



Laughlin Town Advisory Board

REGIONAL GOVERNMENT CENTER
101 CIVIC WAY
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MINUTES

LAUGHLIN TOWN ADVISORY BOARD

October 26, 2010
1:30 P.M.

REGIONAL GOVERNMENT CENTER
101 CIVIC WAY, LAUGHLIN, NEVADA

MEMBERS PRESENT: **James Vincent, Chair**
 Janet Barela, Vice-Chair
 Michael A. Bekoff
 Candice Fitzgerald

MEMBERS ABSENT: **Ted Pamperin, Excused Absence**

OTHERS PRESENT: 7 Guests Signed In

1. CALL TO ORDER

- A. Conformance with the Nevada Open Meeting Law.
- B. Invocation and Pledge of Allegiance. **James Vincent** called the Meeting to order at 1:34PM. **Michael Bekoff** said a few words in remembrance of **Edward J. Cooper**, former Laughlin Town Advisory Board member who passed away October 23, 2010, followed by a few moments of silence in his honor. **Michael Bekoff** gave a brief the Invocation, followed by the Pledge of Allegiance led by **Candice FitzGerald**.
- C. Agenda items may be taken out of order if deemed necessary.

2. ORGANIZATIONAL ITEMS

- A. **Approval of the October 26, 2010, Agenda.**

Mike Bekoff moved, **Candice FitzGerald** seconded to approve the October 26, 2010, Laughlin Town Advisory Board Agenda as presented. Upon a voice vote, motion carried 4-0.

3. **CURRENT ZONING ACTIONS:**

- A. **UC-1052-07 (ET-0161-10) – SOUTHPOINTE PROPERTIES, INC:**
USE PERMIT SECOND EXTENSION OF TIME to commence on-premise consumption of alcohol (tavern).
WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** off-sites (including paving); **2)** attached sidewalk; and **3)** exterior materials.
DESIGN REVIEW for a tavern on 3.0 acres in an H-1 (Limited Resort and Apartment) Zone in the MUD-1 Overlay District. Generally located on the north side of Casino Drive and the east side of South Bay Parkway (alignment) within Laughlin. To the Board of County Commissioners 11/17/10.

Joe Thomason, Thomas Consulting Engineers, 3277 E. Warm Springs Road, Suite 400, Las Vegas, NV 89120, representing the applicant, explained that that the applicant is requesting a second extension of time on a proposed tavern project on Casino Drive. About a year ago the zoning item came before the Laughlin Town Advisory Board and a five-year extension of time was requested, but was approved by the Board of County Commissioners for a one-year extension of time. The applicant is currently requesting a three-year extension of time due to extenuating circumstances and pending litigation regarding easements on old roadways. It was thought the court case was resolved, but there is an appeal to the Supreme Court in process and it is anticipated to take 2-1/2 years for resolution. Discussion followed. **James Vincent** moved, **Michael Bekoff** seconded to approve **UC-1052-07 (ET-0161-10) – SOUTHPOINTE PROPERTIES, INC.** subject to a three-year extension of time and staff conditions. Upon a voice vote, motion carried 4-0.

- B. **UC-0323-10 – NEVADA GROUP, LLC:**
HOLDOVER APPEAL USE PERMIT for a massage business in conjunction with an existing shopping center on a portion of 0.6 acres in a C-2 (General Commercial) Zone in the MUD-1 Overlay District. Generally located on the west side of Casino Drive, 2,000 feet south of Bruce Woodbury Drive within Laughlin. To the Board of County Commissioners 11/17/10.

There was no representative present for **UC-0323-10 – NEVADA GROUP, LLC.**

Janet Barela stated that she met with the landlord of this proposed business and she was frustrated because of what she interprets as a challenge in communication and lack of ability to provide an interpreter, resulting in misconceptions. From personal experience **Janet Barela** reported that the applicant planned to hire managers **Jimmy** and **Kim Ngo** to run the business. The **Ngo's** are community volunteers active in their children's education at both Bennett Elementary and Laughlin Junior/Senior High School. **Jimmy Ngo** spent several years as a massage therapist at the Colorado Belle and **Kim** worked at the Riverside for several years prior to getting into this business. The last time this item was heard and there was no representative present at the LTAB meeting, it is my understanding that the owner was waiting at her business for a Clark County representative to come to her. **Janet Barela** does not believe that this is a shady massage business, and is offended that a case has been

levied

the way that it has.

Detective May of the Metropolitan Police, reported that she spoke with the applicant several weeks ago and she indicated that she planned to attend this meeting, so I'm surprised that she's not here. With regard to the status of the citations that were issued, they are scheduled for misdemeanor arraignment on November 4, 2010. Laughlin officers have done spot checks of the business and it appears to be closed, and was closed this afternoon during a drive by. **Detective May** is unsure whether the business is permanently closed or just closed on specific dates and times. The applicant applied for a Business License on April 21, 2010, as a drugless practitioner, which is Reflexology, and the license is currently pending the suitability investigation that **Detective May** is currently conducting. Once the report is done and forwarded to Business License, and based upon what the report states, the license can be conditional license approved and/or denied. The investigation usually takes several months but can be longer depending upon whether the applicant has multiple out-of-state businesses or if they have lived various places. Paperwork must be obtained from each of the jurisdictions involved, so it could take up to six months and sometimes a year. **Detective May** is currently waiting on information from the applicant to finish up her investigation. When **Detective May** met with the applicant on August 10, 2010, following the Laughlin Town Advisory Board meeting, the Language Line was called so the applicant could communicate in her language. When called in for an interview, there was an interpreter present so the applicant understands what the requirements are through the massage code, and Clark County Business License also met with her to go over the codes as well. The citations that were issued to the applicant could result in up to six months in jail and a \$1,000 if she is found guilty of a misdemeanor crime.

Deborah Murray noted that in the staff write-up background that says on September 7, 2010 the Planning Commission denied **UC-0323-10**, it was actually denied without prejudice, so **Deborah Murray** will let the Planning Commission know to correct it to say "denied without prejudice".

Michael Bekoff moved, **James Vincent** seconded to approve **UC-0323-10 – NEVADA GROUP, LLC**, subject to staff conditions. Discussion followed the motion. **Michael Bekoff** also asked for an advisement condition that the applicant obtain the proper licensing as soon as possible and provide proof of same to the Laughlin Town Advisory board. **James Vincent** read the Staff Recommendation that if this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Plan, Title 30, and/or the Nevada Revised Statutes. **Deborah Murray** stated that they would not come back to this board. There is no way that could happen in the sequence of how things work, so if approved it would move through the process and there will be departments that verify that the applicant has the proper licensing. If it is important, and you want to talk about the proper licensing, your motion should be for approval, then state as an advisement that they obtain the proper licensing. **Michael Bekoff** asked that once the proper licensing has been obtained, a copy be dropped off at the Laughlin

Town Manager's Office so the documents can be copied and distributed to all LTAB members. Upon a voice vote, motion carried 4-0. Following the vote, **Deborah Murray** shared that normally it would not be the function of the Laughlin Town Manager's Office, or any other administrative department that isn't involved in the licensing, to follow-up and ask for a copies to be distributed to other people. That could be construed as a little too much government input when they are already running through the mill of a lot of different departments. I realize that this is a little bit different situation because of the applicant not being here, but I will just share with you that this is not the norm.

4. COMMUNITY PROJECTS AND CONCERNS:

- A.** Receive a report from **Deborah Murray**, Community Development Manager, Laughlin Town Manager's Office, on the North Reach Trail System project, and consider the recommendation of the Community Development Committee for the Laughlin Town Advisory Board to write a letter of support to the Clark County Board of County Commissioners to award the North Reach Trail System project construction plans, with its alternatives and with the construction company to use local labor, and take any action deemed appropriate.

Deborah Murray displayed a compilation of some of conceptual preliminary design drawings (pedestrian overpass, plaza, and restroom buildings) to give an idea of what the facilities and elements of the project will look like on the Laughlin North Reach Project. The Laughlin Heritage Greenway Trail Project, also known as the North Reach, is a Southern Nevada Public Land Management Act, or SNPLMA, funded project. SNPLMA funds are derived from BLM land sales in the Las Vegas Valley and one of the funding categories may only be spent to build parks, trails and natural areas which is also known as PTNA. In 1994 and 1996 Clark County received approval for two rounds of grant awards, Rounds 5 and 6, totaling approximately \$32 million dollars for the Laughlin North Reach Project which has been in the environmental design and engineering phases for many years.

This project will construct a signature pedestrian overpass and a new underpass connecting County and Federal land across State Route 163 and a multi-use trail that extends the Laughlin Riverwalk north of State Route 163 up to Davis Dam with trail amenities such as restrooms, shade shelters, and other trail support facilities including two trail heads. In addition, an equestrian trail head will be constructed and the old Sportsman's Park below Davis Dam will be turned into a developed day use area. In May of 2009 Clark County Public Works was asked to scale back the project. Rather than just reducing the scope of the project as a whole, the project design team decided to utilize what the County calls additive alternates that would allow the bidder to estimate options hoping to get the most for our money. After meeting for several months to come up with a project based bid and four alternates, A through D, that could be added to the base bid in consecutive order (each alternate builds upon the next for infrastructure).

Discussed at Community Development Committee Meeting of September 22, 2010
by the Clark County Public Works Engineer Assigned to the Project

LAUGHLIN REGIONAL HERITAGE GREENWAY TRAIL

The project was advertised as Base Bid plus Additive Alternates A, B, C, and D.

The apparent low bidder is Peek Construction Company with a Base Bid of \$15,657,161.70.

The Base Bid includes facilities, infrastructure, improvements, etc., for a trail and park recreation facility. The Base Bid includes construction of the major components of the project including Trailhead 1, Trailhead 2, River Trail, and the Day Use facility. The Base Bid contains the utility infrastructure including water and sanitary service facilities and trail and facility lighting. Also included is the Pedestrian Bridge with plazas and monuments over S.R. 163 and the multimodal underpass at S.R. 163.

Additive Alternate A - \$256,150.00

Additive Alternate A includes construction of stone entry monuments and stone and concrete entry walls for Trailhead 1, Trailhead 2, and the Day Use Area.

It also includes one lighted shade shelter with benches for Trailhead 1 and the River Trail, each.

Additive Alternate B - \$241,367.30

Additive Alternate B includes upgrades to the River Trail and Day Use area consisting of construction of picnic shelters with tables, with and without lighting. Also included is gravel mulch, barbeque grill and trash receptacle.

Additive Alternate C - \$936,746.25

Additive Alternate C constructs the Equestrian Trailhead and includes granite gravel mulch, sidewalk, lighting facilities, restroom, picnic shelters, shade shelter, host site shade shelter, horse hitching post, restroom building cover, horse corral, parking lot, and pedestrian path light.

Additive Alternate D - \$556,247.90

Additive Alternate D includes upgrades to Trailhead 1 and includes construction of the Trailhead 1 restroom, restroom building cover, trailhead sign, shade shelter map sign, bike rack, trash receptacle, water and sanitary sewer service laterals for the restroom, sidewalk, and lighting infrastructure.

Totals

Total Base Bid: \$15,657,161.70

Base Bid + Add. Alt. A: \$15,913,311.70

Base Bid + Add. Alt. A + Add. Alt. B: \$16,154,679.00

Base Bid + Add. Alt. A + Add. Alt. B + Add. Alt. C: \$17,091,425.25

Base Bid + Add. Alt. A + Add. Alt. B + Add. Alt. C + Add. Alt. D: \$17,647,673.15

The project then went back to the engineer and landscape architect for redesigns that accommodated the alternate bidding method. Clark County advertised the project on April 15, 2010, specifying the estimated cost be between \$16,023, 709 up to \$17,707,416 with a bid closing date of May 13, 2010. Several things happened between May and now to delay the project. The bid process was challenged for originally giving consideration to local preference, and after research it was determined the County could not give local preference in this case because it was Federal money. The County re-advertised a bid addendum to

accept all bids. The low bid, with all of the alternates, came in less than the maximum amount advertised and the bid was \$17,647,673.15. After the low bid was reviewed for mathematical accuracy with the next step being to award the bid, Public Works was asked again to see if they could cut more from the project base bid. After further review, the County now plans to award the bid on the November 3, 2010, Board of County Commissioners (BCC) meeting. **Jackie Brady** and I (**Deborah Murray**) have been told that the recommended award to the BCC will be for the base bid plus all of the alternates. If the base bid and all of the alternates are approved by the BCC, Laughlin will get the project as originally designed, less a few shade shelters and picnic tables, and due to the economic climate, for less money than was originally anticipated. Complete infrastructure will extend from the County corner, across the pedestrian overpass up to the day use area adjacent to Davis Dam. With future events in mind, electrical junction boxes will be spaced along the Riverwalk for concessionaires use. A cost breakdown sheet has been provided identifying the construction alternates and what gets built under each alternate.

Janet Barela reported that the Community Development Committee met on September 22, 2010 and **Roy Davis**, Clark County Public Works Engineer, updated the committee on the Laughlin Regional Heritage Greenway Trail Project, but did not know at that time if Additive Alternate D would be included because the County was still looking for ways to cut the project costs. The committee recommended that the Laughlin Town Advisory Board encourage **Commissioner Sisolak** and the Clark County Board of Commissioners to approve this project, with Additive Alternates A through D. Discussion of the project and funding followed.

James Vincent moved, **Michael Bekoff** seconded that the Laughlin Town Advisory Board approve and write a letter of support to the Clark County Board of Commissioners to award the Laughlin Regional Heritage Greenway Trail (North Reach) Construction Plan with Additive Alternates A through D, and with the construction company to be encouraged to use local labor. Upon a voice vote, motion carried 4-0.

- B.** Receive a report from **Jackie Brady**, Laughlin Town Manager, on the request to the U.S. Bureau of Land Management to waive the existing covenant restrictions on the Southland property, and take any action deemed appropriate.

Jackie Brady reported that the Bureau of Land Management (BLM), a part of the U.S. Department of Interior, and the Department of Interior, placed a land use restriction on the land that is called Southland (the 9,000 received in 2007). These restrictions are part of a covenant that is permanent and was read into the record as follows:

“That use of the lands herein conveyed is restricted to those certain uses designated and described in the “Master Plan of Fort Mohave Development Area” recorded in the office of the County Recorder, Clark County, Nevada, on the 26th day of October 1966, as Document No. 606204, subject to modification No. 1 recorded on the 1st day of April, 1971, as Document No. 90146 and modification No. 2 recorded on the 30th day of September, 1986, in Book No. 860930 as Instrument No. 00974. This covenant shall run with the land and

shall be binding upon the grantee, its successors and assigns, and shall be enforceable by the United States, the State of Nevada, and/or all successors in interest; but the Secretary shall have the right at all times to waive this covenant, in whole or in part, at any time, upon his own initiative or upon application by a party in interest.”

Specifically, land uses are restricted to those uses indicated on the “Land Use Plan of 1966”. What was this Land Use Plan of 1966? It was merely a map of the entire 15,000 acres being considered for sale to the State of Nevada in the early 1960’s.

A map was displayed with hand-drawn areas indicating the types of development that would be built and added. In the Southland area, the map shows hotels and residential development with some limited accompanying commercial development exclusively. Recognizing this Land Use Plan and the uses would necessarily change as time went by, the covenant states that the Secretary of Interior can at all times and at any time, waive a part or the whole of the covenant upon his own initiative or at the application of a part in interest.

Clark County, and the new owner of the 9,000 acres, applied very early this year to BLM for the waiver because the Secretary’s authority has been given to the State Director for Nevada of BLM. After going through some procedural requirements, BLM is now researching the issue and hopefully will make a prompt decision about waiving the entire covenant as requested by the County through the Laughlin Town Manager’s Office. The 1966 Land Use Map that is forty-four years old is out of date and does not reflect (nor could it have done so) the colossal changes in technology, the country’s drive for renewable energy production and use and the need for a diverse economy in Laughlin. In fact, Clark County only existed in 1966 and there was no Laughlin. The state and Clark County worked to create Laughlin and to provide for its many infrastructural needs and growth, making it the town that you see today. Few towns across America only thirty-one years old can boast of such urban and modern amenities. Nevertheless, the town has to continue to grow and not stagnate.

Because of the extreme importance of having Southland in the mix for economic development and without it, only limited innovation and diversification are possible, the Laughlin Town Manager’s Office has chosen to wait for the BLM/Interior decision before further marketing the land and the town.

We have supplied a lot of data and background materials with the assistance of the District Attorney’s Office (Civil Division), the Department of Real Property Management and the County Manager’s Office, to fully justify a positive decision by this federal agency. In addition, the Laughlin Chamber of Commerce will be sending a letter urging BLM to waive the covenant quickly. And, the staff was requested to bring this item to the Laughlin Town Advisory Board to also write a letter supporting quick action by BLM.

Jackie Brady stated that the BLM is investigating the waiver request from former Colorado River Commissions records found and supplied by the Laughlin Town Manager’s Office because in 2009 the records could not be located by BLM. The records were subsequently located at the State Office of the BLM in January or February of 2010. Clark County entered into a reimbursement cost agreement to expedite the process of investigating and

reaching a determination on the waiver request. Clark County even wrote a draft of the Waiver for the BLM. In 1966 the state did not have a planning department and Clark County did not have a very professionally staffed planning department at that time. Now Clark County has developed a very sophisticated planning process. The BLM at that time in 1966 was concerned that there would be shoddy development or other problems as a result of selling the land. Today, that is now an issue because everyone must go through the same approval process so all of the reasons for having the covenant have been removed. In the years 2008 and 2009 the Laughlin Town Manager's Office was inundated with solar production firms as well as other types of renewable energy producers who were interested in developing a project on the 9,000 acres in Laughlin. The covenant on the land prevented moving forward with development, and as time passes the renewable energy tax credits that would have allowed the development of renewable energy are going away. **Janet Barela** stated that currently, a request for proposal has been pending since July of 2009 for solar production on the 9,000 acres to act as an anchor for a small industrial park on 400 acres. **Jackie Brady** explained that she understands much of the community has wondered what was going on in terms of economic development. At one a point a non-profit corporation was formed as a result of people believing that the Town Manager's office and Clark County were doing nothing with regard to economic development after the plan was approved by the County Commission. The Laughlin Town Manager's Office and Clark County have been working on development for a very long time, and continue to work on it, but every agency can't be moved as fast as we would want them to. It is hoped that letters can be sent as reminders that delays in acting on the waiver request are costing the Town of Laughlin money and employment in this time of economic downturn, and BLM/interior has been supplied with all of the necessary research documents to come to a decision on the waiver request.

Connie Davis, Director of Operations, Laughlin Chamber of Commerce, read excerpts of the letter that was sent to **Senator Harry Reid** from the Laughlin Chamber Board of Directors regarding the waiver request as follows:

"We are writing this letter to request your help with a serious issue hindering Laughlin's ability to develop nine thousand acres, referred to as the South Lands. This land, owned by Clark County and located south of Laughlin to the California border offers an exceptional development opportunity if we can move forward with Master Planning. Currently there is a four hundred acre section identified for use of Light Industrial Park. The Industrial Park would be anchored by a solar production plant if development plans can move forward."

"The Chamber Board of Directors is made up of private sector business managers and owners with a clear understanding of due diligence and liability. How much more due diligence needs to be completed before a waiver allowing development of a Light Industrial Park? We are disappointed at how long it is taking for this issue to be resolved. The Clark County District Attorney, and the Laughlin Town Manager's Office staff have spent many hours gathering files and pouring through them, and were so confident in their results that they have even drafted the Waiver for BLM. Every day that takes us further away from development on land with a potential to create thousands of jobs, benefiting Nevada, Clark County and most importantly, residents of Laughlin and surrounding Nevada communities."

James Vincent moved, **Michael Bekoff** seconded to draft a heavy letter of request to the Bureau of Land Management, with copies to **Senator Reid, Senator Ensign, Congresswoman Dina Titus** and **Clark County Commissioner Steve Sisolak**, for the quick action to complete the study for the 9,000 acres to waive the existing covenant restrictions on the South Land property so the property can be developed, and point out in the letter that the delay is causing the community of Laughlin loss of revenue and progress.

Upon a voice vote, motion carried 4-0.

5. **COMMUNITY INPUT/PUBLIC COMMENTS** (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 will be taken).
6. **NEXT POSSIBLE MEETING DATE:** The next regular meeting date is Tuesday, November 9, 2010, at 1:30 P.M., Regional Government Center, 101 Civic Way, Laughlin, Nevada. Agenda items due no later than October 29, 2010.
7. **ADJOURNMENT:** **Michael Bekoff** moved, **Candice FitzGerald** seconded to adjourn the meeting at 2:43 PM. Upon a voice vote motion carried 4-0.

These meeting minutes are in draft form and will be formally approved at the November 9, 2010 meeting. Any corrections to these minutes will be reflected in the meeting minutes of the December 14, 2010 meeting.