



**Mesquite City Council
Regular Meeting
Mesquite City Hall
10 E. Mesquite Blvd.
Tuesday, May 11, 2010 - 5:00 PM**

Minutes of a scheduled meeting of the City Council held on Tuesday, May 11, 2010 at 5:00 P.M. at City Hall. In attendance were Mayor Susan Holecheck, Council members David Bennett, Randy Ence, Donna Fairchild, Geno Withelder, and Karl Gustaveson. Also in attendance were City Manager Tim Hacker, City Attorney Cheryl Truman Hunt, City Clerk Cherry Lawson, Planning Director Catherine Lorbeer, City Engineer Allen Bell, and, other City staff and approximately 90 citizens.

Mayor Holecheck called the meeting to order at 5:00 p.m. (NOTE: This meeting has been tape-recorded and will remain on file in the office of the City Clerk for four years for public examination.)

Below is an agenda of all items scheduled to be considered. Unless otherwise stated, items may be taken out of the order presented on the agenda at the discretion of the Mayor and Council. Public comment is limited to three minutes per person and may only address items that are not on the meeting's agenda.

Ceremonial Matters

- INVOCATION – Moment of Silence
- PLEDGE OF ALLEGIANCE

Consent Agenda

Items on the Consent Agenda may not require discussion. These items may be a single motion unless removed at the request of the Mayor, City Council, or City Manager.

1. Consideration of approval of the May 11, 2010 Regular City Council Agenda, and the minutes of the April 13, 2010 Regular City Council Meeting. - Action

[5:01 P.M.] Minutes:

Mayor Holecheck received a request to remove Item 3 from the Consent Agenda and said the Item would come before Council at a later date due to anticipated amendments to the agreement.

Council member Ence made a motion to approve Consent Agenda items 1 and 2. Council member Gustaveson seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

2. Finance
 - a) Notification of Budget Transfers (Action)
 - b) Notification of Budget Amendments (Action)
 - c) Notification of Bills Paid (Action)
 - d) Approval of Purchase Orders (Action)
 - Action

3. Consideration and Approval of First Amendment to Cooperative Agreement. - Action

Public Comments

During the Public Comment portion of the agenda comments must be limited to matters within the authority and jurisdiction of the City Council. Items raised under this portion of the Agenda cannot be deliberated or acted upon until the notice provisions of the Nevada Open Meeting Law have been met. If you wish to speak to the City Council at this time, please step up to the podium and clearly state your name. Comments are limited to 3 minutes in length.

No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action can be taken.

4. Public Comments - Discussion

[5:02 P.M.] Minutes:

Jim Wilson, Greater Mesquite Community Arts Theater provided an update of activities at the theater.

[5:03 P.M.] Minutes:

Don Sand with the Knights of Columbus presented Rachel Nichols, Special Olympics coordinator, with a donation of \$1,027.40 to assist with the Special Olympics Program. Ms. Nichols returned from Las Vegas with the Special Olympics group from Mesquite where they competed in the State Basketball Tournament and were undefeated, and won the gold medal.

[5:04 P.M.] Minutes:

Rachel Nichols Mesquite coordinator of the Mesquite Special Olympics Program thanked the Knights of Columbus for their donation and said the Knights are a great volunteer base. Their donations assist participants going to the competitions, purchasing uniforms and day-to-day programming.

[5:05 P.M.] Minutes:

Sean Casey from the Knights of Columbus said the fundraising for the donation to the Knights of Columbus occurred on Halloween night. Ninety percent of the funds raised stays in the Mesquite community.

[5:05 P.M.] Minutes:

Don Sand, Mesquite resident, announced the Knights of Columbus is sponsoring a golf tournament fundraiser at Falcon Ridge Golf Course on May 29th at 7 a.m. He encouraged the Council and the public to come out and support the fundraiser.

[5:09 P.M.] Minutes:

Kathy Albright, Clinical Director for the Mesquite Mental Health Center, provided information regarding the services that clients receive at the mental health center as well as the budget cuts to mental health services in the State of Nevada and how those cuts would impact the services that are provided in Mesquite, Moapa, and surrounding communities. Ms. Albright read from a prepared letter that was provided to Mayor and Council.

[5:12 P.M.] Minutes:

Tracey McFarlin, Mesquite resident, spoke regarding services that she receives at the Mesquite Mental Health Center. She is a college student in her last year of school; the center has assisted her in coping with life stressors in an effort to complete school. She voiced her concern over the possible closure of the center and asked Mayor and Council to assist with maintaining service levels.

[5:14 P.M.] Minutes:

Paul Benedict, Mesquite resident, representing Nevada Commission on Tourism and Nevada Magazine, stated that Mesquite was highlighted in the May/June issue of the Nevada Magazine. As part of the tour around Nevada cities, Mesquite was selected by popular vote by the respondents to the magazine's website. He presented Mayor Holecheck and the City Council with a framed copy of the May/June 2010 article from the magazine and a plaque from the Nevada Magazine, to Mesquite for the category of Best City for Travel.

[5:17 P.M.] Minutes:

Officer Robert Everett, Public Information Officer, City of Mesquite Police Department, who is representing Chief Law, command staff, and the rest of the men and women of the Mesquite Police Department, stated that Saturday, May 15, 2010 is National Police Officer Memorial Day. On this day, officers will pay

homage to men and women who have lost their lives in the line of duty. Two Mesquite officers will participate in the Honor Guard Unit in Washington, DC. Saturday is Police Officer Memorial Day, and the public will see officers with their badges covered in memory and tribute to those who have lost their lives in the line of duty. He spoke of the conflict with Armed Forces Day and the lowering of the flag to half staff. Normally the flag is lowered to half staff on Saturday; however it will stay up due to the conflict with Police Officer Memorial Day.

[5:17 PM] Minutes:

Brian Holecheck, Mesquite resident, representing the Elks Lodge said this year they will celebrate the 6th Anniversary of Law and Order Night. The Elks Lodge will present a plaque to the Police Officer, Fireman and Emergency Medical Technician of the Year. The event will be held at the Elks Lodge on Riverside Road, Saturday, May 22, 2010.

[5:18 P.M.] Minutes:

Mayor Holecheck closed the Public Comment portion of the meeting.

Special Items

5. Presentation and Approval of Design of the Exit 120 Reconstruction Project. - Action

[5:18 P.M.] Minutes:

Building Director Kurt Sawyer introduced members from Nevada Department of Transportation (NDOT), Jacob Snow, General Manager of Regional Transportation Commission (RTC), and Dan McMartin, Project Management Division of NDOT, Carson City.

[5:20 P.M.] Minutes:

Dan McMartin, introduced members of NDOT staff, Chris Peterson, Roadway Design; Casey Connor, Principal Design Engineer of Roadway Design; and Adam Searcy, who will replace Mr. McMartin in a couple of months. NDOT is seeking approval for the design of the West Mesquite Boulevard interchange, (Milepost 120) Falcon Ridge Parkway. The design shows the reconstruction of the interchange to allow Falcon Ridge Parkway to change from the current two lane configuration to a four lane configuration interchange. The design will also extend Falcon Ridge Parkway South to Pulsipher Lane. NDOT is proposing roundabouts to replace the current ramp configuration. NDOT believes a roundabout configuration is the safest and most efficient way to move traffic at the 120 interchange. This type of interchange does not warrant signals. There are traffic control issues with stop signs due to the number of left turns that are required and inherent dangers of the same.

[5:41 P.M.] Minutes:

A power point presentation was presented by Jacob Snow NDOT General Manager of RTC, on standard four way intersections and the dangers of traditional four way intersection. He spoke of the hazards when drivers make a right turn as well as drivers determining when they should turn or proceed, without injuring pedestrians. The primary reason NDOT and RTC is recommending a roundabout is they believe it is the best option for the reconstruction of the Falcon Ridge Parkway interchange. Intersections are the most dangerous part of the roadway network. When you add roundabouts to the equation, the conflict points that were previously there in a stop sign or lighted intersection are significantly reduced. You can count the number of vehicle-to-vehicle conflict points have been reduced from 32 to 8. The vehicle-to-pedestrian conflict points are reduced from 24 to 8. With roundabouts, NDOT builds raised barriers into the intersection that are usually landscaped, and have eliminated deadly left-hand turn. The purpose of a roundabout is to slow a driver down prior to approaching the roundabout. If the City supports the roundabout design, traffic crashes resulting in injury will be reduce by 50%. Fatalities will be reduced by 90%. Mr. Snow stated he is confident that Mesquite will not experience any fatalities at Exit 120 if the roundabout is installed. There will be less signage with the roundabout design which will make the medians safer for the drivers and pedestrians. Roundabouts do not promote drivers to stop, NDOT wants drivers to slow down and yield, unless there is a need to stop. Roundabouts provide a community an opportunity to enhance property value and treat public space as an amenity. If NDOT were to build a roundabout at interchange 120 the design estimates is approximately \$27 million. If the City chose not to support the roundabout, the cost for a traditional diamond interchange would be approximately \$35 million. A roundabout is the way to go from a safety standpoint; it is a better choice that will save lives, and reduce accidents, and will be less expensive to build and maintain, as well as more efficient for traffic. RTC is contributing approximately \$16 million dollars to the project; \$13.5 million dollars of those funds became available to RTC during the Special Legislative Session. The Legislature removed the sunset provision out of a portion of the state sales tax in an effort to increase construction related jobs in Southern Nevada. Mr. Snow said that at the next RTC Meeting, Council member Bennett and others will consider a bond sale in the amount of \$245 million. Project readiness is the primary criterion that is being used to decide which projects are funded. The City of Mesquite interchange 120 project is almost ready. Mr. Snow said that at a meeting that he had with Mayor Holecheck and Council member Bennett they showed him where the problems were at interchange 120 at Falcon Ridge Parkway. The RTC Board supports roundabouts. If the City decides on the other alternative, NDOT and RTC will not provide the funds to do the project. Mr. Snow said providing the City with \$16 million for this project is about 10 to 12 times the amount that the City would normally receive from the RTC programs.

Mr. McMartin said in order to move forward, NDOT and RTC need a decision on the recommended alternative. If there were to be indecision about the direction to go, that might hold up the project and the environmental process.

[5:43 P.M.] Minutes:

Mayor Holecheck provided additional information about the project. Mesquite was lucky in having members of our business community understand that something has to happen to improve Exit 120. The business community paid to have a study completed on Exit 120. The reality is, by year 2016, there are critical national safety standards that the current interchange will not comply with. She has asked Mesquite's Congressional Delegation to forward this through the appropriation process so that Mesquite could receive additional monies. As NDOT and RTC's representatives have said, time is of the essence for several reasons such as the jobs that would result during construction, and new projects that have been planned are coming in much less than years past. If the City waits until 2013 or 2018 to do this project, the project would cost the City a lot more.

[5:45 P.M.] Minutes:

Council member Bennett stated that in the backup materials the estimated probable construction cost is \$29,274,664. On the cover sheet, the amount says \$27,000,000. Mr. Sawyer stated one amount is current construction cost, and the higher number is future cost. Council member Bennett asked whether there are differences in the estimates and whether the grand total includes the design, or has the design been previously paid for.

Mr. Sawyer stated should the City accept the proposed layout, NDOT would move forward with the plan, as a design-build project. By proceeding in that manner, the project would be built at the same time that it is being designed. NDOT would bring an engineering firm on board immediately and work to obtain all requirements for construction. A construction package would be created and later an RFQ would be awarded to create a design-build team.

Council member Bennett asked whether they have a right-of-way in hand and ready to go for the roundabout. Mr. Sawyer responded yes.

Council member Bennett asked if the City should go with the alternative of the flyover interchange design, does the City have the right-of-way for that design or would it require more right-of-ways.

Mr. Sawyer stated that a flyover design would require additional right-of-way, and the cost of construction is much higher and dramatically less safe and efficient for traffic.

Mayor Holecheck inquired whether the road would be built towards Sunset Greens. Mr. Sawyer stated that it would be. Mayor Holecheck stated that the road to Sunset Greens has created issues for the City. She asked Mr. Snow whether this project was referred to as a five leg on the proposed project and

warrants a roundabout.

Mr. Snow stated one of the roundabouts would have five ingress/egress points and does lend itself better to a roundabout layout.

Mr. McMartin stated the difference in the cost estimate for the roundabout version versus the stop control version is that it is difficult to use stop signs or signals at a five leg intersection. They would have to build a u-shaped ramp that crosses back over Falcon Ridge Parkway. The increase in cost is from the extra earth-work and other elements needed for the structures. The other plus with the roundabout there could be two lanes, one in each direction between the roundabouts. The traffic does not have to stop or is backed-up. If a standard intersection was constructed with two lanes in each direction, it would likely have two left turn lanes and another single left turn lane in the other direction. That would increase the length of the bridge on I-15 and would also increase the cost.

Mayor Holecheck stated it would be important for the public to know that the City has been discussing another exit, which is at 117 or 117 1/2. During the last meeting concern was expressed about the commercial traffic being on exit 120. Holecheck said the City wants to reroute commercial traffic in the future to exit 117.

Mr. Sawyer stated in a few years exit 117 or 118 will be ready to go. NDOT is in the process of getting the environmental work done, and beginning the design work on that project.

Council women Fairchild asked if this project were to be approved, how long the construction would take, and how would it impact the intersection. Also, she remained concerned that the opinions shared by Mesquite residents indicated they didn't favor roundabouts.

Mr. Snow stated in their estimation, they could have a design-build contractor on board beginning the design of the project in Fall 2010. Probably in early 2011 they would begin the construction. Construction would likely take one year to complete. They would require all lanes to remain open. Although traffic would eventually be crossed over, I-15 would remain open and run in a single lane in each direction until they have torn down and constructed the new bridge. One of the things that assists NDOT with this design is they are realigning Falcon Ridge Parkway to intersect I-15 at a 90 degree angle. He said there are normal traffic impacts, slow downs, equipment and men on the job. However with interchanges, they want to ensure that all operates as well as they can because of the issues that NDOT has with traffic. Lanes will be open at all times, no permanent closures or detours. There may be short-term overnight detours.

[6:01 P.M.] Minutes:

Council member Withelder stated aside from the financial windfall the City will gain from this project, he wanted to make a statement about the pros and cons.

He has never experienced any problems with the roundabouts in Truckee California and Northern California. He had traveled that area approximately 50 or 60 times, and had not experienced or otherwise observed any problems. People become accustomed to the roundabouts and they work quite well. For those interested there is a website www.sierrasun.com (Truckee, California local newspaper). Bend, Oregon also has successful roundabouts. Withelder inquired whether the City has experienced any problems with the Canyon Crest roundabouts. Mr. Sawyer stated that the City has not experienced any problems with the roundabouts.

Council member Bennett made a motion to Approve the design of the Exit 120 Reconstruction Project to go along with staff recommendations regarding the roundabouts. Council member Ence seconded the motion.

Passed For: 4; Against: 1 (Fairchild); Abstain: 0; Absent: 0

6. Update about state and local 2010 Census activities. - Presentation

[6:08 P.M.] Minutes:

David Byerman, U.S. Census Bureau Chief Government Liaison for NV Census Bureau, reported that Nevada is going through the final phase in the state-wide Census process. Nevada has had a remarkably successful outcome as of this date. There has been a greater response rate by residents in the City of Mesquite than other communities in Nevada. Byerman acknowledged the efforts of staff, residents and Mayor Holecheck. In 2000 the response rate to the Census questionnaire was 59%, and during this Census count it is now 78%, an increase of 19%. These numbers are important as Nevada receives the best possible count of the population when people voluntarily mail in the Census forms. The State is moving into the next phase of the Census process—the non-response follow-up. This involves Census takers going into communities and knocking on doors. The Census has hired approximately 5,000 workers across the State of Nevada to be those enumerators. Byerman characterized the response rate by the area in the Mesquite community. Mr. Byerman provided some tips for the public should someone fraudulently approach their home claiming to be acting on behalf of the U.S. Census. He warned the public of what to look for as the person comes to their home, and provided telephone numbers to the public so that they are able to call to verify the worker that has come to their home. Call (702) 789-5940. In the event a person does not receive a visit from an enumerator, the person should call (866) 872-6868 (English) or 866-928-2010 (Spanish) for telephone assistance. The door-to-door canvas will last eight weeks and will conclude in mid-July. Census workers will then go into communities to double-check households that were reported to the Census as vacant. The Census Bureau is using local realtors to verify whether a household is vacant. All persons who work for the Census will leave federal employment later this year. Byerman said he was the first person hired two years ago, and will probably be the last person to leave in September. There is a

tradition where the Director of Census and Secretary of Commerce will report to the President in the Oval Office on December 31st and will provide him the final count. Byerman said once the count has been provided to the President, Mesquite will know whether it receives the fourth Congressional seat and a sixth electoral vote in Nevada. After which time, the totals will be provided to the entire country. The population totals for Mesquite will be available in the Spring 2011. The local numbers will be released to the legislative leadership, then to the State Legislature in Carson City, and the Governor. The numbers will determine redistricting throughout the state. Byerman thanked Mayor Holecheck, City Council, city staff and the community for its leadership in promoting the Census 2010.

Resolutions & Proclamations

7. Consideration of proclamation proclaiming the week of May 16 - 22, 2010 as, "Law and Order Week." – Action

[6:14 P.M.] Minutes:

Mayor Holecheck read the proclamation for Law and Order Week.

Council member Bennett made a motion to approve the Law and Order proclamation proclaiming the week of May 16 - 22, 2010 as, "Law and Order Week." Council member Fairchild seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

8. Consideration of Approval of Resolution #665, adopting an Interlocal Agreement between the City of Mesquite and the Clark County Regional Flood Control District for the construction of Town Wash Conveyance, I-15 to the Virgin River. – Action

[6:16 P.M.] Minutes:

Mayor Holecheck read this item by short title.

Building Director Kurt Sawyer stated this is a resolution to adopt the Interlocal Contract between the City of Mesquite and Clark County Regional Flood Control (CCRFC). Staff recommends approval of this item. CCRFC is paying for this project in the amount of \$9.5 million. The project goes from the Virgin River to I-15.

[6:17 P.M.] Minutes:

Council member Bennett asked whether this project was fully designed. Mr. Sawyer stated it was submitted to CCRFC and staff has received comments, and is finishing up with the comments. The project should be ready to bid by the end of the month.

Council member Bennett made a motion to approve Resolution #665, adopting an Interlocal Agreement between the City of Mesquite and the Clark County Regional Flood Control District for the construction of Town Wash Conveyance, I-15 to the Virgin River. Council member Ence seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

9. Consideration of Approval of Resolution No. 667, a Resolution of the City Council of Mesquite, Nevada, waiving the Mesquite Municipal Code requirements for temporary promotional signs for six (6) months, or for a longer period of time; and discussion of measures to promote business and development activity; and/or other direction to staff. - Action

[6:18 P.M.] Minutes:

Mayor Holecheck read this item by short title.

[6:18 P.M.] Minutes:

Planning and Redevelopment Director Catherine Lorbeer stated the resolution was prepared so that the Council could consider if it would be beneficial to relax certain promotional sign standards. Essentially the suggestion is that the City would wave standards for a period of time, hopefully encouraging businesses and developers to use their creative ideas to promote activities. After a period of time, Council could reevaluate the effectiveness of the relaxed promotional sign standards to determine how the community has responded to those promotional activities. Perhaps some of the developers could collaborate on cost; this is an opportunity for them to explore what works best for them. She asked Council to understand that staff works on a complaint driven basis. When the City receive a complaint from citizens and businesses operations, staff will meet with those persons who the complaint was lodged against and encourage compliance over a period of time. Eventually, if the standards are not met, the City must disclose in writing the consequences that may be posed. From a staffing point of view, staff can only be as flexible as the Council directs through adoption of an ordinance.

[6:20 P.M.] Minutes:

Council member Ence said the key point has to deal with Council relaxing certain promotional signage standards. He is concerned about the type of promotional signage and said he would like for Council to be specific in what will be allowed. There are political signs that might not be a part of this action. That would mean

that the City would allow any type of signage. Ence asked how relaxing the Sign Code assists the individual or the business owner.

[6:21 P.M.] Minutes:

Ms. Lorbeer referred Council to the Section 9-10-5(x) which relates specifically to Temporary Signs. For example, business owners use promotional signs to attract customers to their business. Those types of signs would normally have a limited duration that they can be posted, and number of them. If the City should waive the temporary sign requirements, there would not be a limit on the duration of time or the number of signs that business owners could use to attract customers. This resolution would remove that requirement and allow the business owner to determine what works best for them; each individual business may have different needs. In respect to the directional signs that subdivisions use, they have the opportunity to use the ladder sign program. The Code does allow the open house signs, and provides for a limitation on the number of signs. The Code has a limit of three such signs. If a developer were to add more directional signage on their own, under the waiver, the City would not be enforcing that limitation on having the additional signs.

[6:23 P.M.] Minutes:

Mayor Holecheck spoke about the off-site development signs. The community would like to have the Canyon Crest area developed. There are two developers who are trying to develop the Portobello and Legacy Homes developments. It is confusing for the potential buyer, as to which developer is building the different subdivisions. Having some signage would lend itself, so that the person would know where they are going. If Council begins to receive complaints from the residents regarding the signs, Council could revisit the issue. Holecheck stated these are two businesses that are struggling to bring customers into its developments.

[6:25 P.M.] Minutes:

Council member Gustaveson stated he would be in favor of trying to find a way to work with businesses. There is a fine line between what is and is not appropriate. City staff and Council have spent a year or longer in determining what signs are and are not appropriate. We still need some type of guideline to make this feasible. While the temporary directional signs are a great idea, the area certainly does not warrant 42 signs to direct the public along relatively straight roads. The City needs to guard against excessive signs. Gustaveson expressed concern that the City would be inundated with numerous signs throughout the community. From a realtor or businessman perspective, it is important to continue to attract people to the Mesquite community to buy homes and live in this community, but we must not abandon a primary reason why people have chosen to make Mesquite their home, which is a result of Mesquite being a beautiful and clean community that is uncluttered with signage. If the City continues to allow the excessive use of signs, that would create an even bigger problem for our business community to overcome.

[6:28 P.M.] Minutes:

Council member Bennett spoke regarding political signage and said this would not have anything to do with those. He asked if staff regulates political signs.

[6:28 P.M.] Minutes:

Ms. Lorbeer said the City has a separate section in the Sign Code for non-commercial messages. The waiver of the temporary promotional signs would not affect the non-commercial message signs.

[6:28 P.M.]

Council member Bennett stated that this item for consideration affects temporary signs especially off-premise signs. He noted the support documents stated this measure would be for six months. He inquired whether the City could approve six months with an option to renew, depending on the status of the economy. He echoed some of the remarks from Council member Gustaveson. While commuting around town, he noticed many signs in the Canyon Crest area. He would like to relax the standards during this time period. The City is beginning to see some measure of recovery and home building in the area. He does not expect a business to litter the community with signs, because it will bring more complaints and increase enforcement by the City. He recommended that staff have a workshop and invite builders and developers to discuss with staff their intentions when it comes to signage in the community. A workshop would allow them to discuss freely how they want to proceed and exchange ideas with other local business owners.

[6:33 P.M.] Minutes:

City Manager Tim Hacker stated he and Mayor Holecheck had an opportunity to meet with a handful of representatives from Mesquite's development and real estate community to talk about some of these issues. He applauded Ms. Lorbeer and her staff for coming up with some ideas and for taking an open-minded approach in resolving some of these concerns. Mr. Hacker pointed out that this represents a limited section of the Code that would be relaxed as explained by Ms. Lorbeer. Secondly, this does not mean that a business owner can place signs in the right-of-way. A number of signs that Council member Gustaveson and others spoke about are illegally placed in the right-of-way without an appropriate encroachment permit. The development community would still have to work with private property owners to secure permission to place those types of signs. The development community appreciates and understands challenges associated in capturing a person's interest in our community, the development community must continue to strive for standards that produce quality development. Mr. Hacker praised Ms. Lorbeer and her staff for acknowledging standards that they are upholding as was established by the development community. Some of these same developers were excited about this as they do not wish to detract from the community by the overuse of signs. This creates a lot of flexibility, in a limited area, that the City can allow the

development community to get together to do things in a cohesive fashion. These steps could also create a sense of branding by the developers. Mr. Hacker commented on the use of a temporary wrap with different colors to attract attention to the ladder signs.

Mayor Holecheck commented to Council member Bennett that the City plans to hold these meetings every month or every couple of months with the development community.

Mr. Hacker stated that Mr. Sawyer has a meeting on Thursday with the development community and this would be a good opportunity to encourage people to come out and attend that meeting. Mr. Hacker encouraged the Council not to wait, but to approve this resolution in order to see what is brought back by the development community.

[6:36 P.M.] Minutes:

Council member Withelder stated he is a realtor in the City of Mesquite. Secondly, it is his company that is marketing the development in Canyon Crest. He was unaware of the massive amount of signs in that community, and it should not be a problem for the City to police the issue. He will address these concerns with the developer in the morning.

[6:37 P.M.] Minutes:

Council member Gustaveson suggested Ms. Lorbeer and staff review the signs involved instead of Council determining the appropriate number of signs. Ms. Lorbeer should prepare a report and bring it back to Council on the next meeting agenda for Council consideration.

Mayor Holecheck questioned the section of the Code that Council member Gustaveson mentioned. She asked Ms. Lorbeer whether she could bring back something to the next meeting to allow Council to review it in an overall sign issue. Holecheck stated that there is more work to do with the business community.

[6:39 P.M.] Minutes:

Ms. Lorbeer stated she does not quite understand Council member Gustaveson's concern regarding the amount of signage. The City would not be regulating or setting the number of signs. In the short-term, the City would be asking the businesses and the development community to test their creative ideas so that the community can respond to it. Rather than prescribing something on the front end, after six months, Council would be able to determine whether or not the change was successful. Mayor Holecheck asked what type of signage was involved. Ms. Lorbeer said flags, banners, lighting or other mechanisms related to promotional activities. Real estate signs are considered temporary, as well as promotional signs, inflated signs, and search lights.

[6:40 P.M.] Minutes:

Mr. Hacker said all issues would be covered that have been discussed. He understands that Council generally reviews standards and regulations, however; all the Planning staff is asking Council to do is to relax the standards regarding promotional signs in the Code. He encouraged Council to accept the recommendation.

Council member Ence made a motion to approve Resolution No. 667, a Resolution of the City Council of Mesquite, Nevada, waiving the Mesquite Municipal Code requirements for temporary promotional signs as written, and subject to staff recommendations. Council member Gustaveson seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

10. 1. Discussion and revisit of Resolution No. 649 on Gold Butte, including the possible amendment, alteration or replacement language for the same; and
2. Consideration of approval of Resolution 669 (Preservation, Conservation and Utilization of Gold Butte) as a replacement for Resolution 649 of the Mesquite City Council. – Action

[6:41 P.M.] Minutes:

Mayor Holecheck read the item by short title.

[6:42 P.M.] Minutes:

Mr. Hacker stated that after the last work session on this issue, Council asked that this item be brought back to Council for re-evaluation. A recommendation that was discussed during the work session was to monitor the events that were occurring with the Clark County Commission to see if they would take action on this issue. The Commission recently approved the County's resolution and the Council may wish to consider their action as it moves forward to re-evaluate this item. The facts have been distorted from all sides and from all participants in the conversation. Council will not establish any new designation for Gold Butte. Council was asked by the Congressional Delegation who were seeking remedies to issues that Mesquite has with the existing Land Use Act to address a concern with conversation that came out of a subcommittee of the House of Representatives in Washington, D.C. Other entities in Clark County have similar issues as it relates to the Lands Act, and that is why they became involved in the same issue. There are individuals that are interested in more preservation. However the fact remains that the Mesquite Council is not going to make that determination. The City will need to take a step back. Council member Ence indicated to a representative of Bunkerville Township Board that Gold Butte is not our backyard, and no one individual has any authority over it. The decision will be made by Congress regarding Gold Butte. Hopefully Council has had an

opportunity to observe the actions of the Clark County Commission and to think about the needs of Mesquite today, and in the future. This community is surrounded by land owned by the federal government and at some point Mesquite is going to have to deal with this on a federal level. Council will have to weigh the implications of initiating or retracting legislation that could be of beneficial use to our representatives who seek to clarify our needs in the Mesquite Lands Act.

[6:44 P.M.] Minutes:

Mayor Holecheck stated that the County Commissioners are encouraging Mesquite to stand with them. Clark County has made a very tough decision, and they would like to be able to show that there is unity with another jurisdiction. The County hopes that Mesquite can evaluate the County resolution and possibly work to mimic the same. There are two things she felt were problematic. The County resolution speaks of an advisory board. In her opinion, with an advisory board the members do not necessarily listen. Mayor Holecheck stated she would have been more comfortable with it being a Standing or Steering Committee. The County Commission made the recommendation that they would appoint anyone to this future board. The City of Mesquite can pick its representative to serve on this board. In conversations with Council member Gustaveson who serves on the VVWD Board, VVWD has wells in Gold Butte. Mayor Holecheck believes that the one thing that is missing from the County resolution is to actually ensure that VVWD right-of-ways were protected.

[6:46 P.M.] Minutes:

Council member Gustaveson said there are two resolutions on the books, and now there is a third option that the City can make changes to. He does not have a desire to change one from the other. However, if the Clark County resolution is the one that Mesquite needs to come close to, he does not have a problem in doing so. Mayor Holecheck has identified three of the main problems with the Clark County resolution that he felt strongly about. In reading the County's resolution, it reads: Clark County has also defined these priorities for the national conservation. Although Mesquite cannot make those decisions, nor can the Clark County Commissioners, unfortunately, it is within their resolution which begs that Mesquite make some minor adjustment to align to Clark County resolution, to include language that suggests a permanent Steering Committee. There are two phases to this. The first phase determines whether someone wants to bring legislation forward in Congress. If that happens, then the management plan is created. Since Clark County has already placed in the resolution what they wish to see in the management plan, he does not think it would be adverse if the City included in the resolution a permanent Steering Committee that will exist after the NCA as it has been formed. The other issues regarding water and right-of-way being in the resolution, but it should include future development of water in the area. He expressed concern about the large amount of wilderness in Gold Butte which can be problematic. The City needs to

make sure that is addressed in the resolution, to avoid problems in the future with access to water.

[6:50 P.M.] Minutes:

Council member Fairchild agreed with Council member Gustaveson and said the Clark County resolution discusses grazing rights. She requested to add language under the standing committee that would state, *request that all currently open roads remain open, and that the Standing or Steering Committee review and make recommendations on previously closed roads since 1998, and to ensure that no area of Gold Butte is inaccessible and in violation American with Disabilities Act.* She would recommend charging the standing committee with making those findings and recommendations.

[6:51 P.M.] Minutes:

Mayor Holecheck referenced item no. 2 within the Clark County Resolution stating the County resolution states the incorporation of the existing BLM Road Management Plan. The Road Management Plan was mentioned within the Resolution under number 2.

[6:51 P.M.] Minutes:

Council member Fairchild stated that in addition she requests that the Standing/Steering Committee have the authority to review any road closures made since 1998, and to make recommendations should some of those areas be reopened. Specifically speaking, Lone Palm, the back way to Hell's Kitchen, Tramp Mine and around Bitter Creek Wash. This is something the entire standing committee could work together to make those determinations or to see whether there is a way to cherry stem those roads so that it doesn't create conservation concerns, allowing accessibility to those who want access to those areas. Regarding the fence around the sand dunes area, there are concerns with violation of ADA. Those would be some great tasks for the Standing/Steering Committee to be able to review, and to make sure that it is accessible to everyone.

[6:53 P.M.] Minutes:

Council member Ence concurred with all suggestions that have been made. He spoke to the County's proposal and the amount of acreage in the wilderness area, and is very concerned about this from the onset. From BLM standpoint, a conservation area within Gold Butte was supposed to be 27,000 acres. During the Council work session, Nancy Hall responded to Council member Bennett's question about the amount of wilderness acreage in Gold Butte. He said Ms. Hall stated the Coalition of Wilderness made that determination. Until that point he thought there were a variety of groups that had worked together on that. It seemed to him that the amount was too excessive, because it was coming from one particular point of view. He is concerned about the amount of land designated as wilderness. He referenced a conversation with Council member Gustaveson about the tortoise habitat area. They were trying to determine why

that would have to be included in the wilderness portion. If Council is going to include the other changes in the resolution, Council needs to include a statement that says Mesquite will go back to the 27,000 acres or come up with a number that is less than 130,000 acres of proposed wilderness.

[6:54 P.M.] Minutes:

Mayor Holecheck said when we talk about wilderness some of that wilderness is park service, and is done by the park service. That has nothing to do as it was done separately. There is some wilderness that has been declared wilderness and some has been declared by the park service.

[6:54 P.M.] Minutes:

Council member Withelder commented as he did at the last meeting that there are so many layers of government involved in this. He asked whether anyone had a real timeline as to when this could actually happen if it comes back to Mesquite or goes to Clark County, State, Congress, Senate or BLM or President. He questioned the timeline for moving this item forward.

[6:56 P.M.] Minutes:

Nancy Hall, Friends of Gold Butte, stated she has been working on this item for quite some time. Approximately four years ago it was introduced in 2008; it stalled in committee and they are looking at having this item introduced again. Whether or not it is done this year is up to Congress. She added in the Clark County Resolution, it lists approximately 130,000 acres. When you are promoting something, you have to defend it as well. Friends of Gold Butte are promoting this amount of wilderness be designated. She has asked persons in the audience to come out to Gold Butte to look at the proposed area.

[6:57 P.M.] Minutes:

Mayor Holecheck stated to Council member Withelder that land bills like this do not come up that often. Nancy Hall agreed with Mayor Holecheck and further stated that in the past land bills did not contain land conservation measures.

[6:58 P.M.] Minutes:

Council member Withelder stated no one knows when this could take effect, no matter how it is voted on. Council could make a decision today, but this item will still have to go through all the other layers of government before a final determination has been made. He asked Ms. Hall if his statement is correct. Ms. Hall responded it will be introduced by a congressman and mirrored in the Senate then go through the Natural Resource Committee; they would make a decision on how the bill will come out. Then a decision is made whether the President signs it or the Congress passes the bill. Ms. Hall concurred with Council member Withelder's comments.

[6:58 P.M.] Minutes:

Mayor Holecheck stated the City is hoping that action on the much desired

amendments to the Mesquite Land Act happens this year with help from the Congressional Delegation. Mayor Holecheck stated that Council had advanced a bill in mid 2000. At the time Council had a request in the bill for 4900 acres. At that time Congress sent it back to us and said, "where is your conservation element?" She stated that the Council withdrew the request because they were trying to give a comfort level to neighboring jurisdictions. Now is the time, it is here to secure the necessary amendments and protect Mesquite's best interest.

[7:04 P.M.] Minutes:

Council member Bennett stated that he has received the same number of emails that other Council members have received, approximately 9-10 emails in support of the NCA and of the wilderness designation. He has spoken with a dozen other local residents who have the opposite opinion about Gold Butte. People have said to him that Council should withdraw its original Resolution No. 649, and yet others encourage him to work to adopt the resolution Mayor Holecheck drafted with local individuals interested in the outcome of Gold Butte. Others have said Council needed to adopt the County's resolution. One thing that he noticed in all three of the resolutions is the first portion is the same. Bennett commented about the resolution that Council passed in October 2009. It is simply the add-ons to the verbiage that Mayor Holecheck and concerned citizens drafted which is attached to the County's resolution. In his opinion, he feels as though the City should withdraw the motion, and let bigger partners play it out. He is reminded by staff that we have a responsibility that when it comes to our Lands Act, legislation, and fiscal responsibility, there is a responsibility that Council has. There are millions of dollars tied up in trying to develop other projects such as the airport. Mesquite needs that four to five million dollars to assist in the development of the airport, and help to mitigate environmental concerns. The City cannot get around it, we may not like it but we cannot get around those environmental concerns. He has been debating over the past few days of what he would like to do. In looking at the resolution that was passed by Clark County, it is not far off from the resolution that Mayor Holecheck drafted. There are a few differences in the wording of protection in the resolution Mayor Holecheck drafted. He believes the Standing Committees are a larger presence in the Resolution 669. After listening to Mayor Holecheck talk about adopting the County's resolution, they changed the verbiage to it being a permanent Standing Steering Committee; added in the Water District concerns, road management, and the review of closed roads that was suggested by Council member Fairchild. Once those minor changes are made, Mesquite's resolution would come close to the Clark County resolution. Bennett said he has an issue with the 130,000 acre area. He commented about the City creating the potential opportunities of protection that an NCA would provide. There are vast areas in Gold Butte. The Water District may have to drill a well at some point. He feels comfortable with the County's resolution with those minor changes, except the amount of wilderness acreage included in the resolution.

[7:06 P.M.] Minutes:

Mayor Holecheck stated she believes what Ms. Hall is trying to say, is similar to what the County is talking about. She asked whether the 130,000 acreage is an approximation. Mesquite can make recommendations, but said those negotiations are going to happen in Washington, and maybe even with subcommittees such as Natural Resources Subcommittee. The City hopes that they listen to us, but that is the approximation, not a guarantee. We do not know what will happen there. Mayor Holecheck referenced a comment made by County Commissioner Rory Reid, "Sometimes there are things that we can control, and then there are those things that are just not in our control." Clark County adopted this resolution with the understanding that 130,000 acres have been proposed not last month, not two months ago, not five months ago, this has been going on for a number of years. She knows people feel as though they have not been in the loop but it may just be a result of too much time passing before action has been taken on this matter. The reason why the county used the language is because, that is what was presented to them a long time ago. That does not mean that there is going to be 130,000 acres of wilderness.

[7:08 P.M.] Minutes:

Council member Bennett stated, Mesquite does have some interest in this land, in terms of getting what is needed for our Mesquite Land acts. Beyond and including that, our input will not amount to much. Knowing that, we cannot control the actions of Congress, nor hope to have much input in subcommittee meetings in Congress. That does not mean that if we do not agree with a part or portion of this, that Mesquite will need to agree and go along with it. Doing so will send the wrong message to those committees that Mesquite is fine with it.

[7:11 P.M.] Minutes:

Council member Gustaveson referred to Council member Withelder's question. He too asked when is this going to happen. The City had prepared and drafted a resolution that was slightly different than Clark County, Resolution 669. It makes no sense at this point to even use this, as Clark County's is close enough to Resolution 669. The more Council edits the resolution, the less influence Mesquite will have on the outcome. What will result is not going to be whether this becomes an NCA or not, it will be on the number of acres, the proof will be who will have the influence on our Congressional Delegation. If they think that Mesquite is too far to the left or right, we will end up hurting ourselves more than helping ourselves. Both things will come when it is time to structure the management plan of Gold Butte. Unfortunately as a group (the entire Valley) has taken too long to come to an agreement on this. The wise thing to do is have a seat at the table. Council member Bennett stated it best Mesquite is 20,000 people compared to the two million people in Clark County. Our best place to address this issue is when the actual management plan has been written; making sure that everyone is proactive with our representatives, Congress, and helping them to understand what is happening to us.

[7:12 P.M.] Minutes:

Mayor Holecheck stated the county's resolution tries to address some of the priorities. Some of the items that Council member Fairchild brought up were great, future road closures, and looking at disability issues. Those are probably down the road and are not the immediate priorities. The resolution is what the county has done. If we are going to be a unified force then, we should adopt the county's resolution, with small changes made to it. Mayor Holecheck stated she would like to think that Mesquite has a seat at the table. If we do not either keep Resolution 649 or join with the County, she thinks it is going to be devastating for Mesquite in more ways than she could elaborate on.

[7:13 P.M.] Minutes:

Council member Fairchild said Mesquite needs to speak with her own voice. She thinks that is very important. She thinks the county's resolution is substantially the same as Resolution 669. Even though Mesquite's resolution mirrors some of what Clark County has done, Council needs to add what is best for Mesquite into our resolution. That way we stand on our own two feet, as will represent our needs as a community. She believes Resolution 669 would work out well if we brought up the water rights and talking about the roads, because those are priorities to the Mesquite community.

[7:14 P.M.] Minutes:

Mayor Holecheck stated that since drafting Resolution 669, we have to make changes to item #2, reviewing any and all future designations, but this is a mute point because Congress is going to negotiate those. When it says reviewing and approving, it is not going to happen. That is going to be negotiated in Washington. If that is the case, we will have to remove that language.

[7:15 P.M.] Minutes:

Mayor Holecheck opened the meeting for public comment.

[7:18 P.M.] Minutes:

Michael Johnson, chief hydrologist for the Virgin Valley Water District, stated the inclusion of the site type right-of-way within the Gold Butte ACEC as it exist now, but also the proposed NCA, is very important. There are several areas that have been identified to capture the groundwater that are fully within the lower Virgin River Basin. The only way to do this is to be on the flank of the Virgin Mountain where virtually the entire Gold Butte ACEC will be converted to the NCA. That could have an impact on potentially 10,000 to 20,000 acre feet of groundwater resources that are not available for supporting the growth of the service area of the Virgin Valley Water District (VVWD) which includes both Bunkerville and Mesquite. It could have a serious impact on the economic growth in the region. We have several existing permitted and certified springs that are in the Virgin Mountain, plus the linear right of ways that were established in the 1930s and 1940s for the run off of the same. If Gold Butte becomes an NCA, it would not be available for development. It would impinge on the ability of the VVWD to deliver water to the service area. We are becoming land locked with the

formation of the ACEC to the North of I-15. There exists the Mormon ACEC and in Clark County, site type rights of ways in the ACEC are not allowed. For VVWD to deliver water through the groundwater system, they will be precluded from that portion of Clark County. They want to be able to work with the RMP to get those site-type facilities so that VVWD can support the growth on top of Mormon Mesa. They also have the Gold Butte ACEC; VVWD is becoming confined on where they can withdraw the groundwater, which will later have serious impact. VVWD supports the resolution to include the Water District.

Mayor Holecheck asked if Mr. Johnson has read the resolution and if he was comfortable with the language. Mr. Johnson stated he was comfortable with the language as it referenced site-type facility. He potentially has four to five sites on the flank on the northern slope of the Virgin Mountains; plus the existing spring rights that are certificated.

[7:20 P.M.] Minutes:

Council member Bennett asked about the areas within the NCA, and whether it falls within VVWD basin where they are allotted to drill. Mr. Johnson stated within the Nevada portion, VVWD is permitted to drill. The basin is approximately 900 square miles in size. VVWD is comfortable with site-type inclusion of that facility. He believes VVWD will send a letter to the Clark County Commissioners asking about the site-type facilities, as well as working with the Congressional staff in Washington, D.C. for the inclusion of the site-type facility.

[7:21 P.M.] Minutes:

Kraig Hafen, Mesquite resident, stated the City incorporated years ago so it would not be an advisory board to the County. He stated if the City is to become an advisory board, he suggested Council eliminate Council seats and allows Clark County to dictate Mesquite's positions. Hafen referred to Council member Gustaveson's remarks asking for solutions for Gold Butte; those recommendations are not being heard. Resolution No. 669 addresses all of the concerns that the community has had. The community has discussed the issues along with Council, and because Clark County said they will take care of us, the City is allowing it to occur. He asked Council to adopt Resolution No. 669 and send a message to Clark County that Mesquite has its own mind, heart and vision.

[7:23 P.M.] Minutes:

Ron Dodd, Mesquite resident, asked why in 2002 through 2003 the BLM as part of their ACEC Management Plan conducted a study and determined that there were zero acres in the Gold Butte area that qualify as wilderness. He questioned why the City is currently discussing wilderness for this area when the BLM states there are too many roads; too much human actions, etc. There should not be any wilderness out there. He asked Council to understand that the BLM has not answered these questions.

[7:24 P.M.] Minutes:

Nancy Hall, Friends of Gold Butte, wished to speak about the proposed wilderness in Gold Butte. She stated that there have been discussions about wilderness in Gold Butte since 2000. She recalled being in Gold Butte with Ron Dodd and a few others who stated at that time that they did not want any wilderness in Gold Butte. She spoke of preserving the landscape in Gold Butte. The areas that have been proposed are very large acres of undetermined roads. She questioned the concern of the Council and the public with the wilderness that has been proposed. She would like to know this of the 27,000 acres that have been identified. She questioned why the City is moving in the direction that the BLM has suggested when the community has demonstrated a lack of trust with BLM at the last meeting. There are some misconceptions about wilderness, and the activities that can be done after the area has been designated as wilderness.

[7:25 P.M.] Minutes:

Mayor Holecheck asked what can a person do and not do on non-motorized road. Nancy Hall stated everything except motorized recreation.

[7:27 P.M.] Minutes:

Council member Ence stated since there are no roads in Gold Butte, no other vehicles can be used in the park. He questioned the need for wilderness when it can be a part of the NCA which is restrictive in nature. There are only two things that are there are different than what was presented earlier by Michelle Burkett. The information shows that in a wilderness designation versus an NCA you cannot ride an ATV or motor bike. If there are no roads, why do we need to go into the 130,000 acres of wilderness? He stated he does not understand Ms. Hall's rationale for the wilderness. The other concern that he expressed is the concern over wilderness came only from one side, and not the entire community. He expressed his frustration with a one-sided view of Gold Butte as opposed to encompassing the entire community that would be affected.

[7:28 P.M.] Minutes:

Nancy Hall stated that this is not the same as an NCA. The wilderness will provide the protection into perpetuity by never allowing development. In an NCA, Gold Butte can be developed. She referenced the development occurring in Red Rock Canyon.

[7:29 P.M.] Minutes:

Council member Ence stated protection from development can be accomplished in the same manner within a management plan. Ms Hall agreed that it could be accomplished within a management plan. She stated our community would have an opportunity for input in a resource management plan; the wilderness defines it as wilderness and that it would stay that way as a landscape into perpetuity. Ence referenced his background from Utah, and said he has witnessed the same activity type of controls in Utah, not with an NCA. He expressed concern to Ms.

Hall regarding the restrictiveness of a wilderness plan to protect the lands; however, it does not limit. There is so much area in Gold Butte that areas can be defined without including the entire area; it needs to be a multi-use area.

Ms. Hall stated the wilderness that is there has been proposed, and there is a plan. In year 2000, it was 200,000 acres; today they have proposed larger areas. She asked Council member Ence to spend some time with her in Gold Butte so that she could show him the areas of concern.

Council member Ence questioned who proposed the 200,000 acres, and the 130,000 acres. Ms. Hall responded stating the Nevada Wilderness Coalition. Ence stated his point is that the other side has not presented a proposal for consideration, those persons are not being properly represented in Ms. Hall's proposal.

Mayor Holecheck stated there are other groups such as the Center for Biological Diversity who would not necessarily negotiate for people favoring a multi-use area.

[7:31 P.M.] Minutes:

Dale Tobler, Mesquite resident, stated he was against an NCA but could live with one. He expressed concern with defining the area as wilderness, as wilderness defines an untouched area; humans have touched the area. Increase the enforcement of the area to ensure protection of the wilderness areas. BLM conducted a study that was done by its professionals and defined some 27,000 acres that are truly wilderness. He is not opposed to an NCA so long as the community has some local control.

[7:38 P.M.] Minutes:

Calvin Myers, Moapa Valley Paiute, has been working with Gold Butte on wilderness since 2000. He described the arguments by each group who want something different in Gold Butte. He was the Tribal Chairman at that time, and stated to the people that if they continued with this type of behavior, he would report back to his tribe and take action to take back their land. Myers stated his tribe can collectively contact Congress and the President to take back Gold Butte. As a reservation, they work with the government; their tribe does not need to work with the local jurisdiction. He said the City or neighboring township officials have never included their tribe in any of the discussion about Gold Butte. Before year 2000 when the back country bi-ways were put in, the tribe was not notified until after it was open. He stated those actions were the equivalent of someone robbing his home of his possessions. Some of the tribal members have lived in the Gold Butte area, and they were forced out from their land onto the reservation in Moapa. He stated Gold Butte was the tribe's homeland, and it was taken from them. Those items that are in Gold Butte belong to Native Americans ancestors. People go into Gold Butte and take things that do not belong to them. He provided examples of the theft in the various areas of Gold

Butte as well as misinformation by others to maintain Gold Butte in a pristine manner. The people who ride motorized vehicles or horses in Gold Butte have destroyed the area. Myers spoke of the various medicine of the land that is available in Gold Butte that many are not aware of. Too many view tribal medicine as weeds in the area, but that it is considered tribal medicine. It is impossible to police that area, as the area is too big. He does not trust BLM because they insist on stating that there are no artifacts in Gold Butte, however, he disputes BLM's comments. Everyone's job is to ensure that Gold Butte remain a pristine area today and for generations to come.

[7:41 P.M.] Minutes:

Lindsey Dailey, Logandale resident, wished to speak from a conservationist perspective. There are two issues that have not been addressed. He stated that he appreciates Resolution 669 as it represents local concerns about Gold Butte. The points he wishes to speak on are 1) the first facilitator for the County Multi-Species Plan nearly 20 years ago; he sat in those meetings over a four or five year period. The gentleman would make the point that all conservation is local. Dailey said he was unsure whether that gentleman created the quote. That is what Resolution 669 drives home to our local Federal Delegation members. Conservation needs to be local in order to be effective, and there has been a lot of testimony over emotions of Gold Butte. Conservation has to be justified, not just emotional. Resolution 669 addresses that very well. 2) A wilderness is the most inflexible designation of any designation. He would be worried with being surrounded by it.

[7:43 P.M.] Minutes:

Linda Faust, Mesquite resident, referenced Resolution 649 that Council passed in October 2009 supporting an NCA with wilderness. Council did not provide numbers, just a good general plan. That was the basic general plan that was then taken up by the County and used as the basis for their plan. Clark County added some details, and Council and the public spoke on details that could be added and that could go into that item. She asked Council to stand by its original Resolution No. 649 and allow Congress to handle the details. She agrees with Mr. Johnson, the VVWD and the City of Mesquite are going to have to work with our Congressional representatives to ensure our needs are addressed as this moves forward.

[7:43 P.M.] Minutes:

Mayor Holecheck closed the public comment portion of the meeting item.

[7:44 P.M.] Minutes:

Council member Bennett stated he talked with staff, who said should Council adopt a new resolution that deals with the same subject, you do not have to go back to rescind the previously adopted resolution. He mentioned the lack of discussion in October 2009 regarding Resolution No. 649. There was not a lot of discussion, and he had prepared to say some things. When it came down to it,

Council member Gustaveson was the one who made the motion and spoke, and now it has come to pass. Essentially Council member Gustaveson said, we are passing this resolution with possible mixed emotions, this could be good or bad, but the devil will be in the details.

[7:46 P.M.] Minutes:

Council member Bennett made a motion to adopt with a few minor changes Resolution 669, where it states ...Be it resolved ... change section 2 where it says reviewing and approving; remove the words and approving; under #3) it would read: review and make recommendations on previously closed roads, and to attempt to ensure that no area of Gold Butte is inaccessible and in violation of the Americans with Disabilities Act. The rest of the Resolution as it stands. Council member Fairchild seconded the motion.

[7:46 P.M.] Minutes:

Mayor Holecheck asked Attorney Hunt if various entities like the postal service under Federal Law do not have to comply with ADA. She asked if that would be a problem. She stated this was an issue when the City was looking at changes to the post office. This may be in conflict with Federal Law, and Gold Butte may be exempt. Congress may say that the federal government is exempt from compliance with ADA. She stated Council needs to be careful as this may create a duty on them that they do not have. Attorney Hunt said the way in which Council member Bennett made the motion, if ADA requirements apply then it would be whatever applies out there, and that is what Congress will require.

[7:47 P.M.] Minutes:

Council member Bennett stated there appears to be no language in Resolution 669 that deals with the VVWD. He wants to ensure the City was referring to the latest version of the resolution.

[7:48 P.M.] Minutes:

Council member Ence asked whether Council member Bennett was removing all of language out of it. Council member Bennett said "**and approves**" that was the language. Ence suggested "**reviewing and recommending any**".

Mayor Holecheck said it is a mute point as they are going to negotiate and decide.

Council member Bennett accepted Council member Ence's recommendation to insert "**and recommends any and all future**". Per this language we do not have that jurisdiction to approve; however we could insert "**and recommend**".

Council member Ence said he is aware that it is all a mute point. How does Congress know what Mesquite would like to suggest and recommend. So he wished to add to the motion, "**reviewing and recommending any and all future designation of wilderness**".

Council member Bennett accepted Council member Ence's recommendation to amend his original motion. Council member Fairchild seconded the amendment to the motion.

[7:49 P.M.] Minutes:

Council member Gustaveson said he could answer Council member Fairchild's question regarding the ADA. That issue was brought up by the group that met with the Director of BLM, Mr. Abby. Mr. Abby stated that ADA does not apply, and it could not happen in a national facility. They are not bound by those standards.

Mayor Holecheck called for the vote.

Council member Bennett made a motion to adopt with a few minor changes Resolution 669, where it states ...Be it resolved ... change section 2 where it says reviewing and approving; remove the words and approving, and replace with reviewing and recommending any and all future designation of wilderness. Under #3) it would read: review and make recommendations on previously closed roads, and to attempt to ensure that no area of Gold Butte is inaccessible and in violation of the Americans with Disabilities Act. Council member Fairchild seconded the motion.

Passed For: 4; Against: 1 (Gustaveson); Abstain: 0; Absent: 0

Department Reports

11. Mayor's Comments – Discussion

[7:52 P.M.] Minutes:

Mayor Holecheck thanked the ladies who discussed the possible closing of the mental health office. She was appointed by Governor Gibbons to serve on the Commission for Disability and Aging Services. Mental health is a concern that is discussed on the Commission, and is also a concern as the State reviews its budget deficit. There are several activities occurring in the month of May. The Veterans are having several fundraisers. May 27, the Stevens Production at the Casa Blanca Resort, May 29 a Veterans service will take place at Veterans Memorial Park at 8:30 a.m.; and on May 30 a Modern Day Veterans breakfast will be held at Falcon Ridge Hotel to honor modern day Veterans. Tickets are still available for these events. The City is always happy when new businesses come to town. Mayor Holecheck stated Pirates Paradise will have its grand opening on May 28. If Pirates Paradise is successful, Council member Gustaveson has indicated that he would approach Southern Nevada Transit to add a line for the youth to be able to catch the bus to the Pirates Paradise.

Holecheck challenged the Andrus' to build an outdoor skate park as kids at the middle school would like to have an outdoor skate park for skateboarding. The Perfumeria has also opened its doors in Mesquite. The Mayor welcomed both businesses to the City.

[7:54 P.M.] Minutes:

Council member Fairchild reminded everyone of the wet spring that the State of Nevada has experienced, and indicated Southern Nevada Health District (SNHD) has warned the community about West Nile Virus. There is the likelihood that the mosquito population will increase this year due to the rain. She stated the SNHD will come out to mitigate concerns at homes with swimming pools and standing water. She asked that the public remember to change the water in wading pools on a weekly basis. For ornamental pools, she asked that sand be placed in the bottom of the pool to prevent mosquitoes from hatching. In 2009, there were 17 deaths from the West Nile Virus in the State of Nevada. This year, we are concerned about western equine contracting encephalitis and St. Louis encephalitis. St. Louis encephalitis can attack humans, a real concern; West Nile Virus will probably be very prevalent this year. Council member Fairchild asked that everyone be aware and careful this summer.

12. City Council Comments – Discussion

Administrative Items

13. Consideration of a request to extend implementation of an increase to reuse water charges, for current agreements, and leaving the rate at .22 per thousand gallons of delivered reuse water through 2010 with an end date of June 30, 2011. – Action

[7:55 P.M.] Minutes:

Mayor Holecheck read the item by short title and stated this item was brought forward due to rates being due to raise on July 1, 2010. The community is aware that the Mesquite golf courses are struggling. She thanked Public Works Director Bill Tanner for reviewing the rates and making the recommendation to maintain the current rate of 22 cents.

[7:55 PM] Minutes:

Mr. Tanner stated by postponing the rate increase to \$.28 per 1,000 gallons of reuse water it would reduce the revenue and sewer fund by \$37,000 in the next fiscal year. The sewer fund ran approximately a \$2.9 million budget, and it appears as though the City would be able to manage postponing the rate increase from the reuse water.

[7:56 P.M.] Minutes:

Council member Ence commended Mayor Holecheck for bringing this item forward as well as thanked Mr. Tanner for supporting this item.

Council member Fairchild made a motion to approve the request to leave reuse water charges at \$.22 per 1,000 gallons, delivered for Oasis Golf Club and/or any other current user of the same until June 30, 2011. Council member Ence seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

14. Consideration of Introduction of Bill No. 437, amending Title 9 of the Mesquite Municipal Code entitled Unified Development Code, by revising section 9-2-2 terms defined to add a definition of "Banquet Facility;" sections 9-7N-2 and 9-7R-1-1 permitted uses to add "Banquet Facility" as a permitted use to the Commercial-General (CR-2) and Hotel-Tourist (HT) zoning districts; Section 9-8-5(E) Table E-1 Parking for Commercial Uses to add "Banquet Facility;" and other matters properly related thereto. - Action.

[7:58 P.M.] Minutes:

Mayor Holecheck read the item by short title.

Planning and Redevelopment Director Catherine Lorbeer stated this item is for introduction only and sets a public hearing date for May 25, 2010.

Council member Fairchild made a motion to accept the introduction of Bill No. 437 and set the public hearing date for consideration of adoption for May 25, 2010 at 5 p.m. Council member Bennett seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

15. Consideration of Approval of a Memorandum of Understanding (MOU) between the City of Mesquite and Bureau of Land Management (BLM) for cooperating agency status for the preparation of the Solar Energy Development Programmatic Environmental Impact Statement (PEIS). - Action

[7:59 P.M.] Minutes:

Mayor Holecheck read by short title.

City Engineer Allen Bell said this simply provides for a seat at the table. This is a six state Environmental Impact Statement and Mesquite has requested to be a cooperating agency. The City would have input from the beginning and be able

to review the EIS before it actually goes onto the streets. Page 4, Section V provides an explanation of why Mesquite is included, primarily for our local knowledge of ordinances, values and dynamics and other issues that come to mind such as historical and preservation of items that Mesquite would have knowledge of that no one else would. This is a good thing for the City of Mesquite as opposed to making comments later in the process.

Council member Fairchild made a motion to approve the MOU with BLM subject to staff recommendations. Council member Gustaveson seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

16. Consideration and approval of lease rate for Virgin Valley Family Services for the use of the Historic Gym to house the activities of the Boxing Club.
– Action

[8:01 P.M.] Minutes:

Recreation and Parks Director Rich Bohne stated this item was requested to be brought back before the Council to ascertain the lease rate needs on the Gym by the organization The official request from Virgin Valley Family Services was for free or reduced rent. Council needs to be aware of some of the needs from other local non-profit groups that are renting space from the City of Mesquite. He asked Council to keep this in mind as they discuss the request.

Mayor Holecheck asked if this request would set a precedence with others who may wish to have free or reduced rental space. Mr. Bohne said that is a possibility.

[8:04 P.M.] Minutes:

Council member Ence compared the use of the building to the building not being used and not generating revenue. He has a difficult time comparing the use of the Gym with the Campus area. He asked whether the Boxing Club was seeking to have the building rent free. Mr. Bohne stated most of the Boxing Club funding is through grants. The organization has lost some of those grants due to the economic climate. Council member Ence asked whether the Boxing Club staff asked for specific considerations with the rent and utilities. Mr. Bohne stated the official request from the Boxing Club was free or reduced rent. Council member Ence asked for clarification on the amount of the rent that is currently charged. Mr. Bohne responded that the base rate is \$800 for use of 4,500 square feet of the building; the Boxing Club would continue to pay the utilities. Council member Ence asked whether the City is prepared to assist the Boxing Club so that it remains open; the City does not gain anything from its closure.

Mayor Holecheck stated if the City reduces the base rental rate to \$500, the

Boxing Club would continue to pay its own utilities.

[8:05 P.M.] Minutes:

Mayor Holecheck asked Mr. Webster, Board of Directors for the Boxing Club, about fundraising efforts to assist them in their efforts.

[8:07 P.M.] Minutes:

Carl Webster, Board of Directors for the Boxing Club, stated the Club is funded through grants and fundraising events. The organization was able to raise \$2,000. They are looking for other grant opportunities. The Boxing Club has lost a number of large grants. The Boxing Club would be able to remain open for approximately nine months under the current funding situation. Mr. Webster stated they are asking for assistance for rent and utilities. He thinks the Boxing Club provides a good service for the youth in town, and they are asking for some consideration.

[8:08 P.M.]Minutes:

Mr. Bohne said if the Council wishes to consider reducing the rent to 9 cents per square foot to be consistent with the Mesquite Campus rates then the monthly rent would be less than the current \$800 base fee.

[8:09 P.M.] Minutes:

Council member Gustaveson said when it comes to kids at risk there is more value. Grants are more difficult to come by in today's economy.

[8:11 P.M.] Minutes:

Council member Ence stated they should be responsible for the utility cost. The amount does not have to be \$1,000 or it could be less.

[8:11 P.M.] Minutes:

Mayor Holecheck said the amount could be simply \$.09 cents and the Boxing Club will pay the utilities.

[8:12 P.M.] Minutes:

Council member Withelder said Council has budget meetings scheduled, and it is time to include lease agreements within the discussion.

[8:14 P.M.]Minutes:

Mr. Hacker said Council has already approved the facility use rates. He questioned the in-kind donations of the non-profit agency. This space is unique. The lease rate of the Historic Gym has limited use.

[8:14 P.M.] Minutes:

Council member Fairchild said she has been over to the gym and the community appreciates the work that the volunteers do with the youth in Mesquite.

Council member Fairchild made a motion to approve the lease rate in the amount of 9 cents per square foot making the rent the same as other non-profits, Boxing Club would be responsible for utilities subject to staff recommendations. Council member Ence seconded the motion.

Passed For: 5; Against: 0; Abstain: 0; Absent: 0

Public Comments

During the Public Comment portion of the agenda comments must be limited to matters within the authority and jurisdiction of the City Council. Items raised under this portion of the Agenda cannot be deliberated or acted upon until the notice provisions of the Nevada Open Meeting Law have been met. If you wish to speak to the City Council at this time, please step up to the podium and clearly state your name. Comments are limited to 3 minutes in length.

No action may be taken on a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action can be taken.

17. Public Comment - Discussion

[8:15 P.M.] Minutes:

Mayor Holecheck opened the meeting for public comment.

[8:17 P.M.] Minutes:

Randy Ticknor, Oasis Golf Club, thanked City Council and staff for leaving the reuse water rate the same at the Golf Club. He announced a fundraising event for the Junior Golf Program on Saturday. He invited the Council to attend the event.

[8:20 P.M.] Minutes:

Tom Brooks, Mesquite resident and Virgin Valley Family Service Boxing Club, stated there is a stereotype of boxing clubs and he wanted to ensure the Council that is not the purpose of the boxing club. Mr. Brooks stated he has lived in Mesquite for 20 years. Over that period of time, you are able to see how youth who participate in the boxing club develop. He received letters from parents of the youth that have spent time in the Boxing Club. He provided examples of the youth that have been through the Boxing Club and their successes.

[8:20 P.M.] Minutes:

Mayor Holecheck closed the public comment portion of the meeting.

Adjournment

The meeting adjourned at 8:20 P.M.

Susan M. Holecheck, Mayor

Cherry L. Lawson, C.M.C., City Clerk