

APPROVED OCTOBER 19, 2017

The Regular Meeting of the Douglas County Board of County Commissioners was held on September 7, 2017 in the meeting room of the County Administration Building, 1616 8th Street, Minden, NV, beginning at 1:00 PM.

Call to Order

Chairman Penzel called the meeting to order.

Commissioners Present:

Barry Penzel, Chairman
Steve Thaler, Vice Chairman
Nancy McDermid, Board Member
Larry Walsh, Board Member
Dave Nelson, Board Member

Commissioners Absent: None

Staff Present:

Kathy Lewis, Clerk-Treasurer
Doug Ritchie, Chief Civil Deputy District Attorney
Larry Werner, County Manager
Kathleen Schmidt, Deputy Clerk

INVOCATION

No Invocation was made but a moment of silence was held for the victims of Hurricane Harvey.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chief Civil Deputy District Attorney, Doug Ritchie.

PUBLIC COMMENT (No Action)

Mr. Penzel recognized the Washoe Tribe Chairman and Vice-Chairman.

Lisa Granahan, Economic Vitality Manager, informed the Commissioners and invited the public to a Citizen's Round Table. It will take place on September 19th from 5:30 PM to 7:00 PM, and be held at Topaz Ranch Estates Community Center. The event is open to all residents, regardless of area. To encourage participation pizza and refreshments will be served. The Citizen's Round Table is an opportunity to share information about current objectives and initiatives and to find out what is most important to the citizens of Douglas County initiative wise. The results of the Round Table will be shared with the Board of County Commissioners later in the year as the Commissioners start addressing budget priorities. The Economic Vitality Department will hold two Citizen's Round Tables per year at different locations, it's another way to collect information and input regarding the strategic plan. Mrs. Granahan shared a flyer in regards to the event.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

To view the flyer please see the supplemental material.

Jim Slade stated that he is glad to see that the County has authorized a Feasibility study about impact fees on new construction. According to Mr. Slade, many people, including him, have been calling for impact fees for over 15 years. He referenced the cover page from the 1996 Master Plan and read the quote “most residents agree that new development should pay its own way and not be a burden on existing citizens”. Per Mr. Slade, that has not been the case over the past 20 years since the County did not adopt impact fees. He also stated that growth has been faster than the Master Plan called for and faster than most residents wanted. Mr. Slade also referenced a period of growth between 1990 and 2007 the County fell behind the curve on infrastructure. As the infrastructure deteriorated the County raised utility operator fees, water rates, sewer rates, gas tax, and tried to an index gas tax, although it was soundly defeated by the voters. Mr. Slade continued that the County also tried to increase the sales tax, which failed as well. The old Senior Center and Judicial Center were inadequate due to the population growth so the County issued bonds for \$17 million dollars for a new Senior and Community Center and will likely ask for another \$10 million dollars for a new Judicial Law Enforcement Center. The County also recently issued another \$13 million dollars in bonds just to improve five roads in Douglas County. The bonds are all principally needed because of growth that did not pay for itself so existing taxpayers have been required to pick up the tab. Per Mr. Slade, new construction should pay for the impact it has on county infrastructure. Mr. Slade again referenced the 1996 Master Plan and the stated that the theme “keep our rural character” was heard dozens of times. He believes most residents think growth should be managed and should occur at a pace that doesn’t overwhelm the current attributes of the County. Mr. Slade believes that new construction should pay its own way and believes that imposing realistic impact fees is a necessary step in the process and should be adopted to help preserve the attributes that make Douglas County such a great place to live.

A copy of Mr. Slade’s full public comment is available in the supplemental material.

Carl Schnock, representing Welcome All Veterans Everywhere (WAVE), was present to share some success they’ve had since the County signed a Memorandum of Understanding with the group earlier in the year. He advised that although the Governor usually recognizes a veteran of the month, recently, and for the first time ever, he recognized a service organization and that organization was WAVE. He stated that they are very proud to have received the honor and wanted to share it with the Board.

APPROVAL OF AGENDAS

Chairman Penzel called for the separate approval of the Liquor Board agenda.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

County Manager, Larry Werner, advised that Item # 3 on the Liquor Board agenda was pulled.

MOTION to approve the Liquor Board agenda, minus Item # 3; carried

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

Chairman Penzel called for a motion to approve the Administrative agenda.

MOTION to approve the Administrative agenda, minus Item #1; carried

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

APPROVAL OF PREVIOUS MINUTES

Board of County Commissioners - Emergency Meeting - Jul 25, 2017 4:00 PM

Chairman Penzel stated for the record that only three Commissioners were present for the Emergency Meeting.

MOTION to approve the minutes from the July 25, 2017 meeting with one correction where Vice Chairman Thaler was erroneously referred to as the Chairwoman; carried

RESULT:	APPROVED [3-0]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, Nelson

Board of County Commissioners - Regular Meeting - Aug 3, 2017 1:00 PM

MOTION to approve the minutes from August 3, 2017; carried

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

RESULT:	APPROVED [4-0]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Nancy McDermid, Board Member
AYES:	Penzel, Thaler, McDermid, Nelson
ABSTAIN:	Walsh

Board of County Commissioners - Regular Meeting - Aug 17, 2017 1:30 PM
MOTION to approve the minutes from August 17, 2017; carried

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

DOUGLAS COUNTY AWARD PRESENTATIONS

Ceremonial presentation for employee service awards to Jonathan Storke, Sheriff's Office; Rebbel Naylor, China Spring Youth Camp; Richard J. Koontz, Sheriff's Office; Douglas Albertson, Alternative Sentencing; and Maria Pearson, Library.

Vice Chairman Thaler presented Maria Pearson an award for 25 years of continuous service. Amy Dodson, Library Director, congratulated Maria and thanked her for all of her years of dedicated service. Mrs. Dodson shared some of Maria's roles at the library and advised that she has been an excellent employee.

Vice Chairman Thaler presented an award for 15 years of continuous service to Sargent Richard J. Koontz for 15 years of continuous service. Sheriff Ron Perini spoke on behalf of Sgt. Koontz and noted that Sgt. Koontz was recently promoted. Sheriff Perini discussed some of his attributes, the strongest of which is his great attitude. Vice Chairman Thaler mentioned that he actually hired Sgt. Koontz 15 years ago and considers him a son. Sgt. Koontz thanked Vice Chairman Thaler and Sheriff Perini for giving him his opportunity and he looks forward to more years with the County.

Vice Chairman Thaler invited Sheriff Rob Pierini to present the award for 15 years of continuous service to Jonathan Storke. Sheriff Perini appreciated Mr. Storke's work as an investigator and noted he will be a Sargent soon. Mr. Storke said he was glad to be working where he grew up, in a great community with a great Sheriff's department.

Rebbel Naylor was not present to receive her award.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Chairman Penzel noted for the record that both members of the Sheriff's office are also great members of the community and have great talents, beyond enforcing the law.

RESULT: FOR PRESENTATION ONLY.

Ceremonial presentation on Proclamation 2017P-056 recognizing the Business Council of Douglas County for their 25th Anniversary as an organization. (Renea Louie)

Commissioner McDermid presented Proclamation 2017P-056 recognizing the Business Council of Douglas County for their 25th Anniversary as an organization to Renea Louie, Executive Director of The Business Council of Douglas County. Mrs. Louie introduced Bobbie Thompson, President-Elect, Shannon Albert, a member from Carson Valley Medical Center and Bill Henderson, a charter member of 25 years and current Secretary/Treasurer. Mrs. Louie accepted this great honor on behalf of the Board and all of the members and business owners that complete the council. She announced that the Business Council of Douglas County will be holding their Critical Issues conference on September 28th. She stated the conference is aptly named "The Foundation and the Future" and commented that it will be a larger celebration of all of their members and their accomplishments.

A copy of the Proclamation is available for viewing in the full agenda packet.

RESULT: FOR PRESENTATION ONLY.

Ceremonial presentation of Proclamation 2017P-057, designating September 17, 2017, as "Citizenship Day" and September 17-23, 2017, as "Constitution Week" in Douglas County. (Dianna Scott and Debbie Crone-Palio)

Vice Chairman Thaler presented Proclamation 2017P-057, designating September 17, 2017 as "Citizenship Day" and September 17-23, 2017 as "Constitution Week" in Douglas County to Diana Scott and Greta DeHart.

Diana Scott, Chapter Chairman and member of National Society Daughters of the Revolution, accepted the award and shared that they visit schools and provide information about the constitution. She thanked the Board of Commissioners for the great honor and said they will provide copies of the Proclamation to the schools they visit.

A copy of the Proclamation is available for viewing in the full agenda packet.

RESULT: FOR PRESENTATION ONLY.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

DOUGLAS COUNTY LIQUOR BOARD

1. For possible action. Discussion to approve the Unrestricted On-Site Retail Liquor License for Guadalupe Lopez representing Noemi's Pupuseria LLC dba Noemi's Pupuseria. Mr. Lopez has signed a Waiver of Notice of Hearing. Noemi's Pupuseria is located at 1799 Ironwood Drive, Minden, Nevada. (Sergeant Bernadette Smith)

Captain Dan Coverly, Douglas County Sheriff's Office, advised that the applicants have passed all the requirements for the license and the Sheriff's office has no objections to the application.

No public comment.

MOTION to approve the Unrestricted On-Site Retail Liquor License for Guadalupe Lopez representing Noemi's Pupuseria LLC dba Noemi's Pupuseria; carried

RESULT:	APPROVED [6-0]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Ron Pierini, Sheriff
AYES:	Pierini, Penzel, Thaler, McDermid, Walsh, Nelson

2. For possible action. Discussion to approve removing Kimberly Dandos and Eric Dereng, and adding Jian Xin to the existing On-Site Retail Unrestricted Liquor License and Restricted Gaming License for JKE Entertainment LLC, dba Allstar Bar and Grill. Mr. Xin has signed a Waiver of Notice of Hearing. Allstar Bar and Grill is located at 924 Mica Drive, Suite E, Carson City, Nevada 89705. (Sergeant Bernadette Smith)

Captain Dan Coverly, Douglas County Sheriff's Office, presented the changes to the Liquor License for Allstar Bar & Grill and advised that the applicants have passed all the requirements, therefore, the Sheriff's Office has no objections to the application.

No public comment.

MOTION to approve removing Kimberly Dandos and Eric Dereng, and adding Jian Xin to the existing On-Site Retail Unrestricted Liquor License and Restricted Gaming License for JKE Entertainment LLC, dba Allstar Bar and Grill; carried

RESULT:	APPROVED [6-0]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Nancy McDermid, Board Member
AYES:	Pierini, Penzel, Thaler, McDermid, Walsh, Nelson

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

3. For possible action. Discussion to approve an On-Site Unrestricted Retail Liquor License with Entertainment endorsement for Bluebird Tahoe LLC, dba Bluebird Loft represented by owner/operator Arfelle Belen contingent on passing the required health and fire inspections. Ms. Belen has signed the Waiver of Notice of Hearing. Bluebird Loft is located at 148 US Hwy 50 Stateline Nevada, 89449. (Sergeant Bernadette Smith)

Item #3 was pulled from the agenda.

RESULT: PULLED FOR FURTHER DISCUSSION.
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CONSENT CALENDAR

FINANCE

- A. For possible action. Discussion to accept receipt of the auditor's report on Douglas County's general ledger balances through August 21, 2017. (Vicki Moore)**

Motion to approve;

- B. For possible action. Discussion on the adoption of Resolution 2017R-071 amending Resolution 2017R-015 establishing an updated list of petty cash funds for the departments of Douglas County. (Vicki Moore)**

Motion to approve;

CLERK-TREASURER

- C. For possible action. Discussion to accept the cumulative voucher sheets for checks issued for the 8/4/17 Payroll, 8/11/17 Payroll, 8/18/17 Payroll, 8/4/17, Payables, 8/11/17 Payables and 8/18/17 Payables. (Kathy Lewis)**

Motion to approve;

TECHNOLOGY SERVICES

- D. For possible action. Discussion to approve the five-year agreement between Douglas County and Inyo Networks, Inc. in the amount of \$106,500 for increased Internet Service bandwidth from 100Mb/100Mb to 500Mb/500Mb and use of one (1) Class "C" of IP addresses to support increased utilization. Previously budgeted in the FY 2017/18 budget. (Sherri McGee)**

Motion to approve;

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

PUBLIC WORKS

- E. For possible action. Discussion to approve Contract Amendment No. 1 with CH2M Hill Engineers, Inc. to modify the scope of work and increase the contract amount by \$70,000, paid from account 325.865.562.000, to allow for additional design engineering services for the North Valley wastewater treatment plant. (Nick Charles)**

Motion to approve;

- F. For possible action. Discussion to approve Lakefront Property, Limited's Grant of Access and Public Utility Easement at 1236 U.S. Highway 50, Assessor's Parcel Number 1418-34-201-001, to Douglas County for the purpose of maintaining an existing water main in the Cave Rock water system. (Carl Ruschmeyer)**

Motion to approve;

EMERGENCY MANAGEMENT

- G. For possible action. Discussion to accept a State of Nevada, Emergency Response Commission, Hazardous Materials Emergency Preparedness Grant in the amount of \$16,879, to fund for the training at FireShows West Reno for the Douglas County Local Emergency Planning Commission (LEPC) and authorize the District Fire Chief or his designee to sign all documents related to the management of the grant. (Tod Carlini)**

Motion to approve;

REPORT OF FEES

- H. For possible action. Discussion to accept the July 31, 2017, Report of Fees from the Recorder's Office. (Karen Ellison)**

Motion to approve;

- I. For possible action. Discussion to accept the receipt of the Clerk and Tahoe General Services Report of Revenue and Transactions for the month of July 2017. (Kathy Lewis)**

Motion to approve;

- J. For possible action. Discussion to accept the DMV Report of Revenue and Transactions for the month of July 2017. (Kathy Lewis)**

Motion to approve;

MOTION to approve the Consent Calendar, Items A-J; carried

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

ADMINISTRATIVE AGENDA

The Administrative Calendar will be handled as follows:

- (1.) The Chairman will read the agenda title into the public record.
- (2.) Staff will introduce the item and provide a report, if any.
- (3.) The applicant, if any, will have an opportunity to address the Board.
- (4.) The Board will then discuss the item. Once the Board has concluded their discussion, public comment will be allowed.
- (5.) Public comment will be allowed and is limited to three minutes per speaker.
- (6.) Once public comment is completed, the Board will then ask any follow-up questions and take action.

On agenda items that are agendized as a “presentation” with no action listed, public comment is not legally required and must be made at the beginning of the meeting.

COUNTY MANAGER

1. For possible action. Discussion for the Board of County Commissioners to direct staff to enter an interlocal agreement with the Washoe Tribe of Nevada and California for the joint management of a portion of the land currently owned by the United States Forest Service known as Dance Hill (Parcel 14 of the Proposed Douglas County Land Conveyance Bill). (Lawrence Werner)

RESULT:	PULLED FOR FURTHER DISCUSSION.
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DISTRICT ATTORNEY

2. For possible action. Discussion to approve extending the contract with BHC Consultants, LLC, for the County Manager services performed by Lawrence A. Werner. This discussion may also include a review of the performance of Mr. Werner. (Wendy Lang)

Wendy Lang, Douglas County Human Resources Director, advised that in 2016 Douglas County entered into a contract with BHC Consultants, LLC, to provide County Manager services through Larry Werner, the current contract being set

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

to expire on December 31, 2017. Mrs. Lang is presenting a proposed contract with an extension through December 31, 2018. She advised there are no changes to the compensation structure and explained that the contract contains a provision that allows either party to cancel with 30 days' notice. She did provide notice to Larry Werner that his character may be discussed.

Commissioner Nelson explained his vote for the record. He advised that Mr. Werner has had 3 years as County Manager and during that time growth management and infrastructure hasn't been addressed. He believes we can do better in Douglas County and believes should begin looking for a new County Manager. He plans to vote against the extension.

Commissioner Walsh suggested a change in the contract to section 3, paragraph two. He read a section of the paragraph and proposed striking the word "permanent" and replacing it with the word with "successor".

Commissioner McDermid advised she has no changes. She believes Mr. Werner has been diligent in carrying out his duties and has taken direction from the Board. She is thankful he is willing to continue and believes he has done an admirable job.

Vice Chairman Thaler commented that he supports the extension of the contract; he would prefer to see a two year contract but believes that the month to month language in the contract will allow for an easy extension. He shared why he feels it is important to extend the contract a full two years. He believes Douglas County is in transition since it has just hired an Assistant County Manager, and the Assistant County Manager needs time to learn to be a County Manager from someone that has the experience. Vice Chairman Thaler reviewed Mr. Werner's resume and based on his experience over the last 30 to 35 years he has no doubt, just based on experience, that Mr. Werner is the right person for the job. He said has seen a lot of County Managers and he considers Mr. Werner one of the best. According to Vice Chairman Thaler, Mr. Werner is open and listens to you and has the respect of the employees. Vice Chairman Thaler believes that Mr. Werner has a vision for Douglas County that can be passed on to the next County Manager.

Chairman Penzel has no problem approving the one year extension, considering that is what Mr. Werner asked for. He mentioned an article in the Record Courier in regards to Mr. Werner asking for a raise and confirmed that Mr. Werner categorically refused a raise and he believes that speaks volumes about his dedication to the job. The Chairman shared that he and Mr. Werner have not always seen eye to eye but they've always been able to have frank and open conversations to find a solution. He has had the opportunity to observe Mr. Werner over the past few years and regardless of what the political situation is, he has the highest ethics and Chairman Penzel thinks that is a tremendous asset to the residents of Douglas County. He thanked Mr. Werner for his honesty and integrity and recommended that his contract is extended until at least 2018.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Commissioner McDermid also hopes that Mr. Werner's contract would be extended through 2019. She met Mr. Werner, through her participation in the four-county coalition, many years before he was the County Manager for Douglas County. She stated that Mr. Werner has been a resident of Douglas County and worked on the 1996 Master Plan so he has a vested interest in Douglas County. She believes the 2019 Legislation Session will be challenging, especially for Douglas County and suggests that would be another reason for Mr. Werner's contract to be extended an additional year.

Chairman Penzel said he did discuss extending the contract through 2019 with Mr. Werner and the consensus was to extend through December 31, 2018 and then discuss the possibility of another year.

Larry Werner, County Manager, appreciated the kind words and concerns. He said he's had some time to consider extending the contract through 2019 and would consider it a great honor to stay on through 2019. He commented that the extra year would allow him the extra time to complete some projects.

Vice Chairman Thaler was glad to hear more discussion about extending the contract through 2019. He reiterated the fact that there is a lot going on over the next two years and he believes Mr. Werner is the best person to guide the County through the rocky waters. He supports two years and thanked Mr. Werner for being open to the idea. He mentioned that even if the contract was extended two years, there is always the 30-day provision to terminate the contract.

Chairman Penzel added that the County has been criticized for having a revolving door of County Managers and that hiring Mr. Werner and now the Assistant County Manager has stopped that revolving door. He shared that because this process is transparent, Mr. Werner is evaluated in the public and that it can be tough. According to Chairman Penzel, Mr. Werner has heard good things and bad things and he's accepted those and grown from them.

PUBLIC COMMENT

Lynn Muzzy shared a few factors to consider when evaluating Mr. Werner's performance. Mr. Muzzy advised that Mr. Werner's flood committee failed to produce results and that he has continued to fail to address funding for local road infrastructure. More troubling to Mr. Muzzy were the June labor contracts. Mr. Werner failed to review and proofread the labor contracts before they came to the board. Mr. Muzzy stated that if current employee issues are rising to the point that the Board must be personally involved, it is a failure of the County Manager.

Mr. Muzzy also stated that Mr. Werner's choice for CFO was obviously not the strongest candidate for the job and the Assistant County Manager does not have a financial background. Mr. Muzzy believes the County needs a County

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Manager with a financial background and believes there is enough time in Mr. Werner's current contract for the County to hire another County Manager and be trained.

Virginia Starrett, Taxpayer Strikeforce for Douglas County, Ms. Starrett started by advising that Mr. Werner's LLC was good for the interim. She believes the salary level should be equal to the job. She stated that the County is currently in the hiring business and recently hired a Chief Financial Officer and an Assistant County Manager. She called on the Board of Commissioners to fill the County Manager position not with an out of state LLC but with a less entrenched person who will give a fresh look at the how the County is doing its business and will work for a fair level of compensation. Mrs. Starrett stated that we are not in the business of social engineering. The County's grade card is far less than a pass and we need someone with a strong financial background for the job, especially if infrastructure is going to cost tens of millions to address. She believes Mr. Werner's financial background is zero and she believes we need to put citizens' needs first. Ms. Starrett went on to say that if there are difficulties in employee relationships that require generous salaries, generous bonuses across the board, and merit bonuses, then we need someone that recognizes that in negotiations, the management should fight for the taxpayer, who will utilize tools, like the Nevada Revised Statutes (NRS) that will offset the union's ability to grab up money. She stated that the unions couldn't find a better ally than Mr. Werner and she expects the Commissioners that say they support smaller government, but really don't, or who enjoy not having not to do the hard work demanded by their position, will jump at the chance to hire Larry Werner's LLC for as long as they can.

Jim Slade advised that the principal role of County Manager is to manage people, and not the financial aspects of the County. He believes it is important to keep Mr. Werner on board to bring the new Assistant County Manager up to speed. In Mr. Slade's experience, Mr. Werner is well respected by his employees and that is very important. He stated that he also works well with the Commissioners', even if he doesn't agree with them. Mr. Slade also mentioned the provision in the contract that will allow either party to terminate the contract within 30 days. He believes Mr. Werner is committed to the County and deserves to stay another year.

Terry Faff reiterated Vice Chairman Thaler's comment that Mr. Werner has been one of the best County Managers in over twenty years. He reminded everyone that the County is governed by the Board of Commissioners and the position of County Manager is equivalent to a Chief Operating Officer. The Board of Commissioners makes the decisions. If the County Manager brings forth an employee contract, he presents it to the Board of Commissioners and they make the decision. Mr. Faff believes that the County is positioning itself well. Within a year, the Assistant County Manager will likely be up to speed and will be able to hold the position while the County searches for a new County Manager. Mr. Faff thinks this is the best decision for this time.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Carl Schnook thanked the Commissioners for their dedication to continuity in the County. He asked that the Board use Human Resources as it is intended, to find employees for the County and not to go outside to hire outside firms for \$30,000 to \$35,000 a pop. Mr. Schnook believes we should work from within the County and structuring the employees for the county to do the job they were hired to do.

Michael Avila, DCEA President, mentioned that he is also a Douglas County taxpayer. He highlighted the issue of continuity. According to Mr. Avila, Mr. Werner stepped in to provide consistent management and to remove Mr. Werner now is haphazard and dangerous. He believes we need his continued leadership to get us through this period. Mr. Avila supports this pragmatic decision to extend Mr. Werner's contract. It is his opinion that a vote against this contract extension would be the continuation of a witch hunt by a small group of people.

Bill Chernoff, Carson Valley Chamber of Commerce President, agreed with Jim Slade. He felt obligated to go on the record for the Chamber of Commerce. Per Mr. Chernoff, when Mr. Werner began there was an uncomfortable level of dysfunction and in the time that he has been here, that situation has more than reversed itself. According to Mr. Chernoff, we have come a long way and we recognize Mr. Werner's efforts in the lead role in making that happen. The Carson Valley Chamber of Commerce urges the Commissioners to accept the contract terms and move on with the business of governing Douglas County.

Renea Louie, Business Council of Douglas County, echoed Bill Chernoff's comments.

Carlo Luri, Bently Enterprises, expressed his support for Mr. Werner. He commented that Mr. Werner has been very accessible to the business community. He believes Mr. Werner is professional and that he's done an excellent job managing the County through this difficult transition.

Bob Cook agreed with Mr. Slade. He thanked Mr. Werner for his service and appreciates the fact he is willing to stay. He hopes the Board will allow him to stay and continue to serve the County.

Bob Ballou commented that he was in a similar situation once; he wanted to retire but was asked to stay. He admires Mr. Werner's performance and specifically his ethics. He believes it's unfair for the Commissioners to push for another year but supports Mr. Werner's decision.

Public comment closed.

Chairman Penzel pointed out that the word "interim" was removed from the contract.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Wendy Lang clarified that there were no financial changes to contract, just a few minor changes to the language, including the word “interim” being removed.

Commissioner Nelson stated that he has worked for some very good Chief Executive Officers (CEO). He asked the public to do a Google search on David Maxwell. According to Commissioner Nelson, David Maxwell is one of the top CEO’s of the twentieth century. Commissioner Nelson worked for David Maxwell and he believes that is why he is setting his goals so high. He believes that Mr. Werner is stopping his progress on the changes he wants to see in the County and that why he is not supporting his contract extension.

Vice Chairman Thaler shared that he took some notes during the public comment and that according to those notes there were more people in support of the contract extension than against it. He mentioned that he is also retired, after 30 years with Douglas County and he is a Commissioner because he loves what he does. He believes Mr. Werner loves what he does and that he cares about what he does. Thaler has worked with Mr. Werner for many years, in many different roles, and he believes Mr. Werner is doing this because he loves it.

Commissioner Walsh stated that he has been on the job eight months and he has learned a lot from Mr. Werner. He believes Mr. Werner is a great leader and he is very ethical. He believes he is the best person for the job at this time.

Chairman Penzel addressed the statement that Mr. Werner made the Commissioner’s jobs easier. He disagreed with the statement but does agree that Mr. Werner takes the heat many times on things that he’s been asked to do. He also addressed the statement about LLC comments and he doesn’t believe that it is germane to this contract extension. He doesn’t believe the compensation is an issue either. There have been no increases and it is similar to other salaries for the type of work. Chairman Penzel reiterated that Mr. Werner acts in the strongest ethical manner to protect the interest of Douglas County residents and he supports this contract extension.

MOTION to approve extending the contract with BHC Consultants, LLC, with the changes discussed (removing the word “interim” as well as exchanging the word “successor” for “permanent”) for the County Manager services performed by Lawrence A. Werner through December 31, 2019; carried

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

RESULT:	APPROVED [3 TO 2]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Nancy McDermid, Board Member
AYES:	Penzel, Thaler, McDermid
NAYS:	Walsh, Nelson

Commissioner Walsh clarified his vote for the record. He voted against extending the contract for two years. He fully supports Mr. Werner in this position but wanted to extend the contract for just one year.

AIRPORT

3. For presentation only. Presentation on the progress of the Aviation Destination Economic Vitality Project. (Bobbi Thompson)

Bobbie Thompson, Minden-Tahoe Airport Manager, introduced Linda May Draper-Hivert and shared a presentation on the Economic Vitality Group. She highlighted the services they provide for the County, under the guidance of Lisa Granahan. Ms. Thompson referenced photos from her presentation and covered the Economic Vitality Groups Economic Contributions regarding Tourism, Community Enrichment, International and other activities, Projects, and Fun Facts.

Commissioner McDermid asked about the anticipated attendance at the upcoming Air Show.

Ms. Thompson advised about 40,000 people would attend over the entire weekend.

Vice Chairman Thaler joking asked Ms. Thompson if the County hired her or her LLC.

Ms. Thompson advised that although she is not an LLC, she is a contracted employee, as well as the entire Airport staff. She believes the Airport is a support service to the County and they will do whatever they can to help the County succeed.

Vice Chairman Thaler congratulated Ms. Thompson on her seven years with the County and thanked her for the presentation and her service. He appreciated seeing the business the Airport brings in and is excited for the Aviation Round-up.

Commissioner Nelson thanked Ms. Thompson for her service. He mentioned that he heard many complaints about the Airport before her time and he thinks she has done a great job.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Ms. Thompson addressed a former complaint about some of the jets and mentioned that it's the 75th anniversary of the Airport and although the Airport was there before many of the houses surrounding it, they understand how important it is to be a good neighbor.

Commissioner Walsh thanked Ms. Thompson for giving the County a return on their investment.

Commissioner Penzel thanked Ms. Thompson and Ms. Draper-Hivert and asked them both to share their aviation backgrounds.

Ms. Thompson has been flying since the early 60's, started with air racing, has managed various airports and has been in the aviation consulting business for almost 50 years. She is a commercial charter pilot and has had her own business for many years and sees no reason to be at the airport and not be paid.

Ms. Draper-Hivert has been active at the Minden-Tahoe Airport since 1979; she has flown tankers and flown for the Department of Wildlife. She has been very active in all aspects of aviation, from starting the first commercial glider operation to now a corporate glider operation. She closed by inviting everyone to the Aviation Round-up.

Chairman Penzel appreciated their qualifications and offered a round of applause.

Commissioner McDermid offered some history about the airport. She highlighted the ordinance the county passed that allowed the County to hire Ms. Thompson and thanked her for her service.

The entire detailed Economic Vitality presentation is available in the agenda packet.

RESULT: FOR PRESENTATION ONLY.
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**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

COMMUNITY DEVELOPMENT

4. For possible action. Discussion on the introduction of Ordinance No. 2017-1492, amending Douglas County Code, Title 20, Sections 20.654.020; 20.658.020; 20.660.070; 20.662.010; 20.664.130; 20.666.010; and 20.668.090 to allow open or subsurface mining subject to specific standards in the General Industrial (GI) zoning district only upon approval of a Special Use Permit approved by the Board of County Commissioners, and prohibit open or subsurface mining in all Agricultural, Forest and Range, and Public Facilities zoning districts, and other properly related matters. First reading (Mimi Moss & Mary Anne Martin) 2:45

Mimi Moss, Community Development Director, provided Background; Issues Raised to Date; Board Directed Code Amendment; Summary of Changes; Additional Changes for Consideration; Comments Raised about Noticing Radius, Standard Based on Parcel Size; Findings for Zoning Text Amendment; Public Comment; Recommended Action.

Please see the agenda packet for the full presentation.

Chairman Penzel asked if this ordinance was Board directed or Board requested.

Ms. Moss stated that she takes direction from the County Manager who takes direction from the Board, which she calls Board directed.

Chairman Penzel clarified the difference between the terms “Board directed”, meaning a vote was taken and Community Development was directed by that vote, compared to “Board requested”, which means a request was brought to the County Manager, who included it in today’s Agenda.

Mary Ann Martin, Deputy District Attorney, confirmed that the ordinance was Board requested.

Commissioner McDermid asked if anyone reached out to the agricultural community since it's a change on their land.

Ms. Moss stated that she did not.

Commissioner McDermid asked why the ordinance was written to be so restrictive that there will not be mining. She understands Public Facilities being precluded, but the Agriculture and Forest and Range is a vast amount of our undeveloped land. If someone did discover gold, it would be impossible to go through approval process. She was concerned if it negatively impacts the agricultural community.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Ms. Martin informed that they tried to increased contact with surface owners, which are typically ranchers. Traditionally, there can be a split estate, where the surface owner may not own the mineral rights for the land. By common law, a mineral owner could drill on the property even if was detrimental to the surface owner, who was grazing cattle, etc. So they are trying to add protections for the surface owner's long-term use of the property. The exception to the definition of mining currently allows extraction of up to 1,000 cubic yards per year within agriculturally zoned districts. There have been suggestions to include Forest and Range in that exception. In regard to the reclamation plans, the exception includes surface mining operations which the Director determines to be of an infrequent nature and involve only minor surface disturbances as well as prospecting for excavation of minerals in a non-commercial use, up to 500 cubic yards in any one location of one acres or less. The proposed expansion would match the definition of mining to read 1,000 cubic yards per year. Today, they are looking for input from the community and Board direction.

Commissioner McDermid confirmed that she understands mineral rights and surface rights and thought that if she owned mineral rights and wanted to extract, she would have to obtain a lease to have permission from the surface owner.

Ms. Martin argued that her understanding was incorrect. The mineral rights owner would typically have a surface use agreement with the rancher and would have to pay for damage to the surface and/or roads. The mineral rights are dominant in common law, which is why Community Development wanted to provide statutory protection to the surface owners through this ordinance.

Ms. Moss stated that the main question is whether mining is considered an industrial use. Is an industrial use appropriate within the A-19, FR-19 or Public Facilities zones?

Commissioner McDermid questioned if it was allowed to do a sample on A-19, to see if there's potential under the surface.

Ms. Martin responded yes, to the extent that they are drilling. If it stays under the 1,000 cubic yards per year, it would fall under the exemption to the definition of mining. Limited exploration drilling could occur and still stay under the definition of 1,000 cubic feet. The surface owner can't prohibit the owner of a mineral estate from accessing and/or drilling; the mineral owner trumps surface owner. This ordinance would expand the language to confirm whether reclamation efforts by the mineral owner could be considered complete by including the rights of the surface owner.

Commissioner McDermid agreed that she understands protecting the surface owner. She wanted to understand the process for extraction by the mineral owner.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Ms. Martin informed that the mineral owner would enter into a surface use agreement and would be liable to pay damages, for example, if a dirt road needed to be put in, etc. The mineral owner generally tries to stay in friendly relations with the surface owner, however, if there were differences of opinion, the mineral owner would trump. The reclamation portion of this ordinance would allow the surface owner to provide evidence (soil sample, photographs) to strengthen his claim for reclamation. This kind of statutory protection doesn't exist in common law; it would be added just to the Douglas County code.

Commissioner McDermid asked if the owner of mineral rights would be prohibited from extracting; what is the process for that to go through?

Ms. Martin stated that the mineral owner would have to ensure that the area is zoned General Industrial and then apply for a Special Use Permit.

Commissioner McDermid questioned that they would have to get zoning change if it were on agricultural land and then a Special Use Permit.

Ms. Martin agreed, yes, unless it fell under the exemptions, such as needing to bury a horse, dig a basement or dig a leach field. There is also a catchall exemption for surface mining operations which the Director considers to be of an infrequent nature with very little surface disturbance. Using Commissioner McDermid's example of discovering gold on a property, an owner who was gold panning would have very little surface disturbance and would still be under the direction of the Community Development Director. Typical agricultural activity does not fall under the definition of mining.

Commissioner McDermid asked if there were areas with General Industrial zoning now.

Ms. Moss answered that there is limited General Industrial zoning right now. She highlighted the two properties, one near the airport and the other off Timber Court, and their zoning is specific to their use. They were Industrial land use and asked for a zoning map use amendment and then received a Special Use Permit. There is no rezoned property in the County, so each applicant would have to go through the same process to acquire General Industrial zoning and a Special Use Permit.

Ms. Martin reminded that there is an exemption for limited drilling.

Commissioner McDermid said that technology has advanced for exploration so looking forward, it might be easier to explore in the future. She agrees that mining is an Industrial use, that there is a process for extraction and that surface is to be restored to the previous condition.

Ms. Moss agreed that was the purpose for requesting that mining is contained in it's in a specific zoning district. The Zoning Map Amendment process checks

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

that the specific site is compatible with surrounding land uses and neighborhoods.

Ms. Martin added that it is also specific to the type of mining requested.

Vice Chairman Thaler asked if this ordinance goes to the Planning Commission next week.

Ms. Moss answered, yes; the Recommendation was to provide the comments from this meeting to the Planning Commission next week. Because it was a Board requested item, there was time to bring it to the Board, go to Planning and then provide that information to the Board for the second reading.

Vice Chairman Thaler asked is that was written into the item.

Ms. Moss answered that it is written into any Zoning Text Amendment that the Board can request the change.

Vice Chairman Thaler reminded that this is only a first reading, a time to get information from the public. He thinks it should go to Planning first, let them flush out the pros and cons, and then get their recommendation. Noticing requirements were changed a couple months ago, not only residents within 1/4 mile but including a party who was interested.

Chief Civil Deputy District Attorney Doug Ritchie clarified that was appeal rights of who had the right to challenge a land action.

Ms. Moss offered the example of noticing given for the solar farm discussion.

Vice Chairman Thaler asked about people who bring in concrete and/or asphalt and grind it up for sale.

Ms. Martin clarified that it would not be considered mining because it's not an extraction activity. Batch plants and mills are delineated as an accessory use to mining, for example, if you have a Special Use Permit that allows you to mine, then they will consider a mill or batch plant to process the tailings as an accessory use. But if you're receiving materials from other sites, that requires a separate permit.

Ms. Moss informed that there is a business in the County that has been doing that for years and can continue under their permit.

Vice Chairman Thaler asked if there were any other approved mining operations in Douglas County beside the Bing pit.

Ms. Moss stated that there are a few approved under a Special Use Permit. Bing Materials Pit is an active operation and has a periodic review of their permit. There are a few that are expired and may not be valid permit. One had

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

a court-ordered permit but the timeline has expired, although they could go back to court to request an extension.

Vice Chairman Thaler questioned if Douglas County had any part in mining, extracting or milling.

Ms. Moss answered that Carl Ruschmeyer gets materials from Nevada Department of Transportation (NDOT). We don't mine it ourselves but purchase from legitimate businesses.

Chairman Penzel stated that the County has used Bureau of Land Management (BLM) materials for large uses like the river.

Commissioner Nelson was also concerned with process and asked for clarification why the Board needed to hear this item at this point.

Ms. Moss answered that staff was requested to bring it before the Board.

Commissioner Nelson asked how much of our opinion can we tell you now.

Ms. Moss responded that was the reason they were presenting today. It's a public hearing to take comment on the ordinance.

Commissioner Nelson felt it was obvious that mining is Industrial use, so that type of zoning should be used for that kind of operation. His research suggests that gravel mining will affect property value up to three miles from the operation, so ¼ mile noticing doesn't seem adequate. Other issues he considered important were health & welfare, noise, dust pollution, water quality and truck traffic. Noticing very important and should be extended beyond a ¼ mile.

Commissioner Walsh chose to hold his comments until the ordinance goes to Planning.

Chairman Penzel felt the Board should provide guidance to the specific issues requested, especially the 1,000 cubic yards.

Commissioner McDermid agreed that 1,000 cubic yards should be consistent. Also, the agriculture exemption should include Forest and Range.

Ms. Martin clarified that the extraction of 1,000 cubic yards per parcel per year would apply to the definition of mining as well as the reclamation.

Commissioner McDermid answered yes.

Vice Chairman Thaler asked what the harm would be of saying take the information we have and send it to Planning. We don't want to tell Planning what to decide.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Commissioner McDermid asked what if we didn't introduce this. Would it still go to Planning?

Ms. Moss answered, yes; it is still on the Planning Agenda.

Chairman Penzel said that part of the issue was whether we want this to go to Planning.

Commissioner Walsh clarified that the introduction is the official request for Planning to consider it. Nothing has to be decided anything today and it is following the correct protocol.

PUBLIC COMMENT

Dan Greenly lives in East Valley and sent an email to the Commissioners sharing his support of code amendment as written and the level of protection it provides to existing property owners. He feels that residents would appreciate some consistency from the Board and urged the Board to follow whatever the process is to adopt this code.

Matt McKinney, Manager of Bently Ranch, found out about the meeting late last night and would appreciate noticing to the agricultural community. They frequently move 1,000 cubic yards each month, which isn't much for an agricultural operation. The County requires detention ponds larger than that, so is digging a detention pond going to be considered mining? He suggested that the ordinance be very clear in its language.

Clarence Berg stated that 19 years ago, he and several fourth and fifth-generation ranchers went to the State Legislature and got Ag District #1 to protect and preserve this County. However, no information was sent to the agricultural groups about this meeting or the proposed ordinance change. He suggested that if the County wants to keep the characteristics of our rural area then they should come to the ag community and talk to us, as no notice was sent to the rural community. He emphasized that we are a rural area, not a city, which falls under a different set of plans. There is a need for quality rock for roads, as well as work done on the river. He feels the County needs to back off a little; if you want to keep agriculture around, there are only a few old guys holding the ag community together.

Frank Godecke said that he thinks this is a bad ordinance altogether. It takes property rights away from the owners. The agriculture community was not consulted and neither the Farm Bureau nor Ag Association was contacted. He felt it was a property right taking, little bits at a time. Farmers have always had the right to mine materials off their land and have even sold it for the making of Highway 395. The Special Use Permit process worked and effectively killed the gravel pit on East Valley. Why have an ordinance on top of that? He was dumbfounded that as Republicans, the Board would support an ordinance that

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

would give more control to the government and take away property rights, which is contrary to the National Republican platform. He believes that there are a large number of Republicans in Douglas County that are fiscally conservative, but feels that when it comes to property rights, they are a bunch of closet Socialists. He suggested that they refile their political affiliation so it would be known who supported what.

Nate Lysing agreed with previous speakers. He felt this discussion was a result of the pit going in on East Valley. He doesn't consider a gravel pit as mining. He cautioned that if this ordinance goes through and mining is banned on Agriculture and/or Forest and Range, no one will have the ability to have an aggregate pit anywhere in the County. Everyone, including the County, will be going somewhere else to get aggregate and all dirt and gravel prices will go up because of the transportation. The Special Use Permit process worked just fine. He suggested that there are places where there could be a pit on Forest and Range without affecting anyone. He asked that the Board not do a blanket denial.

Bob Ballou thanked the Board for acknowledging his request to consider commercial mining and its location throughout the County. It's not a ban on mining as we already have an ordinance on mining; rather, it is clarification on the current ordinance. This ordinance speaks to his major concerns of where and what can be done by mining interests in proximity to residential communities. This draft protects rights of claim owners and ranchers to excavate limited amounts of material without a Special Use Permit and limits industrial scale to General Industrial zoning districts. It doesn't ban anyone. It requires them to acquire a General Industrial zoning and a Special Use Permit.

Sue Parker felt this was a takings issue and could affect the use of their family mining property down the road. Utopia Mine has been on their land for 150 years. She received no notice as a landowner and asked for a delay to consider their options.

Dan Mrvos stated that his family came to Nevada in 1907, his great-grandfather located in Ruth, Nevada and worked copper mines and he understands and supports the heritage of mining. He also supports the ordinance and sees mining as an industrial use. This is the rational way to make the procedure of mining in Douglas County logical. The more consistent and logical the rules are, the better the community can decide where to put industrial uses and know what the effects are. Things aren't the same as they were in the past and he anticipates more residential in Douglas County. He asked the Board to introduce the ordinance and keep discussing with the community.

Jim Durso thanked the Board for being proactive and bringing this common-sense legislative forward that will benefit all residents. He stated that is the Board and the community's responsibility to protect our environment and the

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

reason we moved here and was satisfied to see action being taken. The ordinance restates the Master Plan Goals and codifies them; bringing reassurance to homeowners that rural character will be preserved.

Jeanie Shizuru was surprised by the reaction of the ag community, which has a legitimate fear of losing their rights. She felt the presentation doesn't adequately consider what ag does with their land that would be impacted by this ordinance. She sees the gravel pit is worried about losing property rights as well as the East Valley residents being worried about the same thing; two competing sides being affected by property rights. She was struck by the lack of information regarding how agricultural land would be affected and felt that the 1000 cubic yards was too abbreviated.

Jim Slade did not receive a notice yet the room is full of people who are concerned. This is not a property rights issue any more than the Master Plan Land Use designations and Zoning regulations. They are designed to protect the community as a whole and allow sensible growth in an orderly and manageable way. The Issues Raised to Date slide address the major concerns of residents. Consistency with the Master Plan is always important. He highlighted impacts to the transportation system. He agreed that the Board introduce the ordinance today, have it go to Planning and then come back to the Board. It doesn't ban mining but adds an additional step of protection.

Dave Butcher, who lives near East Valley, said that traffic has tripled and if trucks are introduced, then it will quadruple. He feels for the truck drivers but also the residents of Johnson Lane and all the roads that go off from there. Also, he doesn't think the gravel from the pit is the right kind of gravel. He thought a majority of the people of Douglas County came forward at the last meeting to state their opinion. He has owned property since 1980 and feels they have a right as residents. He asked that the Board take a serious look at this.

Terry Faff remembered the solar farm that wanted to come in; it was defeated and then an ordinance came up to make all kinds of rules about solar farms. He suggested that this isn't about mining; it's just about the gravel pit. This ordinance would make it near impossible to have a gravel pit anywhere in Douglas County. He asked what kind of precedent you are setting. If someone wanted to bring in an industrial project that required three shifts and residents complained, would an ordinance be introduced that would deny three shifts? He felt the County was taking too much control away from people, the farmers as well as, limiting the way that people can survive in this County. If we continue to make it more difficult to buy a home and live here, then it's all moot. He urged the Board to think about the long-term effect of what this might do. Some of the most valuable property in Douglas County is just a couple hundred yards from the Bing pit. You generally don't see any dust or hear any noise; most people don't even realize where their trucks are coming from. They are not destroying the property values in that area.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Dana Meier stated that when each of us moved here, we knew it was an agricultural community, so why are we telling them what they can or can't do with their property? They were here long before we got here.

Public comment closed.

Commissioner Nelson stated that we have a bundle of rights but they aren't universal or unlimited. Our property rights are limited and we are talking about changing an environment with an industrial operation. This ordinance is protecting the people who bought their land from having an industrial operation from starting up next door.

Commissioner Walsh enjoyed comments and thinks it should go to Planning. He supports the adoption of the introduction and will give his comments at the next reading.

Commissioner McDermid appreciated comments also. There are a lot of issues involved in this change, and it would've been helpful if staff had connected with the ag community. She realizes this is in reaction to the solar farms and the gravel pit (which never came up before the Board) and understands the concerns, but feels that reacting to one situation to fix another situation isn't the best government. The Special Use Permit has many findings that must be made and in the case of the gravel pit, it was not found to be permissible. Noticing should be reasonable. She is anxious to know what Planning says and referred to Bob Ballou as the sixth Commissioner since he stated that he requested this.

Vice Chairman Thaler gave his opinion that when things are taken out of order, everyone expects the Board to take action today, but it's not their responsibility to choose yet. He preferred to stick with the process and doesn't want to contaminate the process by giving Planning a Board vote. He also wondered why it wasn't worked into Master Plan.

Chairman Penzel suggested that the Public Comments and questions be addressed to the Planning Commission. He saw this as a good example of democracy in action. It is about the process at this point and we don't want to sway the Planning Commission; is there a way the information can be sent to Planning without endorsement?

Ms. Moss stated that the ordinance is on Planning Commission agenda for next week's meeting to make a recommendation on the language of the ordinance to the Board before it is adopted. Their comments will be provided to you.

Ms. Martin gave the option that Chairman Penzel could defer to his colleagues and not do first reading today.

Chairman Penzel asked for clarification that the Board could do a first and second reading if it came back to them from the Planning Commission. He also

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

asked if the same language was used for the ordinance on the Planning agenda. He asked if they could accomplish the basic process, get the questions answered and have it come back to the Board.

Ms. Moss confirmed yes to all of his questions.

Commissioner Walsh commented that the Planning Commission understands the meaning of a first reading. There has been enough public comment for them to know how people feel.

Vice Chairman Thaler informed that he has been on Board for three years and doesn't remember any issue coming up in this order. He doesn't want to send the wrong message. Planning Commission should be independent of County Commissioner influence.

County Manager, Larry Werner, clarified that some of these comments should be directed towards him since he started this. It is typically the way they find out if the governing body wants to make changes. An introduction is different than an action item; nothing changes except that they compress the process. The Planning Commission is not being unduly influenced since they would be getting the comments anyway.

Commissioner McDermid said that might be how it happens elsewhere, but not here. An item should be fully vetted through going back and forth between the Board of Commissioners and the Planning Commission.

Vice Chairman Thaler explained his vote, confirming that he agrees on the ordinance but wants to go through the process.

Commissioner McDermid explained that because the way the Special Use Permit process worked in the past, she thinks the Planning Commission should've heard this item first. She believes a precedent has been set that allows any resident of Douglas County to request something to the County Manager, which will bring it forward as Board requested and thus circumvent the process that has worked, specifically having the Planning Commission hear an item before giving a recommendation to the Board.

Mr. Werner stated that the only difference is that there were public comments before the Board. The Board became the applicant making a request to the Planning Commission. This is your vote to determine whether you are the applicant or not.

Chairman Penzel commented that the system of sending an item to the Planning Commission before the Board hears it is a system that has been set up to for quality.

MOTION to introduce Ordinance No. 2017-1492, amending Douglas County Code, Title 20, Sections 20.654.020; 20.658.020; 20.660.070; 20.662.010;

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

20.664.130; 20.666.010; and 20.668.090 to allow open or subsurface mining subject to specific standards in the General Industrial (GI) zoning district only upon approval of a Special Use Permit approved by the Board of County Commissioners, and prohibit open or subsurface mining in all Agricultural, Forest and Range, and Public Facilities zoning districts, and other properly related matters, based on the discussion and the findings included in the staff report; carried

RESULT:	INTRODUCED [3 TO 2]
MOVER:	Larry Walsh, Board Member
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Walsh, Nelson
NAYS:	Thaler, McDermid

5. (Continued from September 7, 2017) For possible action. Discussion on the following: 1) Adoption of Ordinance Number 2017-1491, a Zoning Map Amendment changing the zoning for two contiguous 1-acre parcels from Light Industrial (LI) to General Industrial (GI) for APN's 1220-11-001-058 & 1220-11-001-059, and all other properly related matters (Second Reading); and 2) A Special Use Permit for the establishment of a commercial propane distributorship for the same two parcels located at 1731 and 1737 Timber Court, Gardnerville, within the Old Sawmill Industrial Park in the East Valley Community Plan Area. The applicant is Campora Propane Service. DA 17-054 and DA 17-053. (Steve Mason)

No public comment.

MOTION to continue Item #5 to the October 5, 2017 Regular Meeting as requested by the applicant; carried

RESULT:	CONTINUED [UNANIMOUS]	Next: 10/5/2017 1:00 PM
MOVER:	Nancy McDermid, Board Member	
SECONDER:	Larry Walsh, Board Member	
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson	

6. For possible action. Discussion on a request for a private road per Douglas County Code 20.100.090(H) to serve parcels created by serial Tentative Parcel Maps LDA 17-015 and LDA 17-016. The subject parcel is located at 837 Highway 88 in the A-19 (Agricultural-19 acre minimum parcel size) zoning district in the South Agricultural Community Plan Area. The applicants are Kent Neddenriep as trustee of the Neddenriep/Johnson Family Trust and Nedd Family, LLC. (APN 1220-18-002-003). (Lucille Rao)

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Heather Ferris, Planning Manager, advised that typically Tentative Parcel Map applications would be heard by the administrative hearing panel, but since this project involves the use of a private road, which requires review and approval by the Board of Commissioners, after recommendation of the Planning Commission; the applications were deferred to the Planning Department for review. The Tentative Parcel Map and associated variance to improvement standards were reviewed and conditionally approved by Planning Commissioner at their August 8, 2017, meeting. She reminded the Board that the Planning Commissioners recommendation for use of the private road is the only matter for consideration by the Board today.

Ms. Ferris shared the Master Plan and Zoning Map, the Tentative Parcel Map LDA (17-015), the Planning Commissioners recommended actions.

Please see the agenda packet for the full presentation.

Commissioner Nelson asked for clarification as to the number of parcels that would be using the road and to whether or not there would be a maintenance agreement.

Ms. Ferris advised that five parcels will use the road and it is a requirement that the property owners take care of the road.

Chairman Penzel asked Ms. Ferris to clarify whether waiving the A02 detail for 50-foot width would also waive the requirements for construction according to the orange book.

Ms. Ferris stated that the applicants only requested the reduction in the width so it is her understanding that it will be a paved access road, to County standards, other than the width.

PUBLIC COMMENT

John Engels stated that he lives in the area and he objects to the access road because it is a highly congested access road and this opens up other areas to do the same thing. He believes it opens up the area to development.

Dick Clark, a 30 year resident, commented that he understands that properties have already been approved to be built but he echoed Mr. Engels' concerns about the traffic. He has concerns about where the access road will be for the safety of the people in the area.

Jeane Shizuru stated that the five properties in question are heritage properties; she believes it would be helpful to see the map again to see how the location of the access road would have a traffic issue.

Chairman Penzel requested that Ms. Ferris show the map. He advised that the dimensions are shown but are hard to read.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Tammy Kinsley, RO Anderson, explained that Tentative Parcel Map #1 shows the length of that portion of the parcel is 730.02 feet, from the top of their property line to the east to the bottom of the property line along Highway 88 and Kimmerling. The access the applicant is asking for is 680 feet.

Ms. Ferris shared that the road is proposed to be 650 feet from Kimmerling Road and Highway 88. Another reason the distance isn't pushed further is that there are irrigation ditches along that property line.

Chairman Penzel asked for clarification about the requirement in the traffic model to have the entrance to the property and the speed limit.

Ms. Ferris advised that the requirement is 1320 feet and they are requesting that it be reduced down to 650 feet. However, she reminded the Board that the only matter before them today is the request for a private road.

Chairman Penzel asked about the size of the adjacent properties, asking for confirmation that the 330 acres were A-19 and how many homes could be built on that land, in order to establish how many people would be utilizing that road.

Ms. Ferris stated that they have no knowledge of the possible development of the 330 acres.

Public comment closed.

Vice Chairman Thaler said he appreciates the Neddenriep's hard work and stated it was years ago that they started the heritage properties. He believes a 50 foot road, 600 feet from the road isn't that big of a deal and he understands that five families will have to figure out how to get out on a busy road and he thinks we will see many more of these issues.

Commissioner Nelson agreed that they are approving a private road and understands that traffic challenges that come with it but sees no reason why we would make this a public road, for only five people.

Commissioner McDermid is glad that the families will maintain this private road. She referenced the 19-acre provision of the 1996 Master Plan and the change to two acres. She sees this as a way to work with the agricultural community on allowing them to continue to be in agriculture and at the same time not have to chop up their ranches.

MOTION to approve the request for the construction of a 50 foot private road, for Kent Neddenriep, Trustee of the Neddenriep/Johnson Family Trust and for the Nedd Family LLC, to serve the parcels to be created by Tentative Serial Parcel Maps LDA 17-015 and LDA 17-016, based on the discussions and

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

conclusions in the staff report and the Planning Commission's approval; carried

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Steve Thaler, Vice Chairman
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

7. For possible action. Discussion to introduce Ordinance No. 2017-1493, an ordinance correcting previously adopted Ordinance no. 2017-1483, a zoning map amendment (ref. DA 16-083 and PD 05-001-6) for Genoa Ridge Investors, LLC, which modified the existing Planned Development for Summit Ridge Phases 3B and 3C by establishing an SFR-1/2 PD and a PR/PD for 115 acres located approximately 1,000 feet north of Mountain Meadow Drive within the Genoa Community Plan Area (APNs: 1419-26-101-002 and 1419-26-101-003), and other properly related matters. First reading (Mimi Moss)

Commissioner McDermid disclosed that she lives in Summit Ridge, an area that will be connected, and it will not keep her from being objective.

Mimi Moss, Community Development Director, advised that this is a correction of a previous ordinance. Plan Development and the Tentative Map were approved earlier this year. A condition of approval required the applicant to remove sewer force mains as far as practicable. The applicant's engineer revised the improvement plans and now there are no sewer force mains. Because of the change, the lot layout changed slightly and several Single Family lots were placed within the private recreation zoning district, which is not allowed. To start off the subdivision in the right manner, the request was to amend the zoning boundaries. The change will not decrease the open space or the single family lot numbers. It only affects about 1/3 of an acre. This ordinance will correct the zoning boundaries. Ms. Moss asked that the Commissioners introduce this ordinance.

No public comment.

MOTION to introduce Ordinance No. 2017-1493, an ordinance correcting previously adopted Ordinance no. 2017-1483, a zoning map amendment (ref. DA 16-083 and PD 05-001-6) for Genoa Ridge Investors, LLC, which modified the existing Planned Development for Summit Ridge Phases 3B and 3C by establishing an SFR-1/2 PD and a PR/PD for 115 acres located approximately 1,000 feet north of Mountain Meadow Drive within the Genoa Community Plan Area (APNs: 1419-26-101-002 and 1419-26-101-003); carried

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

RESULT:	INTRODUCED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

8. For possible action. Discussion to adopt Resolution 2016R-064, approving a Master Plan Amendment (ref. DA 17-073) for Douglas County, replacing the current 2007 Douglas County Transportation Plan with the final draft of the 2017 Douglas County Transportation Plan. The Board of Commissioners may approve, approve with modifications, or deny the request. (Erik Nilssen)

Erik Nilssen, Planning Engineer, presented Douglas County 2017 Transportation Plan Update. Jeff Foltz, Parsons Transportation Engineering Group, presented Prior Public Meetings; 2017 Transportation Plan Update; Background Information; Goals, Policies and Project Types; Goals; Changes to Policies; Travel Demand Model; Population Growth Rate; Identification of Needed Projects; Notable Changes to the Transportation Plan.

Please see the agenda packet for the full presentation.

Commissioner Walsh asked if the new connector road south of Pinenut will go through the Corley Ranch.

Mr. Foltz answered that it will be in the vicinity but they are not sure of the specific location yet as they are working with a conceptual plan. Projects Needed by 2025 to Maintain Level of Service; Projects Needed by 2040 to Maintain Level of Service; Projects Needed for Alternate Regional Access.

Commissioner McDermid thought the road from Genoa Lane down would not be on the map since the Board had told Nevada Department of Transportation (NDOT) to take it off.

Mr. Foltz explained that they didn't remove any projects from the Plan that create new rights of way, only projects that upgraded from two lanes to four lanes. Even though they aren't needed for Level of Service (LOS) in the 2040 timeframe, they are still a part of the Southern Sierra Corridor Study and considered a current document by NDOT standards.

Commissioner McDermid repeated that the Board has expressly asked NDOT to take it off their map and they agreed. It doesn't help us in terms of Level of Service and goes against everything we've planned for Valley Vision. She was appalled to see it still on the map.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Mr. Nilssen replied that the intersection of Highway 88 and County Road is congested and there will be a time when that road will exceed its capacity and a bypass will need to be put in place on the west side.

Commissioner McDermid insisted that it doesn't need to start at Genoa Lane. Until it needs to be addressed, it shouldn't be on there.

Chairman Penzel pointed out that Commissioner McDermid has stated such many times.

Commissioner Walsh remarked that if we reach our population goal by 2040, we won't need more roads. It goes through some sensitive areas and residents have expressed that it's ridiculous to have something on the map that will never be built. He would also like to see it removed.

Mr. Nilssen asked if the Board make a separate motion to remove individual segments from the Transportation Plan. The County has brought it forward and staff has a complete document, so do they majority vote to remove segments from the Plan?

County Manager, Larry Werner, confirmed that would be the cleanest record of corrections to this Plan.

Vice Chairman Thaler was also appalled to see it there and wondered if staff did not get the message. He was concerned that the information wasn't current as they come to the point of adoption.

Mr. Nilssen indicated that while they receive five different Commissioner's opinions, they can't follow the suggestion of just one Commissioner. However, if there is a majority motion, which they have not yet seen, they would be glad to remove it.

Chairman Penzel reminded staff that the Board often asks "did you get enough direction?". It would be time consuming to make a motion for every change, but if that is what the County Manager wants, they will accommodate the request.

Vice Chairman Thaler was dismayed that staff didn't have a good answer to Commissioner Walsh's question regarding the road through the Corley Ranch. He wondered if staff wanted the Board to ask more questions so they could bring back a final draft.

Mr. Nilssen didn't anticipate bringing back a final draft, rather making edits to the current draft which will create a final, unless there are major issues that the Board wants to direct.

Vice Chairman Thaler asked what staff wanted from the Board.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Mr. Nilssen clarified that they would like a specific motion for items you don't like. That would give clear direction from the whole Board on items to keep or remove.

Chairman Penzel instructed staff to note the general agreement on a particular suggestion and then the Board would make one motion at the end to include all the suggestions.

Commissioner Nelson agreed with Vice Chairman Thaler and wondered how many suggestions have been made in the past that the Board thought was included in this draft but don't have time to look for them now to make sure they were included.

Chairman Penzel felt that the Board didn't want to adopt a program without all the changes that they had expected to be there.

Vice Chairman Thaler said that they were looking at a report of projects that we aren't going to do; there's no way we can afford to do them. Why put those projects on the Plan when we know we won't do them?

Mr. Nilssen shared the Commissioners frustrations. They feel they have been instructed to maintain a Level of Service (LOS) C and bring projects that are required to maintain that LOS. If the Board wants to change the LOS, then they need to specifically state that and staff will adopt the Plan accordingly.

Vice Chairman Thaler asked how the map would look different if the Level of Service dropped from C to D.

Mr. Nilssen emphasized that staff was directed not to look there, so he was not able to answer the question.

Vice Chairman Thaler considered himself a realist and was just trying to figure out what the Level of Service should look like.

Mr. Nilssen stated that the roads needed to maintain LOS C will be locally funded roads with little possibility of grants.

Commissioner Walsh returned to the Corley Ranch road. If there is a line on the map, it negatively affects the value of the property.

Mr. Nilssen explained that the problem with that alignment is that it's not needed til 2040; it's on there for future regional access depending on growth. It's easier to pin down Muller or Heyborne when you need it by 2025, but this road might not be needed at all.

Commissioner Walsh repeated that since the Corley's are selling their property, this line on the map could drop the value they expect to receive.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Chairman Penzel returned to his suggestion of a bypass that starts by China Springs Turnoff. The purpose was to completely be on Bureau of Land Management (BLM) land in order to avoid public interference. A developer could see the road on the map as a bypass, which would eliminate Commissioner Walsh and Commissioner McDermid's concerns. Yet the gondola was included in the Plan, as well as the railroad and nothing was said to address an overpass built for Johnson Lane and Stephanie Way. The cost for the top four projects is \$86 million dollars. The Finance Element talks about funding and suggests a tax be created that will yield \$1.5 million dollars, but the revenue still won't cover the costs. The County can't collect that much money from the current population.

Commissioner McDermid looked at Waterloo (formerly Mottsville) and saw (Hwy) 207 written on it, which gives the impression that NDOT is going to take care of that road. The same question applies to Centerville, which says (Hwy 756), but between Foothill Drive and Highway 88, that is Douglas County's road. Assuming NDOT will take responsibility of maintaining those roads, if they do take them, what do we get in exchange? She is concerned with how much the map looks like a city. What are the main things that we need to be connected? She questioned the alignment of the roads on p. 397.

Mr. Nilssen said that no trades were assumed with NDOT.

Commissioner McDermid responded that average person sees the highway numbers as indicating state roads, which means Douglas County is no longer the owner of those roads and they now belong to NDOT. And why not take Pinenut across to Hwy. 395?

Mr. Foltz said that the purpose of that road is a connection to the south Ranchos area, a loop across the lower end of the valley.

Commissioner McDermid maintained that the areas of the greatest concern for Level of Service should be intersections, two of which are identified as NDOT's. The one we could possibly complete is Muller; the rest of them have little opportunity to be completed. Roads have often been funded through development, however, there is no development where those roads are, or they already have development or we don't want development in those areas. Why not make Toler more important since it's already built out?

Mr. Foltz mentioned that Muller Rd as the most important piece from the County's perspective. Building Muller out would solve a lot of problems.

Commissioner McDermid suggested that they remove the impossible dream roads and focus on what is possible.

Mr. Foltz apologized because he didn't get the message from Commissioner Thaler. There was a lot of discussion at the meetings but changes to the Plan are based on motions made at end of discussions. He heard Commissioner

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

McDermid's opinion about the west side bypass and Chairman Penzel's opinion about the east side bypass at the Regional Transportation Commission (RTC) meeting, but the motion at the end of the discussion was to accept the draft and recommend it on to the Board. The Board took no action at the December meeting, so there was no direction to staff, aside from addressing Ironwood and Muller as a truck route. The July meeting provided two motions and those issues were addressed in the Plan. If there wasn't a motion from the Board regarding an item, he didn't make a change to the Plan. Unfortunately, he was not available for the meeting they had with NDOT.

Commissioner McDermid said that they implicitly told NDOT that they didn't want the west side road. She didn't realize that a motion was required at the RTC meeting in order to give direction.

Mr. Foltz clarified that a motion was made at that meeting to accept the Plan as presented.

Vice Chairman Thaler asked if it would be possible to set up another date to just give them specific motions. He thought just giving direction was enough but he has learned a lesson today.

Mr. Nilssen said that was the intent of the July meeting to get one last look at the Plan and bring a motion about any part where the Board didn't agree. Chairman Penzel's points about the east side bypass are valid but decisions can't be based on one person's opinion; it has to be a Board decision.

Commissioner McDermid argued that the Board didn't see this map on p.397 at the July 17th meeting.

Mr. Nilssen confirmed the map had been in the packet since the December meeting.

Commissioner McDermid queried why staff didn't ask for motions on specific changes.

Mr. Nilssen explained that each individual member gave their opinions but the Board's motion was always to adopt the Plan as presented.

Chairman Penzel accepted the responsibility for the miscommunication and apologized that he didn't suggest more motions, however, he felt the Board had been under a false assumption that asking staff if they had enough direction was enough. He agreed with Vice Chairman Thaler's suggestion to set up a meeting to talk about only this Plan. The Chairman noted the competitive remarks regarding Level of Service and wondered the cost difference between Level of Service C and D and what level is achievable. A project we can't possibly complete is not a plan.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Mr. Nilssen confirmed that staff would be happy to provide the board whatever information it needs.

Commissioner McDermid asked for confirmation regarding the Levels of Service and the differences in time, which she thought was how long you sit at an intersection. She noted the example of Kings Beach which had five lanes and petitioned the California Department of Transportation (Caltrans) to shrink it down to three lanes, putting in roundabouts at several intersections. They had to make overriding consideration stating that they understood it would fail their LOS. Perhaps we can have LOS D in certain intersections without it being a critical issue. Having LOS C in every intersection will have a cost. She sees the potential to accept LOS D if they know the differences in time and money.

Mr. Nilssen directed that p.3 of his memo to the Board discusses the time differences (p.376 of Board Packet).

Vice Chairman Thaler agreed that this is an important document and the public wants to know where traffic will go through the Valley. He felt it would be better to wait and work out an acceptable plan.

Mr. Nilssen remarked that it was not urgent and agreed that there would be an additional cost. Staff did a big traffic count and models to start the Transportation Update and he worried that the initial assumptions of the Plan could become outdated.

Mr. Werner suggested meeting with each Commissioner to learn their individual concerns, compile the comments and bring them back to see what is most important as a Board. Also, staff could also look at street classification and determine current and possibly acceptable Levels of Service. The key is to discover each member's individual issues with the Transportation Plan and see what the Board wants to spend time on.

Chairman Penzel stated that the Board doesn't want to accept something that is unacceptable, which is this Plan. This Transportation Plan is unattainable and has too large of a focus. The safety considerations the Board has pushed are Airport Road/Highway 395 and Highway 88/Muller Lane but neither been addressed in this Plan. Attainable projects would be ones the County can possibly fund to improve our roads. The traffic counts for the major intersections are probably still valid so hopefully, the model can be reprogrammed to do what we want.

Mr. Foltz clarified that staff would need purchase the license to run the model and the consultant would be willing to provide the information to staff to run the model.

Chairman Penzel said he wasn't sure if one on one meetings would resolve the confusion about the will of the Board. He thought an open meeting with the

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

entire Board that presented a reasonable plan would be a good start; individual meetings could be done if there were more issues to discuss.

Commissioner McDermid wants a plan that shows what is possible. The County has been struggling to maintain local roads and there is no revenue available for this plan. She would like to erase parts of the plan that are not achievable. NDOT won't have much money for Douglas County. They will maintain their current roads but won't be building any new roads in Douglas County. The County is bonded to do four roads but those are major arterials and connectors. She was ready to propose local truck delivery only on Jacks Valley Road between Highway 395 and the four-way stop at Genoa in order to preserve the work recently completed. She asked why if the County can say local delivery only on Muller, then why can't they say local delivery only on Jacks Valley?

Commissioner Walsh felt that impact fees to cover the current Transportation Plan projects would be unreasonably high. He agrees with the County Manager, would like to give his individual input, have those comments compiled and then bring it back to Board.

Commissioner Nelson disagreed and would rather come back as a group and work it out. He didn't see how the will of the entire Board could be ascertained by individual meetings.

Vice Chairman Thaler felt that it was premature to accept the current plan and proposed that they try the individual meetings and see if it helps.

Mr. Nilssen finished his presentation of the Transportation Plan Update; Douglas County Strategic Plan; Pavement Condition Index (PCI); Douglas County Paved Local Roads; Local Road Condition; Western Regional Superpave Center; Local Road Budget \$2.5 Million/Yr; Local Road Budget \$3.5 Million/Yr; Local Road Budget \$4.5 Million/Yr. Similar to the Level of Service issue, we cannot reach the Paving Condition Index requested with the current budget. Without additional funding, our roads will never be repaved to be any better than they are today.

Vice Chairman Thaler offered that the last three slides gave him the information he wanted to hear. This is something we could work on; \$4 million is a lot easier to swallow than \$400 million. Our goal is to decide how much money we need to raise to continue to invest in our current roads.

Commissioner McDermid commented that the City of South Lake Tahoe roads got hammered due to the weather. They had no money for roads and are going to raise their sales tax; with the money dedicated to roads and the tax will sunset in 15 years. She asked what funding options are available for local roads. She distinguished the difference between a local road and a collector or arterial road; funding would have to be equitable and fair to people who are

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

already paying for local roads. The Road Task Force gave suggestions in 2013 but we didn't adopt all they said.

Chairman Penzel noted that all of Commissioner McDermid's comments were addressed in the Plan Update.

Commissioner Walsh affirmed that there was nothing wrong with Commissioner McDermid's comments. He felt there is also a need for one on one discussions.

Chairman Penzel said that the word "tax" usually stops the discussion. It boils down to the fact that we don't have enough money, the question of where do we get the money and the suggestion of a tax.

PUBLIC COMMENT

Jeanie Shizuru shared the Boards frustration about feeling like the residents were being not heard since the local roads issue has been on agenda since the beginning of January. She felt that the information keeps changing and we never feel like we got to the end of the subject. At the Republican Central Committee, Commissioner Thaler said that local roads are fixed based on PCI but that was inaccurate; arterials and collectors are getting fixed but not the local roads. The board passed an ordinance or gave "guidance" that they wouldn't be repairing local roads if they wanted to use a General Improvement District (GID) overlay. But if the GID overlay didn't get passed, what became of the guidance? During budget cycle, three Commissioners tried to put money aside for roads, which made her think they were serious about local roads, but then said it's a policy discussion and can't be discussed during the Budget meetings. After the special workshop, there was a lot of pushback from Mr. Nilssen about the roads not being built to standard and the need for them to be reconstructed but there's no money for that. She thought that the \$8 million that the Board set aside for Board Designated Funds could be used for local roads.

Carlo Luri spoke as an Economic Vitality Champion for Douglas County and recognized there were a lot of big issues in the Transportation Plan. Although he didn't have any brilliant insights, he wanted to mention Bicycle/Pedestrian Plan and Recreational Trails Plans. Both have real and positive impacts on our economy and many can be grant funded. Recreational trails can also be built by volunteers. The Recreational Trails Plan hasn't been updated since 2003 and he encouraged the Board to implement the Complete Streets Policy as a positive element toward the revitalization of the downtown areas.

Public comment closed.

Vice Chairman Thaler asked if a road with a PCI index of 90 would be on the list of things to repair.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Mr. Nilssen answered no.

Vice Chairman Thaler questioned about PCI 80.

Mr. Nilssen stated that there are maintenance activities when a road hits a certain PCI level.

Vice Chairman Thaler queried whether staff used the PCI as a tool to decide if a road gets repaired or if it's a random decision.

Mr. Nilssen responded, yes, but it can get to a PCI level (usually around 40) where it can't be repaired and it has to be reconstructed.

Vice Chairman Thaler pointed out that the PCI is a tool to prioritize repairs.

Mr. Nilssen agreed that repairs are prioritized based on traffic counts and PCI.

Chairman Penzel asked if the PCI averages all of the roads.

Mr. Nilssen clarified that it averages only local roads, not collector and/or arterial roadways.

Chairman Penzel stated that the guidance for local roads came out of the Road Task Force and asked if they recommended to not include funding for local roads.

Mr. Nilssen believed that was incorrect.

Commissioner McDermid explained that the Road Task Force recommended that local roads should have a GID overlay that would maintain the local roads. The money that came to the Regional Transportation Commission (RTC) should be used for arterial and collector roads. This was their distinction between the two types of roads the County maintains. Their recommendation was to maintain the arterial and collector roads because everyone uses them. Local roads, because of towns and GID's and HOA's, are not used by everyone. There needed to be some mechanism for the maintenance of local roads for those who are not in a town/GID/HOA.

Mr. Nilssen confirmed that Commissioner McDermid's recollection was correct and the information was included in the Task Force notes.

Commissioner Walsh declared that as a member of the Road Task Force, Commissioner McDermid was correct.

Chairman Penzel responded the point is that it was guidance, not an ordinance. He also noted that the Board did not discuss putting \$8 million into roads at the Budget cycle; the correct number was \$2 million. Transient Occupancy Tax (TOT) funds have been used bicycle and walk paths. Also,

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

aviation monies stay with the airport; they are dedicated and cannot be used for roads.

Commissioner McDermid proposed two on one meetings; two Commissioners meeting with Mr. Nilssen and Mr. Werner.

MOTION to schedule two on one meetings between Commissioners, County Manager, Mr. Nilssen, and other individuals pertinent to the discussion; to review the Transportation Plan, make changes and then bring the updated Master Plan back to the Board for approval; carried

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Nancy McDermid, Board Member
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

FINANCE

9. For possible action. Discussion to accept the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Award to Douglas County for its Comprehensive Annual Financial Report for FY 2015-16. (Vicki Moore)

Vickie Moore, Chief Financial Officer, presented the Government Finance Officers Association's (GFOA) Certificate of Achievement for Excellence in Financial Reporting Award to Douglas County for its Comprehensive Annual Financial Report for FY2015-16. This is the third consecutive year that Douglas County has received this certificate. Ms. Moore advised that this certificate program was established in 1945 to encourage local governments to go above and beyond the minimum requirements of generally accepted accounting principals. This is the highest form of recognition in the area of governmental accounting and financial reporting and the attainment of the certificate represents a significant accomplishment by a government and its management. Ms. Moore went on to thank the finance staff for all of their hard work and dedication and presented the certificate to Chairman Penzel.

Chairman Penzel accepted the award on behalf of the County.

No public comment.

MOTION to accept the Government Finance Officers Association's Certificate of Achievement for Excellence in Financial Reporting Award to Douglas County for its Comprehensive Annual Financial Report for FY 2015-16; carried

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Steve Thaler, Vice Chairman
SECONDER:	Larry Walsh, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

10. For possible action. Discussion to accept the Government Finance Officers Association's Distinguished Budget Presentation Award for FY 2016-17. (Vicki Moore)

Vickie Moore, Chief Financial Officer, presented the Government Finance Officers Association's (GFOA) Distinguished Budget Presentation Award for FY 2016-2017. Per Ms. Moore, this award was established by GFOA in 1984 highlight counties that prepare budgets that show the full spirit and disclosure of the budget documents. Budget development, monitoring, and reviewing is a year-round process. Ms. Moore stated that the finance team works diligently to make sure they adhere to the rules, regulations and best practices when preparing Douglas County's annual budgets. They also strive to help the citizens of Douglas County understand the budget. This award helps distinguish Douglas County as one of the greatest of the governments, this is the 20th consecutive Distinguished Budget Award.

Chairmen Penzel accepted the award on behalf of the county and mentioned this year's 29-hour budget presentation process. He believes the new process is as transparent as it could be and he also addressed the online availability of the budget and suggested everyone check it out.

PUBLIC COMMENT

Thomas Starrett said Chairman Penzel was one of a few honest men and was glad he was on the Board. It is a comfort to know that the finances and tax dollars are being accurately tracked.

Public comment closed.

MOTION to accept the Government Finance Officers Association's Distinguished Budget Presentation Award for FY 2016-17; carried

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Larry Walsh, Board Member
SECONDER:	Dave Nelson, Board Member
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

Ms. Moore stated that the photographs on the front of the Budget Presentation were taken by Kathy Kaiser, an employee of Douglas County.

COUNTY MANAGER

11. For possible action. Discussion for the Board of County Commissioners to determine whether a review of the current requirement that a proposed gaming establishment must include, as part of a development plan, no less than 100 guest rooms that are held out to the public for transient nightly occupancy is warranted. If the Board determines that it wishes to reconsider this code section, and possibly other sections, staff will meet with stakeholders to discuss possible code changes and report back to the Board at a future Commissioners' meeting. (Lawrence Werner)

Larry Werner, County Manager, advised that there was a request for the Board to look the County's requirement in regards to unlimited gaming licenses. He wanted to make sure this is the direction the Board wants to go before the discussion began because it can be a hefty discussion.

Commissioner Nelson commented that he asked for this to be brought to the Board. He would like to look at regulations in the County and see where some business are permitted or not permitted to do things based on regulations. He believes this was put in place to protect casinos from competition. He believes it shows favoritism and that is not in the best interest of the community. Commissioner Nelson stated that competition is the heart of capitalism and he thinks this should be reviewed and revisited. He shared that he recently received an email from a casino group touting all of the great things large casinos have done for the community. According to Commissioner Nelson, those things do not earn the right for the County to show them favoritism. He would like to remove the 100 room regulation.

Commissioner McDermid shared some history about the 1991 Legislation that started out as destination resort hotel requirement. Destination was later dropped. The requirement was that anything above 15 slot machines would require 200 rooms, 24 hour food service, and capital investment. The requirement targeted Clark and Washoe and left the rural areas alone. In 2002 Carson City adopted a 100 room ordinance, then Elko and Mesquite adopted a 75 room ordinance. In 2010, Douglas County adopted the 100 room regulation. Commissioner McDermid mentioned that currently White Pine is looking at a 50 room regulation and Henderson is looking at the possibility of requiring Dotty's type of casinos to employ a certain number of employees and provide

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

them benefits. According to Commissioner McDermid, there is a reason gaming is controlled the way it is. She just returned from Elko, and they have no stand-alone casinos. She doesn't believe removing the 100 room regulation will create jobs or economic diversity or would do anything for the economy. She just returned from Montana where every gas station and restaurant had gaming stations. She believes we got it right in 2010 and she is not in support of looking at it.

Vice Chairman Thaler usually expects to see some background material for these types of matters. He isn't sure why Commissioner Nelson has requested that we change something that is working for Douglas County. Vice Chairman Thaler wants people to invest in Douglas County. He thinks when someone is going from an unrestricted to a restricted license, we'd be foolish to not ask for them to invest in our community. If we remove this restriction, people will just come in without any investment in the community and we'll end up with these all over the County. He believes we learned from history that if you want investment in the community, you will set some regulations to the unrestricted level. He doesn't believe it's too much to ask. He said he has received several calls, and texts and they are all wondering why this issue is even being looked at. According to Vice Chairman Thaler, he has seen no reason why this should even be reconsidered.

Commissioner Nelson thanked Commissioner McDermid for reporting the history; he believes it shows the power that large casinos have had in Nevada, to be able to get this through the legislature. He believes it is crony capitalism to eliminate competition and thinks it should be looked at and the public should have to opportunity to speak on. He asked how many casinos have been put in since it was implemented in 2010 and believes it's probably zero, which means it's working for the big casinos but it isn't working for the small Mom and Pop casinos that want to create something for themselves.

Commissioner Walsh stated he's conflicted about the issue. He doesn't think the stand-alone, small establishments that pop up add anything to the community. He disagrees with Commissioner Nelson's statement that the investments the big casinos make are for Public Relations (PR) purposes. He believes they invest in the community and hire people in the community. According to Commissioner Walsh, it's because they want to be here and they want to contribute to the community. The big casinos have invested millions into the county. Per Commissioner Walsh, a little Dotty's Casino is not going to make those types of investments.

Commissioner Nelson clarified the statement he made earlier was in regards to a specific casino who said that they are actually providing water for a certain area and pointed out the things they did from the goodness of their hearts. Commissioner Nelson believes that is PR and shouldn't come into consideration for anything else.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Commissioner McDermid stated that she believes that all businesses that come into the community reach out and do help the community. She said you can call it PR but the fact of the matter is they have put the large capital improvement in upfront and they are providing jobs. She stated that this has been in place in Clark and Washoe since 1991 and it hasn't stopped anyone from competing there. She mentioned that she is in the lodging business, and wouldn't consider building anything less than 100 room because it doesn't pencil out.

Commissioner Nelson pointed out that Commissioner McDermid's reluctance to build a lodging business with less than 100 rooms is a perfect example of forcing that same restriction on anyone else that wants to compete. He ended by saying if we're capitalist, let's be capitalist and if we're not, let's admit we are not.

Vice Chairman Thaler mentioned that this is what the discussion is about and it shouldn't be taken personally. He asked that the Board be reasonable; when developers come in, we ask them to build paved roads and we set the bar high. He doesn't believe we want to send the message that any development is fine. He doesn't think it is wrong for us to ask someone going from restricted to unrestricted to invest in the community. He stated that there are already casinos across the County that invest and help us fund roads because they provide a lot of tax dollars. He pointed out that there are some inconsistencies about an earlier statement Commissioner Nelson made about developers paying their way. He believes the bar is set and shouldn't change.

Commissioner Nelson asked what would happen if Walmart asked for an ordinance that restricted any other store from coming in if it wasn't at least 10,000 square feet.

Commissioner McDermid reminded everyone that this goes back to 1991. She believes this is a well-respected regulation and it is the concept behind destination. Destination means that people will come and stay, eat and shop. She pointed out that anyone can still have at least 15 slot machines. She also stated that tourism is a major component of destination and it is critically important going forward.

Commissioner Nelson stated for the record that he finds it interesting that one of the large casinos in town is currently buying at least three of the casinos that don't have hotels.

PUBLIC COMMENT

Justine Mills, Hamdogs Restaurant, stated that they have been residents of Douglas County for many decades and have owned a business here for three decades. She said she remembered playing a game in the parking lot when she and her brother were kids, where they counted cars. Back then, they were lucky to see seven, now she can't keep up. When she visits Gardnerville, she

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

sees houses being built and says that expansion will require jobs. She mentioned that we don't have the big events like Hot August Nights, Conventions or Rib Cook-Offs. We don't have sports stadiums or universities that will require thousands of individuals to come out. There isn't a demand for 100 room hotels but there is a demand for businesses and expansions. She said 95% or more of their patrons are locals and do not require a hotel room. She stated that gaming taxes contribute to state and local government. She believes that the current requirement plays favoritism to a small group of individuals and it's her opinion that that small group doesn't like the 100 room regulation either because they are buying businesses that are grandfathered in. She advised that their business does contribute to the community and listed their participation in sponsoring the fishing derby, feeding firefighters, supporting high school groups, youth sports, Toys for Tots, and the 20/30 club. She advised that they do have to limit what they contribute because they are a small business. She believes if they were allowed to expand they would be able to contribute more to the community.

Thomas Starrett shared that he was around when a prior Commission passed the 100 room regulation. He said it was bad then and its bad now and it doesn't serve the County or the people. He believes it serves special interests and that casinos only do what is in their economic self-interest. He said they are now enjoying a government sponsored rigged market place. He asked what other industries are enabled by law to block their competition. He asked if Starbucks enjoys a law that says no coffee roaster may locate here, except one that offers a mega facility. He believes the purpose of the law to stifle competition. Per Mr. Starrett, the gambling industry has driven away other competition that has had no difficulty finding more responsive venues elsewhere and that the law has come back to bite the casinos and they don't realize it. He thinks the problem here isn't competition but the demonstrated lack of competition and that more nimble casino operators, outside of Douglas, threaten to render irrelevant casinos here which now operate under the stifling government sponsored protection of the law. He believes this law created a monopoly, which doesn't innovate or change with the times; they coast along becoming ever so slowly more and more irrelevant. If the law is repealed, the casinos will have to put on their big boy trousers and engage in good old fashioned competition. Let private enterprise and the free market decide. In so doing, the taxes may increase and the truly competitive casinos will prosper. Douglas County should no longer be a party to stacking the deck.

Wayne Mills, Hamdogs, said one of the big casinos helped put the 100 room regulation in place and before that it was never here. He's been here four decades and there was never anything like that. He mentioned that currently, it's the same casinos all the way down the street.

Public comment closed.

Commissioner McDermid doesn't believe this ordinance's intent or result is to prohibit anyone from expanding their business. She believes a diversified

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

economy is a better requirement. The reality is that anyone that wants to do something in the community just has to meet the requirements. It's that simple. In Nevada, gaming is not a right, it's a privilege and there are regulated requirements that must be met by the Gaming Board. The Board is supportive of expansion but this is a way to diversify the economy and not cannibalize those who have made a large capital investment.

Vice Chairman Thaler stated that this is about what the public wants and what he finds odd is that there is a perception that this is illegal and referenced the other counties that are doing the same thing. He believes the County would have been sued by now if there was anything illegal. To him it doesn't seem limiting; this discussion is just whether or not we change the standard that has been in place since 2010 and that every other community is adopting. It's about what is good for Douglas County and not one individual business.

Commissioner Nelson stated that it does work but in favor of the big casinos.

Commissioner McDermid asked Chairman Nelson if he believes the requirement for a planned development is onerous to a developer that wants to develop in Douglas County.

Commissioner Nelson stated that it's equal across the board to everyone that wants to develop. It is not equal for everyone to get into the casino game. He believes it was not a good comparison.

Chairman Penzel said that he addressed this issue four years ago and he lost then by one vote. He talked about restraint of trade because he thinks that's where the issue goes. He said overall, what we're doing is setting up criteria for whatever that particular thing is. He used an example from today's meeting where they discussed mining and set up restrictions, including the two million dollar insurance on them; he said that requirement will be hard on the little guy. He shared that he's had a restricted gaming license and he was glad to get out of the business. He said that since he last addressed this issue, he has looked at how to help Hamdogs, even as far as going to the trade union to file a grievance. He believes the recourse is to come back to the County. He believes what we're asked to do is remove the requirement that has reduced the threat of a Dotty's on every corner. The Chairman commented that what we need to do for Wayne Mills, is chart the course, for there are several factions that must be addressed. For example, the location must be in Gaming Overlay, so removing the 100 room regulation doesn't help him right now. If he came to the Board with a plan of what his expansion would look like and a list of what's needed, then the Board might be more inclined to buy into the dream. Chairman Penzel mentioned that in addition to the Gaming Overlay, there is a sign issue. Currently, we allow only casinos to have digital signs. He offered to have a Gaming Summit to discuss what we do right and what we do wrong. He'd like to invite all the gaming facilities, restricted and non-restricted. He believes this should be approached from a reasonable point and said this works if we get everyone to buy in. The Chairman believes what we're doing

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

now is pitting sections against each other and doesn't support revisiting the 100 rooms but would like to see some more progress as a group first. We have to find a way to help the smaller and larger operators. He asked if the vision that the Board is buying into was an expansion of Hamdogs or an expansion of a community.

Commissioner McDermid questioned why a Gaming Summit is before them because as part of this discussion a motion was made and seconded to not review the current requirement.

Commissioner Walsh mentioned that although he supports Hamdogs and believes they are good corporate citizens, he doesn't want the other small gaming operators here. He supports a Gaming Summit to explore other options.

Commissioner Thaler doesn't believe that any of our casino operators are in it for money and he believes Chairman Penzel implied that they are only in it for the money. He believes that they continue to invest in their employees and the community. He believes they care about the future of Douglas County; if they didn't they wouldn't be spending millions on things they really don't have to do. He also stated that to him this is not about Hamdogs, it's about opening the floodgates and it won't be good for Douglas County.

Chairman Penzel clarified his previous statement and advised that did not comment on their corporate citizenship, he just said the casinos are in the business of making money.

Commissioner Nelson said he has worked in the private industry and if a business had a division that was not providing a return on their investment, they would close it down. He can't believe some Commissioners are trying to make casinos out as some wonderful thing, that isn't interested in the bottom line. He supports a Gaming Summit.

Chairman Penzel called for Commissioner McDermid to restate her motion.

MOTION not to review the current requirement that a proposed gaming establishment must include as part of a development plan no less than 100 guest rooms that are held out to the public for transient nightly occupancy; carried

RESULT:	ADOPTED
MOVER:	Nancy McDermid, Board Member
SECONDER:	Steve Thaler, Vice Chairwoman
AYES:	Penzel, Thaler, McDermid, Walsh
NAYS:	Nelson

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Chairmen Penzel made a motion to convene a gaming summit sometime in the near future.

Vice Chairman Thaler asked the Doug Ritchie, Chief Civil District Attorney, to authorize that motion. He doesn't believe the agenda item was written to allow for a new motion to be made.

Chief Civil Deputy District Attorney Doug Ritchie mentioned that the Agenda Item before them is whether to review the current requirements and certainly the Board can decide to get additional input or have a workshop.

Vice Chairman Thaler stated that he would like to get the public involved and would rather have a motion to direct staff to come back with an item about a Gaming Summit.

Commissioner Nelson made a motion to have a workshop about gaming in Douglas County. The workshop should be sometime in the next few months.

Chairman Penzel seconded the motion.

Commissioner McDermid asked who is going to decide if what we currently have is helping or hurting gaming.

Commissioner Penzel advised that he doesn't believe the Board is going to decide what is helping or hurting; what we're doing is getting the input. He doesn't think a commissioner should even be there, rather, it should be run by the County Manager and maybe one commissioner could be a delegate.

Vice Chairman Thaler read from the Action Sheet and stated that the motion is for staff to meet with stakeholders and said he would make a motion for staff to meet with stakeholders and report back because that is what is in the agenda packet.

District Attorney Doug Ritchie gave the definition of stakeholders.

Commissioner McDermid read the action item aloud and said they already decided that they didn't want to reconsider the 100 guest rooms.

Chairman Penzel asked the County Manager if proposing a Gaming Summit is a possibility, based on the agenda item.

Larry Werner, County Manager, said that if the Board directed his office to create a program to discuss codes and regulations in regards to gaming, they would do it.

Vice Chairman Thaler asked the County Manager if he has had people knocking down his door in reference to revisiting this issue.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Commissioner Nelson withdrew his previous motion regarding a Gaming Summit and made a new motion to ask staff to meet with stakeholders to discuss possible code changes and report back to the Board at a future Commissioner meeting.

Chairman Penzel seconded the motion.

Commissioner McDermid raised some concerns about staff being very busy and since she is not seeing an overwhelming reason to do this at this time and she isn't sure who staff even is and if Community Development would be the correct department since they have many projects right now. She believes that he is asking a lot of staff.

Vice Chairman Thaler said he would support this if the staff or the County Manager would have to report back to the Board if there was no interest.

Chairman Penzel replied that he assumed that would be the natural result.

Larry Werner, County Manager, said there is a method in place; they will contact each group and survey them to find out what the response is.

Commissioner Walsh thinks the general public should be included as stakeholders as well since they will likely have an opinion.

Commissioner McDermid agreed with Commissioner Walsh and said that the people she has talked to are wondering why we are even looking at it because they believe it's in the best interest of the County. She said if everyone is a stakeholder than everyone would have to be surveyed.

Vice Chairman Thaler mentioned that he is stuck is on the language to discuss possible code changes. This is too big to meet with the stakeholders and we'd have to survey the entire county and we'll need to know about what code changes. He believes staff has enough information to begin work on this without a motion.

Chairman Penzel asked County Manager Werner if he has enough to make a decision and Mr. Werner said not at this time.

Chairman Penzel mentioned that this is a fairly simple operation that is being complicated with discussion. He believes you just have to survey folks with licenses to see if they even want to get together. He said if people with a gaming license feel like this is the time for a Gaming Summit we would want to know that and tackle it.

Commissioner McDermid reiterated the point that staff will not be addressing the 100 room regulation and questioned what other sections staff would even have to discuss.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Chairman Penzel called for a vote and asked the Deputy Clerk to repeat the motion.

MOTION to propose that the Board of Commissioners ask staff to meet with the stakeholders and report to the Commissioners at a later date; carried

RESULT:	CARRIED [3 TO 2]
MOVER:	Dave Nelson, Board Member
SECONDER:	Barry Penzel, Chairman
AYES:	Penzel, Walsh, Nelson
NAYS:	Thaler, McDermid

12. For possible action. Discussion to approve a contract amendment for the preparation and implementation of the Douglas County Stormwater Utility with House Moran Consulting, Inc., for an amount not to exceed \$44,200. (Lawrence Werner)

County Manager, Larry Werner, pulled Item #12 until the next meeting as there was no urgency at this point.

No public comment.

MOTION to table Item 12 until the next meeting; carried

RESULT:	CONTINUED [UNANIMOUS]	Next: 9/21/2017 1:30 PM
MOVER:	Nancy McDermid, Board Member	
SECONDER:	Larry Walsh, Board Member	
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson	

13. For presentation only. Reports/updates from County Commission members concerning the various boards and/or commissions that they may be a member of or a liaison to or meetings/functions they have attended.

Commissioner Nelson commented that the Nevada Tahoe Conservation District won the Tahoe Regional Planning Agency (TRPA) Best in Basin Award for the Burke Creek Highway 50 Crossing and Realignment Project. The ceremony will be held on Wednesday, September 27, 2017, 10:30 am at the TRPA Governing Board Meeting, which he plans to attend.

Commissioner Walsh stated that he had nothing to report.

Commissioner McDermid stated that she had nothing to report.

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

Vice Chairman Thaler noted that he will be attending Nevada Association of Counties (NACO) annual conference that will be held in Winnemucca, September 18-21, 2017. He will be back in time for the Critical Issues Conference. He will also be meeting with the County Manager to see if Douglas County might be open to hosting the NACO conference in the Valley at a future date. He updated the Board regarding a change of executive directors at NACO; Jeff Fontaine retired and Dagny Stapleton took over. He applauded the high role of leadership being carried out by women in the State of Nevada.

Chairman Penzel reminded the Board that Commissioner McDermid is also high in leadership in Douglas County.

Commissioner McDermid highlighted the ladies that presented at this meeting, Mimi Moss and Mary Anne Martin, as well as Heather Ferris. Douglas County should be proud to have qualified women in key roles within our county.

Chairman Penzel shared an update from the Legislative Coalition, they are turning their sights to the 2019 legislative session and are working on committees for the following: public lands, water issues on the Humboldt river, TRPA review and oversight, Marlette water systems, healthcare, study of Medicaid for all, child welfare and juvenile justice, interim study on affordable housing and Local government finance. He asked that the public keeps in mind that now is the time to start working on bill drafts and advised anyone with ideas about upcoming bills bring it to the attention of the board.

CLOSING PUBLIC COMMENT (No Action)

No public comment

ADJOURNMENT

MOTION to adjourn; carried

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Dave Nelson, Board Member
SECONDER:	Steve Thaler, Vice Chairman
AYES:	Penzel, Thaler, McDermid, Walsh, Nelson

**DOUGLAS COUNTY BOARD OF COMMISSIONERS
MEETING OF SEPTEMBER 7, 2017**

There being no further business to come before the Board, the meeting adjourned at 8:49 pm.

Respectfully submitted:

William Penzel, Chairman
Douglas County Board of Commissioners

ATTEST:

Kathy Lewis, Clerk-Treasurer