

Minutes of the Board Meeting of the  
TRUCKEE-CARSON IRRIGATION DISTRICT  
Regular Session  
April 9, 2007

The Board of Directors of the Truckee-Carson Irrigation District, in the Counties of Churchill and Lyon, State of Nevada, met in regular session at the offices of the District, 2666 Harrigan Road, Fallon, Nevada on Wednesday, April 9, 2007.

**Call to Order, Roll Call, Pledge of Allegiance**

President, Ernest C. Schank called the meeting to order at 9:03 a.m. in compliance with NRS Chapter 241. The following Directors were present constituting a quorum:

Present:	Ernest C. Schank Richard Harriman Ray Peterson Jerry Blodgett Larry Miller Lester deBraga Don Travis	President Vice President arrived at 9:11a.m. Secretary Director Director Treasurer arrived at 9:05a.m. Director arrived at 9:05a.m.
Others Present:	Dave Overvold Lyman McConnell Christy Lattin	Project Manager Legal Counsel Lahontan Valley Newspaper

The meeting opened with the Pledge of Allegiance led by Brian Baley, Water Master.

**Supervisors Reports**

**Brian Baley, Water Master**

Brian reported the following water storage levels data:

Lahontan Elevation	4,156.56	Feet
Lahontan Storage	229,700	Acre Feet
Lahontan Out Flow	608	CFS
Carson River Flow At Fort Churchill	259	CFS
Truckee River Flow At Vista	843	CFS
Truckee Canal Flow At Wadsworth	560	CFS
Truckee Canal At Hazen (Bango)	450	CFS
Truckee River Below Derby Dam	258	CFS
Spilling At Gilpin Approximately	20	CFS

Diverted Last Month	AF	Year To Date	•
Delivered Last Month:	AF		
Efficiency Last Month:	%		

- Includes precautionary releases.

**Walter Winder, O&M Foreman**

Walter reported that the Back Hoe is currently in the shop but will be going to Fernley tomorrow. The Short Reach is at Sheckler Reservoir putting the E1 channel back together. This work will be completed tonight or tomorrow. The Drought is being used to complete work on the G-Line waste way gopher holes and then will be going to A15. The Long Reach is currently parked in the Beach district until the water department training is completed.

There is an O&M carpenter team working on gates and stock water line plugs in Fernley. When Sheckler Reservoir work is completed, the short reach will begin work on Rogers Road installing pipe for the Churchill County Road Department. The team is waiting for delivery of the manholes from NDOT for the work to be done along Wildes Road. Work will begin at the far end of Wildes and continue to the front of the old slaughter house.

Director Larry Miller inquired about the previously considered channeling to the 31 Corporation instead of spreading the water out in the Indian Lakes area when water user Sloan is trying to get water. Walter responded by informing the Board that several locations have been done already. President Ernie Schank stated that the Board had looked into the situation several years previous and discovered there was permitting problems in that area. The District fell under the designation of the Corp of Engineers. The Board assigned Director Ray Peterson and the O&M Committee to further investigate the situation in this area and report back to the Board on how efficiency can be improved.

Brian Baley, Water Master indicated that the O&M team has been helping the water department in their continued efforts to clean and clear the delivery ditches. President Ernie Schank complimented Walter Winder and his O&M team for their cooperation and efficiency on canal work that needed to be done in a timely fashion.

**Kelly Cecil, Hydro Foreman**

Kelly reported on the hydro department readings as follows:

<b>Location</b>	<b>KWs</b>
26' Drop	500 KW
New Power Plant	2,000 KW
Old Power Plant	1,500 KW
<b>TOTAL:</b>	<b>4,000 KW</b>

The hydro output took 60 feet back that came off the new power plant. Last Friday at the 26' Drop the #2 Unit would not excite. Kelly believes there is something wrong in the voltage regulator keeping it from coming on. John Cokeley will be out at the site Wednesday morning to help the hydro crew go over the unit. There was a similar problem at the old power plant which turned out to be a problem with the voltage regulator card. The cost for the repair was approximately \$3,400. This may also be the current problem at the 26' drop. John Cokeley will also be taking the damaged card with him and attempt to repair it so that the hydro department will have an extra card on hand. Rich will be on site with the screen tomorrow. He will inspect the screens, one screen is currently one tooth off because when it was installed the rod did not match up. Also, the conveyor belt is torn. Other than these minor items, the screens are working well bringing the trash up and out. Kelly would like to build and install a trough to catch the trash as it is brought up so it will not be deposited on to the decking.

Kelly is also keeping watch on the hillside behind the old power plant. It is getting very saturated and he is thinks that it may slide. This area is also located directly above the power plant transformers.

**Ted Renfro, Shop Foreman**

Ted reported on telephone contracts that he received quotes on. After reviewing the contracts, his recommendation is to go with CC Communications. They offer unlimited local minutes, which is considered anywhere in the state of Nevada and the cost is less than half of the Districts current rates. They will be able complete switching over service and make the phones available within two days. The current phones will continue to function until the end of the month and a recording will be available with the new telephone numbers. No penalty will be charged for changing over service.

New water cards will need to be ordered with the new telephone numbers and sent to the water users. President Schank would like to order stickers to be sent to the water users so they can stick it over the old telephone numbers in the phone book. Ted offered to check with the phone company about changing the TCID phone listings in the directory to the new numbers.

Regular equipment work continues in the shop. The back hoe is in the shop and parts have been ordered. There have not been many incidents with ditch rider trucks. The new GPS units have been working well. There is one unit having some problems but Ted is working with the manufacturer to get this re-activated. Dave Overvold would like to get approval to purchase several more units. The coding of tools has been done and very few items have been checked out. Ted has made board hooks for the ditch riders. He has had several requests for twist hooks but needs to be told the length they would like to have made. The welders are making walk boards, putting up handrails and are making several meter boxes.

The Stillwater book is still missing from last season. No one seems to know where it has gone. Brian Baley, Water Master, offered to look into this and report back to the Board.

A **motion** was made by Director Richard Harriman to accept the offer from CC Communications for the cellular service seconded by Director Lester deBraga and unanimously approved.

### **Supervisors excused at 9:40 a.m.**

#### **Public Comment**

##### ***Mr. Jack Barnes - Water user on E-Line off Solias Road.***

Mr. Barnes had several questions for the Board. First, he wanted to know why several users in the Stillwater area were able to irrigate approximately thirty days prior to anyone else. He mentioned that there is currently no water in the E-Line but that a neighbor placed an order on the first day water orders were taken this year who has still not received his water.

He also wanted to know why the ditch through the Sheckler reservoir could not have been repaired during the winter. It was not too wet to repair. There is no water coming down the ditch and he feels that there may have been some favoritism going on for some of the water users who received water prior to the taking of orders.

Dave Overvold, Project Manager, stated that the ditch should be cleaned through Sheckler by the end of the day. He also informed about the large project on Wildes taking much of the crew's time over the winter and being short of equipment.

As far as several Stillwater area water users being receiving water prior to anyone else, Dave indicated that there was some water in several regulating reservoirs providing a water supply.

Dave assured Mr. Barnes that the District is working on an alternative delivery route for water using the A-Line to tie into the E-Line to get water out to that area in a timely manner.

Mr. Barnes also expressed concern with the ongoing litigation with ditch riders and the lack of experience of new ditch riders.

Director Don Travis would like to research the previously discussed late order in to confirm the circumstances of that order.

Director Lester deBraga addressed Mr. Barnes' claim of early delivery to the Stillwater area. He indicated that, personally, he had asked for water three weeks prior to receiving it. The Stillwater area was close to losing crops because it was so dry. When the water did arrive, there were nearly 500 acres irrigated, possibly saving the crops. Director deBraga also informed that District management had made a site visit to the Stillwater area and made the decision to get water out to that area to save the crops.

Dave discussed the Stuart Styles Training Sessions held last week with District ditch riders. He discussed what was reviewed about water and water delivery. He indicated that Mr. Stiles mentioned the uniqueness of the Stillwater district, as well.

**O&M Committee Recommendations**

Director Ray Peterson, committee chair reported the following:

<p><b><u>1. Review Accident Incident Reports and Damage Claims</u></b></p> <p>No Board action required.</p>	<p>The first to be reviewed was an email received 3/19/07 from Walt Mandeville regarding a bridge on the A15 that was damaged last water season and may be in danger of failing. The committee looked at the bridge in the field and will make some repairs to the structure to prevent it from becoming an obstruction to water delivery. A letter will be written to Mr. Mandeville telling him what TCID will do and that the crossing is not the responsibility of TCID to maintain.</p> <p>Incident report from Lenny Pendergrass on 3/5/07 regarding damage to the tail light on truck #72 while burning weeds.</p> <p>Damage Claim made by Kris Urquhart for \$608.14. Damage was done on 3/14/07 when a fire flared up after burning on the L-Line. The fire department was called and a fence was damaged by the fire and came within 10-15 feet of the home of Mr. Urquhart. A motion was made by Richard Harriman to authorize Dave Overvold to pay the damage claim of \$608.14 to Kris Urquhart, was seconded by Jerry Blodgett and approved by all present.</p> <p>Incident report made by Brian Baley when some trees were burned while burning the N-T16. Mr. Fugundes is the property owner and filed no Damage Claim.</p> <p>Reviewed incident reported by Brian Baley when a gate at Diversion Dam broke loose, fell and cracked while lowering. Mr. Pendergrass was manually lowering the gate on 3/12/07.</p>
<p><b><u>2. Review City of Fernley Water Treatment Plans</u></b></p> <p>No Board Action required as an application has not been submitted as of the date of this meeting.</p>	<p>Dave reviewed the plans for a crossing to be done on the TC1 for the City of Fernley's Water Treatment Plant's access road. He has been in contact with the engineering firm to request that the easement shown on their drawing be corrected to follow the lateral and that the bottom of the invert will be determined by TCID rather than matching the existing flow line of the ditch as depicted on drawing C-13.</p>

**President Ernie Schank addressed the Board at this time indicating that, in the future, no public hearings should be set for action on the Board agenda unless application has been made, fees paid and approval by the Bureau has been given.**

<p><b><u>3. Review Watson-Kelsey Controversy regarding Easement on N3 Lateral</u></b></p> <p>The committee visited the site in the field and decided that the letter that Mr. Kelsey has requested be put on the agenda for the next Board of Directors meeting being held April 9, 2007. They believe that Lyman should compose the letter. This is on the agenda for 2:00 pm.</p> <p>Mr. Kelsey's 2:00 p.m. appointment has been changed to 10:30 a.m.</p>	<p>Mr. Kelsey was present to explain what he needed from the District in court case with Mr. Watson. Mr. Watson has fenced off an access road that Mr. Kelsey has used in the past to move his equipment across the N3 Lateral to his field. What he has asked the Committee for is a letter that confirms that the access road along the section line that borders the south side of his property has been in use since before 1971. The judge allowed Mr. Watson to put a locked gate across this roadway. Mr. Watson has also denied Mr. Kelsey access to his property by way of the easement on the N3 Lateral.</p>
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### **United States Fish and Wildlife Service**

Mr. Mike Goddard gave an update to the Board on the wetlands. There are currently 12,900 acres of wetlands on the refuge. With this year's water supply, Mike anticipates the refuge to be holding a total of 11,800 acres at the peak of the season.

Mike asked for a spot on the agenda at the next O&M committee meeting. He has several topics to discuss with the committee.

Director Don Travis inquired about the salt cedar program and if the beetles had killed many of these plants. Mike said the beetles are just now starting to come in to the north end of the refuge after being released at the Humbolt Sink. Some were also released on the refuge close to structure #1 at the outlet at Stillwater Point, but they did not do much.

Director Lester deBraga informed Mike that the S-T28 was leaking water. Mr. Goddard agreed to check this out.

President Ernie Schank asked Mr. Goddard the following question. if there were to be water at Indian Lakes and the Vaughn Slough were to be cleaned, would the USFWS be willing to take deliveries on this ditch? Mike said he did not believe they would be able to do this but would speak with Mr. Bill Henry. Dave Overvold will check on the path of delivery to see if it is within the refuge boundary.

### **Natural Resources Conservation Services**

No representative in attendance.

### **O&M Committee Recommendations continued.....**

<b><u>4. Review Phase 2 – Crossing on LD Drain - Alegre</u></b>  No Board action required.	The committee reviewed an application by Darrin and Misty Alegre to put a crossing on the LD Drain.
<b><u>5. Review Application for Variance of TCID Easement – Heller Development</u></b>  No Board action required.	Ms. Ester Valladeres was present to explain what she would like from the District. She would like to reduce the set back on our easement for the piped section of TC5-3. There is no house on lot 39 now. Dave and Walter went to Fernley and looked at the site. It is their determination that the pipeline would run under a corner of the house that is planned for that lot so that house plan would not work for that lot. TCID will not change the setback for their easement. The other lot does not affect any TCID easements.
<b><u>6. Review Notice of Repair - Clyburn</u></b>  No Board action required.	On March 22 <sup>nd</sup> a Notice of Repair was mailed to Ellen Clyburn regarding a ditch that crossed her property that was in need of repair and cleaning. Dave had been in contact with Mert Mickleson who had reported the problem to TCID. He has since reported that the ditch bank that had eroded to the point of causing flooding to adjacent property had been fixed.
<b><u>7. Review A8 Release of Easement</u></b>  No Board action required.  This item is still pending.	Walter explained to the committee his intentions to release the easement of the A8 due to our inability to access the lateral for maintenance and the inefficient delivery of water that it provides. Because the ditch is private and TCID would like to improve their facilities both the affected property owners and TCID would have to share in the costs of construction. Walter will collect the needed information such as costs and elevations before submitting to the Board for approval.
<b><u>8. Field Review of Traveling Screens</u></b>	The committee visited the 26 Foot Drop Power Plant to check out the operation of the new traveling screens installed to remove trash and moss. In the past the moss removal took many man hours and reduced the efficiency of power production. The screens were

	purchased to remove the moss without manual labor and work 24/7 which will improve power production.
<p>9. <b><u>Gates on the Truckee Canal</u></b></p> <p>The committee recommends that each gate and fence be evaluated separately but discouraged if at all possible. All gates on TCID easements must be left open during the water season.</p> <p>No Board action required.</p>	<p>There has been a lot of interest lately and in the past about putting gates across our easements on the Truckee Canal and in other areas. There is a different form for gates and fences as well as an Inspection Fee of \$110.00. The process is the same for gates and fences as crossings and other changes to District Facilities. All changes must go before the O&amp;M Committee.</p>

**Fred Kelsey regarding 30' Road on Section Line**

Mr. Kelsey claims that the access road to his property is a 30' road on the section line that has been in use ever since prior to 1971 and use has never been restricted. He also indicated that there are other water users upstream who use the road. Mr. Kelsey's neighbor, Mr. Watson, has blocked the 30' easement, land locking Mr. Kelsey. Mr. Watson has also applied to the Bureau to close off the ditch.

Mr. Kelsey has sued Mr. Watson and a ruling was made on March 2, 2007. The ruling states that the road in question is an official road, but also gave Mr. Watson permission to install a gate across that road. Mr. Kelsey has until April 19, 2007 to provide documentation to the Supreme Court in response to the March ruling and currently has the Bureau of Land Management patent documentation on the road.

TCID Legal Counsel, Lyman McConnell, informed that TCID cannot give permission for public to use the road for access to Mr. Kelsey's property but did say that TCID can confirm that, to their knowledge, the TCID easement has never been restricted,. Mr. McConnell also indicated that if there were any individuals willing, they could provide Mr. Kelsey with an affidavit stating that they had used the road in question within the past ten years with no restrictions. The following Board members were willing to provide Mr. Kelsey with an affidavit: Director Richard Harriman, Director Ray Peterson, Director Larry Miller and Dave Overvold, Newlands Project Manager.

**Public Hearing: Wilson Commercial Project, Fernley, Nevada**

The hearing is to address a pipe enclosure of the A2 Drain in Fernley, Nevada. Wilson Commercial has applied for permit with the Bureau of Reclamation, but approval has not yet been received.

Dave Overvold confirmed that the District has reviewed the project. He has provided comments and specifications for construction. The pipe will run underneath the old Ricci Lane and south, parallel to Ricci Lane to the north then underneath Farm District Road. Manholes will be placed at the appropriate locations.

A **motion** was made by Director Jerry Blodgett to approve the piping of the A2 Drain with a 35' TCID easement to remain, the pipe running down the middle of the easement and Wilson Construction providing an "as built" drawing to the District and approval of the Bureau for the reduction of the easement from 100' seconded by Director Richard Harriman and unanimously approved.

**Proposed Motocross Track on TCID Property Presentation by Lorraine Griffin**

Public Attendees	Representing
Lorraine Griffin	Bench Resident
Holly Bute	Bench Resident
Hal Lichtenwald	Bench Resident
Larry Kyte	Pioneer Way Resident
Geo and Irene Frey	Pioneer Way Resident

Steve Brown	Nevada Motocross Park
Lynn Batemen	County Resident
Meda Batement	County Resident

Resident Joan Deputy did not attend but provided a letter in opposition of the track in Lorraine Griffin's materials.

President Ernie Schank suggested that all of the materials presented to the Board also be presented to the Churchill County Planning Commission at the time of their meeting.

Lorraine Griffin began by stating the Bench Resident's concerns of having a motocross track in their neighborhood. Mrs. Griffin lives across the road from the proposed location of the smaller race track. Mrs. Griffin indicated that she has had a licensed appraiser review the value of her property with the motocross track next door. She was told that the track would have an impact on the value of her and other Bench property values as the track would be in operation approximately 64% of the year. She also confirmed that the track would impact much of her income as evidenced by the letter provided from Joan Deputy. Joan Deputy boards and rides her horse at Mrs. Griffin's ranch and states she would no longer do so should the track be approved, hence the Griffin's losing some income.

The Bench residents are also concerned about riders leaving the area and riding on the nearby bluffs by way of cutting across Bureau of Reclamation and Bureau of Land Management lands. This will create a lot of dust and further destruction of land not intended for this type of use. The noise is also an issue for the neighborhood. Decimal tests have been done and the Bench group indicates that the level is too high.

The water that the motocross group will be using is a temporary transfer of water rights that are currently owned by Joann Luis. President Ernie Schank wanted to clarify that it is not TCID that is providing the water but a private party. The responsibility of the District is only to certify who is the legal owner of the water rights. The State Engineer is the entity that will approve any transfer and the individual owner of the water rights is the one who would enter into a lease of the water rights.

In closing, Mrs. Griffin then asked that the TCID Board consider rescinding approval for the track.

The TCID Board operates under Robert's Rules of Orders and is where the process of the Board of Directors rules is derived. In order to approve rescinding the original motion it would require an individual on the affirmative side of the motion to make a motion that the Board reconsider the original motion with a second. The original motion is debatable but not amendable and would require a majority vote.

A **motion** was made by Director Richard Harriman to reconsider the original motion to lease the TCID property to DMX5 LLC seconded by Director Larry Miller.

**Holly Bute, Bench resident**, stated that she has been a resident of Swingle Bench for quite some time. The majority of the residents there do not want the motocross track approved. They like their community as an agricultural type community and would like to keep it that way. Holly attended several events at different motocross tracks and determined that there is a huge impact to the property in regards to the amount of people attending and dirt being moved around, as well as, motor homes, dogs, open campfires, trash etc. She does not feel that it will fit in with their area. She indicated that **Mr. Mike Nuttal** (not in attendance), also a Bench resident, has a cattle operation across the street and would like to express his dissatisfaction with the approval of the track. Holly provided a draft copy of the last Churchill County Planning Committee meeting for the Boards review.

**Hal Lichtenwald, Bench resident**, lives across the street from the proposed motocross track, as well. He has spoken at length with both Steve Brown and Ty Erquiaga of the motocross group and commends them on what they are trying to do for the community. His biggest concern is that they have chosen the wrong area.

Director Larry Miller commented that since the initial introduction of the motocross track idea for the intended location, he has determined that there is a problem with dirt and sand blowing after several items were removed from his family's home that were creating a wind break. Without a wind break he sees there will be a continuing problem with the buildup of blowing dirt and sand.

**Irene Frey, Pioneer Way resident,** lives on Pioneer Way and is concerned with Pioneer Way not being able to accommodate all the traffic that would be created on Pioneer Way. It is a country road and was not intended for that kind of traffic.

**Lynn Bateman, Bench resident,** lives across from the proposed motocross track. His concern is the arrival of the public at all hours of the days and nights in motor homes, etc. He believes that the entire frontage road will be littered with campers and trailers and would like to know how they intend to control these people who set up outside the motocross fenced area. The public who park outside the controlled motocross area will also have dirt bikes and ATVs and will be tearing up the land outside of the intended use area. Mr. Bateman is also concerned with the amount of trash that will be deposited on his land after dumpsters are full or the lids do not get closed by the participants of the track.

Director Richard Harriman originally believed that this motocross location would be something he would be able to live with, being a neighborhood resident, as well. But since the motocross proposal was presented at the Churchill County Planning Committee meeting he has changed his mind. There are many issues that were included in the DMX5 proposal that were not originally presented to the TCID Board when they made the decision to consider leasing the water users land to the group such as night riding. Director Harriman stated he would not have supported the DMX5 lease if had known about this.

**Mike Meyers, Bench resident,** commented on the public straying from the controlled track area. People will want to leave the area and go to different sites for picnics, etc. and inevitably more of the surrounding area that was not meant for the proposed motocross use will be worn down and damaged. He does not believe that the motocross group will be able to control the attending public, as they have indicated.

Director Don Travis stated that the entire Fallon area has experienced a problem with people riding dirt bikes and ATVs about and agrees that this is not cohesive with running cattle. The good part about having a motocross track area available is that it gives the kids a place to go and keeps them in a concentrated area. It would be much better having the riders in an area where they would be controlled and would not bother anyone. He has previously mentioned that he thought locating the track out in the area of the auto racing track would be a better idea, as it is already compatible to this type of situation. Director Travis believes that the currently intended location needs further consideration as to whether it is the most compatible location for the intended use. He also believes that with the several pieces of property that TCID has available that there is possibly another solution for the location which can be considered.

Another Bench resident indicated that there is so much property out there that is not prime agricultural property that there must be a location better suited to the motocross track type of use. With all the space out there, there has to be a better place to locate the track rather than it being necessary to put it in an agriculturally based neighborhood.

**Steve Brown, Motocross Group Partner,** addressed Director Harriman's concern over night racing. He indicated that there will be no night racing and that that is a standard inclusion in the motocross group's basic proposal. Mr. Brown wanted to assure the Board that there will be no night racing. Secondly, Mr. Brown produced a traffic permit signed by Ken Brown, USDOT, and letters from the county commissioners on the sound decimal test, acquisition and approval of permits, dust control plan meeting all provisions and he is in the process of attaining a special use permit. He assured those in attendance that if the motocross group does not follow all the bullet points required of the county, their

license will be pulled. He spoke also confirmed that the group's water permit has been issued by the state. He has gone through the proper channels and intends to make this a viable, responsible business. This is not going to be like the Fernley operation, it is going to be better controlled and ran professionally. Mr. Brown also confirmed that there will be no selling of alcohol on the motocross property, as they do not possess an alcohol license. He assured the Board they intend to bring money to the community and provide something safe in a controlled environment for kids. Mr. Brown has already looked into the top gun raceway area for an alternate location and the ground is not suitable to motocross bike racing.

Director Don Travis reiterated that this is not the Boards decision to make and he would like to give the community a chance to decide what it wants to do.

Director Larry Miller commented that when the idea of the motocross was originally presented, it seemed like a good idea for the community and an opportunity to make some additional revenue for the water users. He did not realize that there would be so many negative issues brought about by the leasing of the property to the motocross group. He reminded the Board that if TCID did not lease the property to the motocross group, the decisions by the planning commission would be null and void.

President Ernie Schank stated that he believed that it would be putting the Board in a compromising position by voting against what was originally voted on in good faith to do. He believes that if the Board does not keep their word that there may be consequences, as money has been expended in good faith by the motocross group based on that word.

***Irene Frey, Pioneer Way resident,*** stated when this was originally presented to the Board the residents of the area did not want the track. She is all for family participation in recreation, but does not believe that with all the space out there the proposed location is the only spot in the entire state that can accommodate motocross racing. She said that the residents of the Bench were never contacted when this was originally presented to the Board to be asked if they had feelings about having a motocross track in their neighborhood. She does not believe that this issue was thought through far enough in advance to consider how those who live in the area might be affected.

President Ernie Schank assured the residents of the Bench that a public agenda is posted on the TCID website and at several locations around Fallon and Fernley giving the public an opportunity to view what will be discussed at each Board meeting. This agenda is posted three days in advance of the date of the meeting.

The permit that will be purchased for highway signage will cost the group approximately \$6,000 to \$10,000, per Mr. Steve Brown.

A **motion** was made by Director Richard Harriman regarding the offer to approve a lease of the intended TCID property location to the motocross group voted on at the February 7, 2007 Board meeting be brought back to the table for reconsideration seconded by Director Lester deBraga and approved by a 4 to 3 vote.

The original motion will be reviewed by the Board prior to making a decision.

#### **Recess**

A **motion** was made by Director Lester deBraga to recess at 12:20 p.m. seconded by Director Jerry Blodgett and unanimously approved.

### **The Board Reconvened at 1:25 P.M.**

#### **Bureau of Reclamation**

No representative in attendance.

**O&M Committee Recommendations continued.....**

<p><b>10. Review Application of Southwest Gas to Place Gas Line in Easement</b></p> <p>No Board action required.</p>	<p>Southwest Gas submitted an application to install a gas line along Regan Place then east within the easement of the south side of the S-Line to Hwy. 95A. BC called from the BOR and questioned the wording used in the application “within the 5’ PUE of the TCID right-of-way”. BC does not believe that there is a 5’ Public Utilities Easements inside the easement of the S-Line. The committee agrees with the BOR’s interpretation that Southwest Gas is in error if they believe that there is a five foot public utility easement inside of the S-Lines easement. When a permit is issued TCID will clarify that with Southwest Gas.</p>
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**In the Field:**  
The committee went to the N-Line area off Brush Garden to check the easement that Howard King reported had two gates on TCID easement. The committee asked that a letter be written to the property owner asking them to remove the unauthorized gates or make an application and follow the process. A pump was also noticed in the N-Line at the residence.

President Ernie Schank suggested that the pumps be sorted by lateral and that a ditch rider be assigned to each to make sure that all pumps are tagged and legal. If the ditch riders find a pump in the later that is not permitted, they should notify the office so the individual will be contacted and may purchase a permit. The Board agreed.

**Proposed TCID Motocross Track on TCID Property continued.....**

**Lyman McConnell, Legal Counsel.** Mr. McConnell researched the February 2007 minutes in regards to the motion to lease TCID property to the motocross track. He reported that a motion was made followed by discussion about the acreage, fencing and access from BLM. The motion passed unanimously by those present. President Ernie Schank was not present.

Reconsideration of a previously passed motion is the question of the Board. Mr. McConnell stated that a motion should be reconsidered immediately or at the following Board meeting. Neither requirement was met. The minutes also showed that the motocross individuals were to provide the District with a lease. This has not been done. President Ernie Schank asked that the record show that Holly Bute, Bench resident, has provided the TCID Board with a draft copy of the Churchill County Planning Commission Meeting Minutes of March 14, 2007. President Schank quoted from those minutes as follows:

“Director Lockwood said a postponement of a decision would allow staff time to resolve issues with the NDOT. It is unclear who owns the frontage road in front of the subject property, have had discussions with right-of-way and maintenance people at NDOT and there is not a clear answer to that. This would also give us an opportunity to discuss several of the concerns that have been raised tonight about the benefits of a turn lane and the requirements of NDOT or the Nevada Highway Patrol would have for signage for a special event such as this. Vice Chairman advised Mr. Erquiaga and Mr. Brown that this is a special use permit and it can be revoked and we already have a room full of people who are not happy about all of this. So the burden is on you to make sure the neighbors don’t get so unhappy that they are down at the County offices complaining all the time. This will be a huge financial commitment on your part and I think it would behoove all of us to postpone this tonight so that we can do some research before we make a decision. Vice Chairman Simms then moved to postpone taking any action on the application for up to two months. Member Lewis seconded the motion and asked the applicant if it would pose a problem for them. Mr. Erquiaga said there is a race in Lemon Valley at the Stead Raceway in April and one in Mustang on March 25<sup>th</sup>. We would propose one month to research everything. Vice Chairman Simms amended his motion to postpone taking action on the request for one month. Member Lewis seconded the amendment, Chairman Mickelson called for a vote and the motion carried unanimously with six in favor of the postponement.”

Mr. Brown provided the TCID Board with an up to date letter from the planning commission allowing easements for access with 30’ on either side.

Mr. McConnell advised that the Board's original motion to lease could be rescinded but not reconsidered, at this time.

President Schank advised, after reviewing the rules, that the motion is debatable and amendable and holds the same rank as a main motion and there is a 2/3<sup>rd</sup> vote required if it is without previous notice. Majority is required if previous notice has been given. After reviewing Robert's Rules of Order and Mr. McConnell's recommendations, the Board realized that the previously made motion to reconsider leasing the property to the motocross group was out of order and another motion needed to be made to be legal.

A **motion** to **rescind** the original motion of February 7, 2007 to lease the property to the motocross group was made by Director Richard Harriman seconded by Director Larry Miller. The Board had further discussion prior to voting.

Director Lester deBraga asked Mr. Brown why the TCID Board has not yet received a lease from his group. Mr. Brown responded by indicating that he has been working on his due diligence to complete the qualifications required by the county necessary for the track and felt the presentation of a lease was premature until these other items have been approved.

The next question was about securing the easement for access where the two sections join at a point from the Bureau of Reclamation. Mr. Brown said he had spoken with BC at the Bureau and was told he could not give approval in writing but told Mr. Brown that as long as the Anderson Hay Operation has a comfort easement in place there would be access. There is an existing traveled way that is larger than highway 50. Mr. Brown asked Project Manager, Dave Overvold if he had been in contact with BC since the last time the three of them had been together. Dave said he had not and excused himself to make a call to BC at the Bureau for information on the status of the motocross group right-of-way approval.

**Review/Approve March 2007 Directors Compensation**

Ernest C. Schank	\$652.89
Richard Harriman	\$280.00
Ray Peterson	\$200.00
Larry Miller	\$160.00
Jerry Blodgett	\$348.64
Lester deBraga	\$225.00
Don Travis	\$185.00

A **motion** was made by Director Lester deBraga to pay the March 2007 Directors Compensation seconded by Director Ray Peterson and unanimously approved.

**Review/Approve February 28, 2007 Special Session Board Minutes, March 7, 2007 Regular Session Board Minutes and March 20, 2007 Special Session Board Minutes**

A **motion** was made by Director Lester deBraga to approve the February 28, 2007 Special Session Board Minutes seconded by Director Larry Miller and unanimously approved.

The March 7<sup>th</sup> and March 20<sup>th</sup> minutes will be further reviewed by the Board and put on the next meeting agenda for approval.

**Proposed TCID Motocross Track on TCID Property continued.....**

Dave Overvold returned after leaving a message for BC at the Bureau since he was not in his office.

**Motion to rescind continued.....**

The Board vote on the previously made **motion** to rescind the original motion was 4 in favor and 3 against. The motion failed.

Mr. McConnell asked if any of those who voted in favor of rescinding the original motion are going to ask that it be put on the next Board agenda of May 7, 2007, and noticed. Director Richard Harriman would like to wait until it is determined what the planning commission's decision is going to be. Mr. McConnell suggested that if it were going to be put on the agenda that it is done immediately.

President Ernie Schank then requested that the motion to rescind be put on the next agenda and reiterated that it will only take a total of 4 votes for the motion to pass.

**Review/Approve March 2007 Disbursements**

A **motion** was made by Director Richard Harriman to approve the March 2007 disbursements for the New Lahontan Hydro Power Plant paid prior to Board approval and unpaid seconded by Director Jerry Blodgett and unanimously approved.

Director Larry Miller inquired about the Amber Light Permit charge. He thought that the District may be able to get this charge removed as TCID is a state agency. Margaret Clifford, Accounting Supervisor, checked into this while the Board was still in session. After researching the matter, she returned with news that the District will no longer be required to pay for the Amber Light Permit.

Director Lester deBraga questioned the Joe Fendaro charge. President Ernie Schank indicated that Mr. Fendaro is in the process of trying to get things going on the power plant transfer with TCID. The charge is for partly on the old plant and partly on the new plant totaling \$5,500.00.

President Ernie Schank asked that each time there is a legal briefing, the legal department give a summary on each item and its status.

A **motion** was made by Director Richard Harriman to approve the March 2007 general disbursements paid prior to Board approval and to pay the unpaid bills seconded by Director Larry Miller and unanimously approved.

**For the Record**

President Ernie Schank stated for the record that the 2:30 p.m. agenda item, Fred Kelsey, was rescheduled earlier in the morning and held at 10:30 a.m., canceling the 2:30 p.m. appointment.

**Committee Reports**

- **Employee Relations Committee:** There will be an action item on the May 7, 2007 Board Meeting Agenda on the ERC Proposal.
- **Negotiations Committee:** There will be a tour of several sites on Tuesday, April 24, 2007. This will be considered a Special Session Board Meeting and an agenda will be posted. The tour will be with Kevin Kirkeby of Senator John Ensign's office. The sites being toured are as follows:
  - Mobile Museum
  - Drive along L-Line and V-Line
  - V-Line Drop Hydro – Kelly Cecil
  - V-Line to Carson Diversion Dam
  - Lahontan Dam – Old and New Lahontan Hydros
- **Policy Committee Recommendations:**

<p><b>Review of the Tobacco Policy for District Facilities:</b></p> <p>A <b><u>motion</u></b> made by Ernie Schank to submit the above mentioned Tobacco Policy for approval by the Employees Association was</p>	<p>The Policy Committee reviewed the proposal for the Tobacco Policy. After a discussion the policy that was agreed upon to have Mike Adams submit to the Employees Association at their next meeting was as follows:</p>
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<p>seconded by Lester deBraga and approved by all present.</p> <p>Board Action Required.</p> <p>A <b><u>motion</u></b> was made by Director Richard Harriman to approve the District Tobacco Policy seconded by Director Lester deBraga and unanimously approved.</p>	<p><b><i>To promote a clean and healthy work environment for out employees, TCID prohibits smoking in District vehicles, equipment where posted, and buildings except where residential housing is provided.</i></b></p> <p><b><i>Employees who smoke outside of buildings will be responsible to keep the area clean.</i></b></p> <p><b><i>Employees who refuse to or fail to abide by this policy are subject to disciplinary action.</i></b></p>
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**Recess**

A **motion** was made by Director Richard Harriman to recess for an executive session at 2:50 p.m. seconded by Director Lester deBraga and unanimously approved.

**The Board Reconvened at 3:12 p.m.**

**Recess**

A **motion** was made by Director Richard Harriman to recess for a legal briefing at 3:12 p.m. seconded by Director Ray Peterson and unanimously approved.

**The Board Reconvened at 4:59 p.m.**

**Personnel Matter**

A **motion** was made by Director Don Travis to approve the overtime pay seconded by Director Jerry Blodgett and unanimously approved.

A **motion** was made by Director Jerry Blodgett to accept and approve the evaluations and increases as presented seconded by Director Don Travis and unanimously approved.

**Meeting Adjourned**

A **motion** was made by Director Don Travis to adjourn the meeting at **5:00 p.m.** seconded by Director Ray Peterson and unanimously approved.

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Ernest C. Schank, President

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Ray Peterson, Secretary

\_\_\_\_\_  
Date