENTLY PROPERTY IN THE CARSON RIVER CANYON CONTAINING APPROXIMATELY 497.7 ACRES AND TO

AUTHORIZE STAFF AND THE MAYOR TO EXECUTE DOCUMENTS REQUIRED TO COMPLETE THE ACQUISITION (9:12:20) - Mayor Crowell reconvened the meeting at 9:12 a.m., and introduced this item. Open Space Property Manager Juan Guzman reviewed the agenda materials in conjunction with displayed maps and slides. He acknowledged that use of the railroad tracks by the V&T will not violate the intent of the grant. "We spent ... about a month and a half discussing those final detail points through negotiations with the Southern Nevada [Public Lands Management Act] staff and our staff and the V&T staff. ... It was a substantial amount of discussion regarding the fine detail of all those points until they were all clarified." Mr. Guzman advised that "this is the most complicated transaction that we have ever engaged in up to this point."

In response to a question, Mr. Guzman narrated a displayed slide depicting the V&T easement, the Bently property boundaries, and the Serpa property. In response to a further question, he explained the concept of aliquot parts in consideration of land surveying methods. In response to a further question, he explained that Mr. Bently was not willing to sell his property to the City. Supervisor Aldean further explained that Mr. Bently was only willing to allow the property to be deeded to the City contingent upon the reservation of the easement for the V&T. Mayor Crowell acknowledged that the V&T has the $200,000 available.

Mr. Guzman acknowledged that the grant amount was based upon the value of the remainder properties that were diminished in value by the fact that there is no vehicular access. In response to a further question, he provided clarification of the figures reflected in the purchase agreement. Supervisor McKenna advised that a gate has been installed which blocks off the entire property. In response to questions, Mr. Guzman provided historic information on provisions relative to access and liability. "About a year and a half ago, when we began talking about acquiring this property, that was one of the biggest issues. And ... the Open Space Advisory Committee invited the Fire Chief and the Sheriff to ... talk to them at length about ... the City's responsibility for public safety in the canyon." Mr. Guzman advised that the V&T Reconstruction Commission has engaged in the process of providing for "a safety plan for the area and they have also done some work in coordination with representatives of the Carson City Sheriff's Department, the Lyon County Sheriff's Office, and others in order to be able to ... answer that question."

(9:38:26) At Mr. Guzman's invitation, Fire Chief Stacey Giomi advised that costs to suppress fires on private land would be the same as costs to suppress fires on land the City owns. "... we have a legal obligation to ... extinguish fire on private property. ... So whether that property is owned by Bently or owned by Carson City, it's still our financial obligation to extinguish the fire. Not the same is true with federal property. When we acquire federal property, then we are assuming the responsibility when, before, that responsibility rested with the federal government to extinguish those fires. ... from a fire extinguishment standpoint, it's cost neutral." Fire Chief Giomi suggested there may be costs involved in acquiring land from a resource management perspective where you have to spend some money for fuels reduction. "But for property like this that's remote, ... you generally don't do a tremendous amount of fuel reduction work on it." In response to a further question, Fire Chief Giomi advised of no anticipation of the need for additional or different equipment relative to the location's remoteness. He acknowledged a lingering concern over "a large train with a lot of people on it going through there ..." He discussed the concern that "our access to that area is going to go away and that's concerned me from day one. ... the V&T is going to drive on the road that we drive on to get out into that canyon. And, absent us putting in some kind of road to get us into that area, there will come a time when it will cause a problem. ... and the problem will be that we can't get out there. And that's always been a very high concern for me."

Supervisor Aldean presumed that, in an emergency situation, vehicle access will not be prohibited along the track. Fire Chief Giomi advised of discussions to "get a ... high rail vehicle that can actually drive on the road and then mount the track and it drives on the track like a train. There are provisions ... for that, but they aren't our fire trucks, they aren't our ambulances, and we won't be able to do that with fire trucks or ambulances. We'll be able to do it with a high rail vehicle that we could put some fire and EMS capabilities on, but it won't be the same thing as being able to get on that road and access that road." Fire Chief Giomi acknowledged the possibility of grant funding to purchase such a vehicle. He advised of discussions with fire agency representatives in adjacent counties "that we would have a vehicle and, ideally, we'd have one at each end because if the train is stuck in the middle and you need to get to both sides, you would want to come from both sides. And it would even be a vehicle that the V&T could use for maintenance but that would be available for us to at least get people in." Fire Chief Giomi expressed less concern "about that kind of thing as ... about having the fire that we just had but further into the canyon that removes the access roads. A lot of the trails that Juan is talking about developing out in this area in the Bently property is what we'll use to gain that access. So it'll be a multi-use trail, but it'll be designed in such a way that we'll be able to get on it." Fire Chief Giomi stated, "It's a matter of weighing the risk versus the reward. We're acquiring a big piece of property. The V&T is certainly a huge attraction for the whole area so it is a risk / reward thing and ... the number of incidents that the Sheriff and the Fire Department have out there, while they're significant to the people who are involved, are not that numerous. So ... you're weighing the overall benefit versus the overall risk. ... that isn't my choice, but it is my job to give you that perspective."

Supervisor McKenna expressed understanding for the risk / reward considerations. He inquired as to the possibility of mitigating risks and whether the associated cost is sufficient to not purchase the property. Fire Chief Giomi expressed the opinion that the purchase being considered as part of this agenda item will not affect the cost one way or the other. "What will impact that is the future construction of the V&T over access roads. But the Bently purchase, in and of itself, ... really is cost neutral as far as the Fire Department is concerned."

Sheriff Furlong advised of some calls for service in the subject area. He agreed with Fire Chief Giomi, "they are not numerous and largely due to ... rescue operations." He suggested that the Fire Department has the largest challenges in the subject area. He advised of having reviewed the entire area, and "access to the area would be extraordinarily difficult for the Sheriff's Department and a certain challenge for the Fire Department, depending upon the circumstance, whether it be train related or off-road entertainment related." Sheriff Furlong suggested that as the access is reduced, the incidents requiring emergency response would also be reduced. He acknowledged the Sheriff's Mounted Unit would be available, as well as Search and Rescue. Supervisor McKenna inquired as to increased costs associated with acquiring the property. Sheriff Furlong advised of no anticipation of additional costs. "There has been considerable discussion about a vehicle to be able to reach the train, but since it's been in operation, there have been some circumstances where law enforcement has been involved and we actually go to the train ... destination in order to retrieve the information. There hasn't been anything significant where the train was disabled and law enforcement had to reach it. If it were disabled, it would be a challenge." In response to a further question, Sheriff Furlong advised that the capability to provide services to the subject area is limited. "It's not something that has a significantly high priority because, again, we fall back to, there's very, very few people out there. Most of them are recreating. They're not causing a problem. It's generally a maintenance or a specific incident that brings us out."

In consideration of recreation in the area, Supervisor Walt inquired as to whether continued access will be allowed and, if so, the associated cost. Mr. Guzman advised that the current Open Space ordinance would have to be amended as it prohibits camping. "One of the problems with government allowing camping is that government is supposed to be responsible for what happens when somebody camps in there. Particularly waste. So the regulations are very strict ... that are already adopted prohibiting that kind of use unless you develop a full campground. And the development of a full campground in any area like that would take a very long time to plan, to cost, to get permitted. Most of the areas that are suitable for camping are also flood areas." Mr. Guzman advised that the uses consistent with the current ordinances and regulations are equestrian, photography, hiking, and boating. "Remember that this is the last one of the properties that was recommended for purchase ... as part of the aquatic trail plan. So people have the ability to get off their raft onto the shores and will not be trespassing into private land. It will be in public property." In response to a further question, Parks and Recreation Department Director Roger Moellendorf advised that recreation is a key component of the terms of the grant. "... this property cannot be purchased just for open space ... The terms of the grant stipulates it has to be used for recreation. So, as Juan mentioned, some form of recreation is going to continue within that property. Some of it is going to be limited. As the railroad moves in, there will not be the traditional vehicle access we've had in the past. And that has benefits and it also has problems associated with the traditional use of that property. The benefits side is that there will probably not be as much camping along the River as there has been in the past simply because there'll be a barrier with the railroad that won't allow people to drive vehicles in there. ... it will also curtail some of the illegal activity, particularly dumping, that's gone on in that area in the past. So that will actually help reduce some of our enforcement and our management costs in one way. But we will still be permitting and promoting ... hiking, equestrian use, mountain biking, and of course, floating through that area because that's a key part of our aquatic trail project." Mr. Moellendorf advised that the Parks Department currently has one ranger on staff. "That's going to stretch our limitations ... in the short term to monitor that area, to manage it. But, quite frankly, it's not being managed right now. And, by default, to some degree, we have been doing some of that work already in the canyon." Mr. Moellendorf was uncertain as to the exact costs associated with managing the property, "but we know that we will have that responsibility. We think that it's going to be negligible in the near future and probably be reduced when the railroad becomes a presence in the canyon."

In response to a question, Mr. Guzman advised that one potential source for trail building funds is the Southern Nevada Public Lands Management Act. He advised that staff will get into the process of designing projects for which funding will be requested. He further advised that trails development ties into the work done for the environmental assessments. He anticipates reducing the number of existing trails and designating the ones which will remain open.

Supervisor Aldean acknowledged the likely disappointment, but reminded everyone that using the property for camping constitutes trespassing. She expressed the opinion that limiting vehicular access will help keep the canyon cleaner. In response to a question, Mr. Guzman anticipates that at the end of escrow, the easement will be in place "the way it is designated on the deeds" included in the agenda materials. He explained the method of creating an easement by exclusion. In response to a further question, he advised of approximately 13 general conditions relative to maintenance, use, the length of temporary construction easements, etc. "So all those terms are part of the documents that ... have been presented." In response to a question, Mr. Guzman did not recall an indemnification clause. In consideration of fee title belonging to Carson City, Supervisor Aldean expressed concern over an inherent liability relative to use of the easement by the V&T Commission. She expressed the opinion that the V&T Commission indemnifying the City from any liability associated with use of the track would be appropriate.

(9:58:02) At Mayor Crowell's request, Nevada Commission for Reconstruction of the V&T Railway General Counsel Michael "Smiley" Rowe deferred the answer relative to access to Ken Dorr. With regard to indemnity, Mr. Rowe expressed the opinion that it will not be an issue with the Railroad Commission. Supervisor Aldean requested to include the indemnity provision. Mr. Rowe expressed the understanding that the City and the Railroad Commission have the same carrier in the Nevada Insurance Pool.

(10:01:26) V&T Railway Commission Engineer Ken Dorr explained that access through the canyon between Moundhouse and Carson City is "somewhat encumbered by the last phase of the construction project where we've built approximately a mile of track on the Lyon County side down to approximately the Eureka Mill Site. So there's no through access on the old historic railroad grade as it currently exists. You can drive ... along the railroad grade from Carson City, Deer Run, on up to the Eureka Mill Site and drop on to the secondary roads at that point. The Eureka Mill Site in eastern Carson City just west of Lyon County is pretty much four-wheel-drive access." Mr. Dorr described current and anticipated access to the canyon. "... the big issue is through access in the canyon through the very steep portion of the canyon which is predominantly on the Bently parcel is going to go away. There's just no way to put in a road bed section as well as the railroad section. As a matter of fact, we're actually looking at a very narrow railroad section to get across that very steep portion which is basically just this side of the big Chinese wall ..." Mr. Dorr advised of alternatives. "... people will be able to drive down to the River off of the pistol range if that's a use that still wants to be permitted by the City Open Space."

In response to a question, Mr. Dorr provided background information on the need to address emergency access issues. He referenced a report, included in the agenda materials, to a required supplemental environmental assessment. "... that's not the be all and end all. That's intended to be a starting point for the ultimate operation of the railroad to start addressing emergency issues." Mr. Dorr advised of a recommendation in the referenced report "that the Railway Commission go ahead and obtain at least one if not two high rail vehicles that would be ... used for ... emergency response. They could be used for maintenance also ..."

Mr. Dorr described "train operations" as "literally in their infancy ...; very limited operations. Everything is currently based out of the V&T in Virginia City, with trains running ... back and forth to the eastgate siding." He advised that the next phase of the project expands the east gate area to construct a "mini-terminal until such time as there's funding for it to move all the way through the canyon and building some maintenance facilities. At that point, [he] anticipates ... a reserve locomotive based out of east gate which could go down should there be a train disabled or derailed to help get those cars back on the track. The operation speed in the canyon is going to be very slow, probably a maximum of ten miles an hour. While derailments are not that uncommon [sic], [he] suspected that any derailments that happen in that area would probably be the fender-bender type. It's very unlikely that you'd end up with a car that would be rolling down the river canyon." Mr. Dorr discussed a "preliminary recommendation for emergency response. ... The V&T has done some supplemental work ... working with the Storey County Fire Department to look at some practical applications of some of the recommendations included in the Powell report. Ultimately, though, it's going to be up to the Railway Commission to ensure that there is an adequate emergency response plan."

Mayor Crowell discussed issues to work through "both on the City side and on the Railway Commission side, some of which ... haven't been crossed." He expressed the opinion that not acquiring the Bently property in the near future will risk the opportunity. Mr. Dorr reiterated Mr. Bently's support of the railway project. Mr. Rowe acknowledged the Railway Commission's financial capability to transact the property acquisition. "The current level of funding that is part of the agreement with NDOT includes funds for this

purchase. We have received a notice to proceed from NDOT and that notice to proceed is to acquisition of the property. This week, we're reaching out to NDOT telling them that we've got the transaction in the works and it's closing escrow not later than January 31st." Mr. Rowe advised of having discussed with Railway Commission Chair Dwight Millard "the fact that the commission might have to pay its portion of the purchase price and then be reimbursed from the funds at NDOT, but the funds at NDOT ... that are committed to the project, are in excess of that which is necessary to close this transaction. So we don't see that as being an issue."

In response to a question, Mr. Dorr advised of no necessary utility relocations in the section of right-of-way on the Bently property. "The only utility relocation in the canyon until we get up to the Bertagnolli property is the power line going to the Brunswick Canyon Reservoir and that's a relatively minor relocation."

In response to a previous question regarding the gate, Mr. Guzman advised that City Engineer Jeff Sharp, Mr. Werner, Mr. Dorr, Mr. Moellendorf and himself "have been really involved ..." Mr. Guzman provided background information on Mr. Bertagnolli's complaints of vandalism and thievery, and the suggestion to install the gate. "And he wanted to invite the City to participate in managing that gate and controlling access. In his mind, the gate will be opened in the morning and it will close at the end of the day. We informed him that, at the staff level, we could not agree to such a thing. Number one, we believe that the public has a right to access the canyon and it would require quite a bit of discussion to ... start regulating that access. And, number two, we didn't have the manpower to go there and open and close the gate, particularly, without ... making sure that there is no one left behind at the other side of the gate, two miles [away] and closed in there for the evening. ... if he were to proceed, he would proceed at his own risk. So, Tim decided to proceed and he put the gate, he put a locking mechanism. Meanwhile, we have been investigating the public rights to use that road and the title company has come up with some very hard evidence that, in fact, the public has a right to use that road. We haven't discussed that with Tim. The report was ready yesterday afternoon." Mr. Guzman advised of the intention to discuss the matter again with Mr. Bertagnolli. He pointed out the location of the gate on a displayed map.

Mr. Werner acknowledged that title has been sufficiently researched to ensure the acquisition. He discussed the importance of convincing Mr. Bertagnolli "that he has no right to fence that off. ... It was just a matter of finding the right documentation." Supervisor McKenna expressed concern over ensuring "we know what we're acquiring," and inquired "is this the last property that open space wants to acquire because given the potential costs of maintaining that canyon, the open space money may need to go to maintain that and there may not be any money to acquire future, other open space lands." Mr. Guzman reviewed Open Space Program acquisitions in the subject area in conjunction with a displayed map. He advised that Open Space Program funding has been allocated for management, and reviewed the present figures in the Open Space Program management and acquisition accounts. He noted the Board's purview over both accounts. He anticipates other open space transactions, and reviewed the same. He reviewed the purview of the Parks and Recreation Department Director, the Open Space Advisory Committee, and the Board, and expressed the opinion that "there are enough safeguards to assure you that whatever recommendations we bring you in the future are going to be based on very sound thinking and a lot of turmoil about where is it that we're going to go with the program."

In response to a question, Mr. Guzman advised that the Open Space Advisory Committee's recommendation was to move forward with the subject transaction. "They see this ... as the so-called last piece of the canyon group of acquisitions to assure this great park." Supervisor Aldean expressed the opinion that the first consideration relative to annual budgeting is "how much ... do we need to maintain what we have. And whatever is left over is left over for potential acquisitions."

(10:25:24) Michael Drews, of Gnomon, Inc., reviewed the required cultural resources inventory of the Bently property in conjunction with displayed slides. The Board members thanked Mr. Drews for his presentation.

Mr. Guzman introduced Division of State Lands Superfund Administrator Jeff Collins, who was present in the meeting room. Mr. Collins silently acknowledged, by nodding his head, that the level of mercury is not sufficient to deter or prohibit recreational use in the area.

Mayor Crowell entertained public comment; however, none was forthcoming. A brief discussion took place to ensure indemnification provisions are included in the agreement. Mayor Crowell passed the gavel to Mayor *Pro Tem* Aldean, and **moved to accept the recommendation of the Open Space Advisory Committee to approve the fee title acquisition of the Bently property in the Carson River Canyon, containing approximately 497.7 acres, and authorize staff and the Mayor to execute documents required to complete the transaction, which would include an indemnity agreement, whereby the Commission to Reconstruct the V&T Railroad would indemnify the municipality of Carson City for all risks associated with operation of the railroad over that easement. Supervisor McKenna seconded the motion. Motion carried 4-0.** Mayor *Pro Tem* Aldean returned the gavel to Mayor Crowell.

14. BOARD OF SUPERVISORS NON-ACTION ITEMS:

STATUS REVIEW OF PROJECTS (10:47:57) - Mr. Werner reported that capital projects are essentially shut down for the winter. He advised of some issues relative to the Morgan Mill lift station, which City crews worked on until 1:00 this morning and resolved.

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (10:48:17) - Mr. Werner discussed the importance of the strategic planning workshop relative to the upcoming budget planning.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS

STAFF COMMENTS AND STATUS REPORT

15. PUBLIC COMMENT (10:49:01) - Mayor Crowell entertained public comment; however, none was forthcoming.

16. ACTION TO ADJOURN (10:49:13) - Supervisor Aldean moved to adjourn the meeting at 10:49 a.m. Supervisor Walt seconded the motion. Motion carried 4-0.

The Minutes of the January 5, 2012 Carson City Board of Supervisors meeting are so approved this 2nd day of February, 2012.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder