

Minutes of the Board Meeting of the
TRUCKEE-CARSON IRRIGATION DISTRICT
Special Session
April 24, 2007

The Board of Directors of the Truckee-Carson Irrigation District, in the Counties of Churchill and Lyon, State of Nevada, met in special session at the offices of the District, 2666 Harrigan Road, Fallon, Nevada on Tuesday, April 24, 2007.

Call to Order, Roll Call, Pledge of Allegiance

President, Ernest C. Schank called the meeting to order at 2:37 p.m. in compliance with NRS Chapter 241. The following Directors were present constituting a quorum:

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| Present: | Ernest C. Schank | President |
| | Richard Harriman | Vice President |
| | Ray Peterson | Secretary |
| | Jerry Blodgett | Director |
| | Larry Miller | Director |
| | Lester deBraga | Treasurer |
| | Don Travis | Director |

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| Others Present: | Dave Overvold | Project Manager |
| | Lyman McConnell | Legal Counsel |

The meeting opened with the Pledge of Allegiance led by Director Larry Miller.

Review/Approve Motion to Rescind Approval of Motocross Lease

Kate Rutan provided the Board with several pages of the Wednesday, February 7, 2007 Board meeting that pertain to this agenda item.

| Public Attendees | Representing |
|------------------|---|
| Larry Craig | Esther Moore |
| Lorraine Griffin | Bench Resident |
| Holly Bute | Bench Resident |
| H.F. Meyer | Bench Resident |
| Nick Moshetti | 44 property owners opposed to Motocross Track |
| Irene M. Frey | Pioneer Way Resident, Rambling River Ranch |
| Ed Kyte | Pioneer Way Resident |
| Steve Brown | Motocross Track |
| Tom Lammel | Churchill County Planning Commission |
| Christy Lattin | Lahontan Valley News |
| Lynn Bateman | Bench Resident |

Director Don Travis commented that the motocross group has gone before the Churchill County Planning Commission and received a favorable vote.

Mr. Tom Lammel, member, Churchill County Planning Commission, stated for the record that the first time this issue came before his Board there was a public hearing. There were comments at that meeting both for and against the motocross track. That Board made a motion to table the issue until they could visit some of the nearby motocross tracks to hear for themselves the noise levels at several distances. They addressed the issues of lighting, traffic and dust, previously. Several of the members attended races at Mustang but discounted the findings as it is located on the mountain side and the wind was blowing, so they did not feel they could get a realistically accurate picture. At the Fernley visit they found that it had very similar

terrain to the Anderson Hay Operation site. They found that at an approximate distance of about ¼ of a mile, 1,320 feet, you could hear the motor cycles but you had to actively listen for them, concluding that there was probably no disturbance of an event that you may have, whether it be outside or inside. They did require the motion to include, if the operation should go forward, that all of the races would have to be held on the back parcel. This would give approximately a 1,400 foot separation between the race track and the nearest residence. Based on this, the motion to approve the special use permit for the motocross track was unanimously passed.

Director Don Travis asked if there were any moves to appeal the Churchill County Planning Commission's decision. **Mr. Lammel** said that the residents of the Bench have filed an appeal to the commission's decision.

A **motion** was made by Director Richard Harriman to rescind the original motion made by Director Lester deBraga of February 7, 2007 to approve leasing the property to the motocross group seconded by Director Larry Miller. Further discussion before a vote would take place.

Director Lester deBraga asked the Board what the change of heart was since the original motion was unanimously approved by the Board at the February 7th meeting. He addressed **Director Richard Harriman**.

Director Harriman responded by stating that when he attended the Churchill County Planning Commission meeting he was originally in support of the track since the TCID Board had voted unanimously in favor of leasing the property to the motocross group. He then read **Mr. Brown's** and **Mr. Erquiaga's** proposal to the planning commission and it was different than what had been presented to the District Board. He felt that when **Mr. Brown and Mr. Erquiaga** planned the motocross they should have presented everything to the District Board so that they could have made their decision with all the evidence before them. **Director Harriman** did not feel that this was done. When the motocross group originally presented to the District Board they presented having concessions, which was fine, but did not mention having concessions where liquor, etc. would be sold. **Director Harriman** addressed **Mr. Brown** asking him to confirm that this was in the proposal to the commission. **Mr. Brown** responded by saying he does not have a liquor license nor did he intend to get one. **Mr. Harriman** reiterated that he did not say **Mr. Brown** would be getting a liquor license he was referring to the individuals that the motocross group would be renting out concessions. **Director Harriman** also indicated that when he initially reviewed the motocross proposal to the commission, that there was a different LLC name, Nevada Motocross LLC, on the proposal than was presented to the District Board, which was DMX5 LLC. **Director Harriman** asked **Mr. Brown** how he intended to justify this. **Mr. Brown** responded that when you apply for a special use permit, you do not file anything until further down the line. **Director Harriman** then said that **Mr. Brown** had filed a fictitious name on the first proposal to the District Board. **Director Harriman** read from the District's minutes where **Mr. Brown** indicated that he already acquired a special use permit from the county. This was an untrue statement confirmed by **Mr. Brown**, who said that what he had acquired, was a lease. **Director Harriman** said that the District had leased the property in question to an entity of a different name than what was presented to the planning commission. **Mr. Brown** stated that for the record that the DMX5 LLC name is what the Secretary of State has as of right now. As of last week when the vote was received from the commissioners, **Mr. Brown** went ahead and created an LLC and both names are with the Secretary of State right now. **Mr. Harriman** then indicated after having it researched, the name could not be found listed with the Secretary of State. **Mr. Brown** assured the Board that he has been straight forward with everything he has been doing and going through the proper procedures with the county. He indicated that **Director Harriman** was getting pressure from his neighbors. He has been to homes and ranches of the Board members to talk with them about his motocross project. He is an honorable person. He said that he attempted to speak with **Director**

Harriman outside his ranch and was not even given the time of day. **Mr. Brown** said it is understood where **Director Harriman** stood on the issue. He also reminded **Director Harriman** that he, Director Harriman, was acting as District Board President when President Schank had left the room and the original favorable vote had been made.

Director Larry Miller stated that at the time he initially voted in favor of the motocross, he did not expect that there would be this much opposition from the water users. His first allegiance is to the water users and to the people who own the Newlands Project. There are quite a few of those people upset about the proposed motocross track. He is concerned about the dust. He knows that during a race the dust is controlled but once the race is over the ground is disturbed and will dry out creating a lot of dust problems that do not currently exist. He feels that the Board initially made a mistake by being in favor of the track and believes that now is the time to correct that mistake.

President Schank asked **Mr. Lammel** from the planning commission to address the dust issue realizing that in their motion in favor of the track took into consideration the issue of dust and asked him to explain. **Mr. Lammel** stated that part of the motion was that the motocross group would have a dust control permit from both the State of Nevada and Churchill County. Part of the motion also included that there would be plans to control the dust on the off race season and during the middle of the week when there are no water trucks available. The commission is not experts on controlling dust so the motocross group must find someone to write them a plan that will be acceptable by Churchill County in order to have the special use permit issued. Also to mitigate anything that was done to the property so it would not create a dust hazard in the event that they decide to leave the property and move on to somewhere else. All these things are part of the motion passed by the Churchill County Planning Commission and the motocross group will be required to submit these items for approval before they can go forward. **Director Harriman** asked **Mr. Lammel** to clarify whether this was during races only to control the dust. **Mr. Lammel** said that during races there is no dust problem, as he has attended several races and there is absolutely no dust during races. The racers themselves, as **Mr. Brown** and **Mr. Erquiaga** have indicated, would not participate if there were any dust. They must have a dust control permit and a plan to control the dust during the week when there is no racing, after the racing season, from November through February, as there will be no water available to the motocross group for dust control. **Mr. Lammel** and others on the planning commission know that there are things that can be sprayed on the ground that will treat the ground in anticipation of dust. The group is required to fence the land and control access in and out of the facility. He believes that Churchill County can come up with a plan that they will accept for the control of the dust. If the group cannot come up with a plan, there will be no special use permit issued. The dust must be controlled 24-7. If the group does not choose to stay on the property they will be required to reclaim the property to a point that it will not create a dust hazard.

Director Harriman stated that a week ago on Tuesday there was a wind storm and you could not even see the proposed site for at least a half hour. **Mr. Brown** responded by saying that you could not see where he lives in the subdivision off Jarbridge, either. **President Schank** asked that **Mr. Brown** not speak out of turn again as the Board must recognize those with comments.

Director Lester deBraga addressed **Mr. Brown** in regards to the night racing and wanted to know if it was necessary to race at night. **Mr. Brown** stated that there will be no night racing. **Director deBraga** indicated that if the Board approved the motocross lease could a statement be written into the lease that there be no night racing and no lights. He also asked **Mr. Brown** if that would affect his business. **Mr. Brown** replied that it would have no affect and that he had, in fact, addressed this to **Director Harriman** previously.

Director Ray Peterson asked if there were some question as to whether the District could legally lease the proposed location for the intended purpose. **President Ernie Schank** indicated that if the motion does not pass then we will defer his question to our Legal Counsel for advice.

Vote on the motion continued.....

President Ernie Schank asked for a vote on the **motion** to rescind and there were 4 in favor of rescinding the motion and 4 against. The **motion** passed.

With the passing of the **motion** the next agenda item, **Review/Approve Lease of TCID Land to Motocross Track – Erquiaga/Brown**, became void.

Mr. Nick Moschetti, Counsel for the 44 Bench residents, asked **President Schank** if the Board would like a comment from him for the record. He quoted a Churchill County Statute “no race tracks in an A10 Zone (*Agricultural Residential Zone allowing only one house per ten acres*)”. He was curious as to how this was overlooked.

The meeting was

Review/Approve Inter-Local Agreement with CWSD

President Ernie Schank provided the Board some background on the referenced agreement. A little over a year ago the county and USFW met with Lyman McConnell, then Project Manager, President Schank and the county was concerned about the lack of TCID representation, being the largest water on the Carson Water Subconservancy Water District Board. The District was not a member and never has been a member. The CWSD felt that TCID should hold one of the Board seats. There was discussion with the city because the city has one of the seats and the county has one of the seats, although the county is clearly responsible for both of those seats but they allowed the city to appoint one of its commissions early on in the process. They talked with Pego Gachia about this issue when the CWSD came out one day after they had met with the county. Alpine County has two representatives on the CWSD Board and does so through a contract because there is no interstate contract with California but there is an inter-local contract allowing Alpine County to have a seat on the Board. It is a consensus board and technically they do not have a vote. Working with that Board, Pete, determined that it might be a good opportunity for TCID to serve under the same type of contract until one of the seats becomes available here in the county perhaps could be an opportunity for someone from TCID to be appointed to that Board with a voting status.

Director Ray Peterson asked how many voting members were on that Board and found that there are 13 or 14.

A **motion** was made by Director Richard Harriman to approve the Inter-Local Agreement with the Carson Water Subconservancy District seconded by Director Larry Miller and unanimously approved.

A **motion** was made by Director Ray Peterson to appoint Ernie Schank as the District representative to the Carson Water Subconservancy District Board seconded by Director Jerry Blodgett and unanimously approved.

Project Manager Report

Dave Overvold reported that there were five protests of transfers that were made some time ago. The State Engineer’s office has asked TCID if it would like to pursue those and after checking with Chris Mahannah, Dave found that those were old protests and that the District

does not protest those kind of transfers any longer so Dave suggested that the District withdraw their protests. This has been done.

Dave also reported for Fort Churchill of no change. It is still 20,000 AF, which is 11% of average. So diversions will continue.

An Annual Operating Plan has been prepared and sent a draft to the Bureau of Reclamation. This will be reviewed at the next District Board meeting of May 7, 2007.

Recess

A **motion** was made by Director to recess at 3:10 p.m. seconded by Director Jerry Blodgett and unanimously approved.

The meeting Reconvened at 5:00 p.m.

The **Meeting Adjourned at 7:00 p.m.**

Ernest C. Schank, President

Ray Peterson, Secretary

Date