

CARSON CITY BOARD OF SUPERVISORS

Minutes of the September 3, 2009 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, September 3, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Robin Williamson, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor Pete Livermore, Ward 3
Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are public record. These materials are available for review, in the Clerk-Recorder's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:32:10) - Mayor Crowell called the meeting to order at 8:32 a.m. Roll was called; a quorum was present. Fountainhead Foursquare Church Pastor Louie Locke provided the invocation. John Wagner led the pledge of allegiance. Mayor Crowell shared an inspirational quote from Frank Clark.

5. ACTION ON APPROVAL OF MINUTES - August 6, 2009 (8:34:07) - Supervisor Aldean moved to approve the minutes, subject to revisions presented by the recording secretary prior to the start of the meeting. Supervisor Williamson seconded the motion. Motion carried 5-0.

6. ADOPTION OF AGENDA (8:34:37) - Ms. Bruketta acknowledged that item 12(A) should be withdrawn. Mr. Werner advised that item 8-5 should be deferred to a future meeting, and explained the reason. Mayor Crowell entertained additional modifications and, when none were forthcoming, deemed the agenda adopted.

7. PUBLIC COMMENTS AND DISCUSSION (8:35:27) - Mayor Crowell opened this item to public comment. (8:35:51) Chet Alexander advised of having reviewed an operations scorecard / business plan report, and noted that code enforcement had not been included. Mayor Crowell called for additional public comment; however, none was forthcoming.

8. CONSENT AGENDA (8:36:28) - Mayor Crowell entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion. **Supervisor Livermore moved approval of the consent agenda, consisting of six items: 8-1, Assessor; 8-2, Purchasing and Contracts; 8-3, Carson City Airport Authority; and 8-4(A), (B), and (C), as presented. Supervisor Aldean seconded the motion.** Supervisor Williamson noted the CDBG contracts being approved, with the following allocations: \$31,704 to the Ron Wood Family Resource Center, \$34,255 to the Community Counseling Center, and \$7,600 to CASA. She expressed appreciation for the funding being allocated to "very good organizations in the community." Mayor Crowell advised he would vote in favor of the consent agenda, with the exception of item 8-3, Carson City Airport Authority, from which he would abstain. He called for a vote on the pending motion; **motion carried unanimously with the exception of Mayor Crowell's abstention pertinent to item 8-3.**

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8-1. ASSESSOR - ACTION TO APPROVE THE REMOVAL OF A PORTION OF THE TAXES FROM PARCEL NUMBER 001-201-98 (LEASED PARCEL LOCATED AT 1001 MOUNTAIN STREET) FROM THE 2009 / 10 REAL PROPERTY TAX ROLL, PER NRS 361.765, IN THE AMOUNT OF \$75,091.75

8-2. PURCHASING AND CONTRACTS - ACTION TO AMEND CONTRACT NO. 0809-195, CONFLICT COUNSEL ATTORNEY SERVICES PROVIDED BY THE CONSORTIUM OF KAY ELLEN ARMSTRONG, J. THOMAS SUSICH, AND ROBERT B. WALKER, BY REMOVING J. THOMAS SUSICH FROM THE CONSORTIUM AND ADDING THOMAS R. ARMSTRONG, AS PROVIDER UNDER THE CONSORTIUM

8-3. CARSON CITY AIRPORT AUTHORITY - ACTION TO APPROVE AND ACCEPT A 2009 FEDERAL AVIATION ADMINISTRATION AIRPORT IMPROVEMENT (“AIP”) GRANT IN THE APPROXIMATE AMOUNT OF \$174,121.00

8-4. PUBLIC WORKS DEPARTMENT PLANNING DIVISION

8-4(A) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) PROGRAM CONTRACT BETWEEN CARSON CITY AND THE RON WOOD FAMILY RESOURCE CENTER FOR FUNDING IN THE AMOUNT OF \$31,704 TO BE PAID TO THE RON WOOD FAMILY RESOURCE CENTER FROM APPROVED CDBG FUNDING FOR THE “REACH UP” PROGRAM

8-4(B) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) PROGRAM CONTRACT BETWEEN CARSON CITY AND THE COMMUNITY COUNSELING CENTER FOR FUNDING IN THE AMOUNT OF \$34,255 TO BE PAID TO THE COMMUNITY COUNSELING CENTER FROM APPROVED HOUSING AND URBAN DEVELOPMENT (“HUD”) CDBG FUNDING FOR THE METHAMPHETAMINE TREATMENT PROGRAM

8-4(C) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) PROGRAM CONTRACT BETWEEN CARSON CITY AND CASA OF CARSON CITY FOR FUNDING IN THE AMOUNT OF \$7,600 TO BE PAID TO CASA OF CARSON CITY FROM APPROVED HOUSING AND URBAN DEVELOPMENT (“HUD”) CDBG FUNDING FOR THE CASA FACILITY IMPROVEMENTS PROGRAM

8-5. FIRE - ACTION TO APPROVE AN INTERLOCAL AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, ON BEHALF OF TRUCKEE MEADOWS COMMUNITY COLLEGE, AND CARSON CITY, A CONSOLIDATED MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF NEVADA, ON BEHALF OF THE CARSON CITY FIRE DEPARTMENT, FOR PLACEMENT OF TMCC STUDENTS IN THE EMS TRAINING EXPERIENCE AT CARSON CITY FIRE DEPARTMENT - Deferred.

9. RECESS BOARD OF SUPERVISORS (8:38:34) - Mayor Crowell recessed the Board of Supervisors.

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LIQUOR AND ENTERTAINMENT BOARD

10. CALL TO ORDER AND DETERMINATION OF QUORUM (8:38:39) - Chairperson Crowell called the Liquor and Entertainment Board to order. Roll was called; a quorum was present, including Member Furlong.

11. ACTION ON APPROVAL OF MINUTES - August 6, 2009 (8:38:56) - Member Aldean moved to approve the minutes, subject to revisions provided by the recording secretary. Member Walt seconded the motion. Motion carried 6-0.

12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION

12(A) ACTION TO APPROVE JERRY HERBST AS THE LIQUOR MANAGER FOR TERRIBLE'S 861 PACKAGED LIQUOR LICENSE NO. 10-26808, LOCATED AT 4640 SOUTH CARSON STREET, CARSON CITY - Withdrawn.

12(B) ACTION TO APPROVE MARIA DEL REFUGIO GARCIA AND JAIME GARCIA TORRES AS THE LIQUOR MANAGERS FOR LOS GARCIA'S MEXICAN RESTAURANT FULL BAR LIQUOR LICENSE NO. 10-26767, LOCATED AT 2000 NORTH CARSON STREET, CARSON CITY (8:39:45) - Mayor Crowell introduced this item. Principal Planner Jennifer Pruitt reviewed the agenda report. (8:40:40) Jaime and Maria Refugio Garcia introduced themselves for the record and, in response to a question, described the location of their restaurant. Chairperson Crowell inquired as to the method by which the Garcias will avoid serving alcohol to minors. Mrs. Garcia advised that identification will be requested and examined to ensure validity. She acknowledged that every patron ordering alcohol will be requested to provide identification. Chairperson Crowell discussed the seriousness of serving alcohol to minors, and expressed appreciation for the Garcias' willingness to operate a good, quality business in Carson City. He anticipated that the Garcias and each of their employees would participate in the alcohol servers training offered by the Sheriff's Office. Member Aldean advised that Mr. Garcia's brother, Alberto, had provided a sterling character reference.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Williamson moved to approve Maria del Refugio Garcia and Jaime Garcia Torres as the liquor managers for Los Garcia's Mexican Restaurant, full bar liquor license no. 10-26767, located at 2000 North Carson Street.** Mrs. Garcia acknowledged that the restaurant is open, and Member Williamson wished the Garcias good luck. **Member Walt seconded the motion. Motion carried 6-0.**

13. ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD (8:43:36) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 8:43 a.m.

14. RECONVENE BOARD OF SUPERVISORS (8:43:39) - Mayor Crowell reconvened the Board of Supervisors.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

15. ANY ITEM PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:43:44) - None.

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16. PUBLIC WORKS

16(A) ACTION TO ADOPT BILL NO. 119, ON SECOND READING, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.03, SEWER CONNECTION CHARGES AND USE RATES, SECTION 12.03.030, SCHEDULE OF CONNECTION FEES AND HOOK-UP CHARGES, BY DECREASING CONNECTION CHARGES; AND OTHER MATTERS PROPERLY RELATED THERETO; and 16(B) ACTION TO ADOPT BILL NO. 120, ON SECOND READING, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.01, WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.010, DEFINITIONS, BY DELETING THE DEFINITIONS OF “TOTAL WERCs” AND “WATER EQUIVALENT RESIDENTIAL CUSTOMER (“WERC”); AMENDING SECTION 12.01.030, SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES, BY DELETING ALL REFERENCE TO WERCs AND REDUCING WATER CONNECTION FEES; AND OTHER MATTERS PROPERLY RELATED THERETO (8:43:50) - Mayor Crowell introduced these items. Mr. Werner advised of significant revisions to the bills which will require re-introduction at the September 17th meeting, and provided background information with regard to the same. Deputy Public Works Director Ken Arnold reviewed the revisions. Mayor Crowell expressed a preference that the revisions be submitted to the Board members, in writing. Mr. Werner agreed, and discussed the issue of the effective date of the decreased connection fee. He recommended that the effective date be designated, upon application, at a time period after adoption of the ordinance. He provided additional background information on various requests pertinent to the effective date. Mr. Arnold distributed copies of the revised bills to the Board members and the Clerk. Mr. Werner provided an overview of the same and responded to questions of clarification regarding the proposed revisions.

Mayor Crowell entertained public comment. (8:51:07) Dwight Millard provided historic information on water connection fees, which he noted are comprised of “the well, storage, and ... the water right.” He expressed no opposition to decreasing fees for residential construction “as a stimulus to get construction started again in Carson City.” He expressed adamant opposition to decreasing connection fees for commercial construction, and advised of having recently completed a 55-unit apartment complex. “We paid, for the 55 units on Brown Street, approximately \$271,000 in water and sewer hook-up fees. The person who’s going to build the one right next to me, for the same 55 units, will pay \$8,498.50.” Mr. Millard expressed understanding for discounting the fees by 40 to 50 percent, but noted the proposed ordinance decreases connection fees by 98 to 99 percent. He noted the competition element inherent in commercial development. “The fallacy that we’ve always had in this City ... was that you shouldn’t be charging these exorbitant rates for water rights, if you will. You should charge the water rights on the usage. You still haven’t solved the problem of the guy who goes in to a lease-hold improvement, puts in a high water use volume facility, laundromat or restaurant, ... and pays this exorbitant fee and then closes it. Does the water hook-up stay with the property or go with the guy who paid it? ... It really stays with the property. But if it never goes in there again, literally the City can sell that water a second time because they don’t individually look at water, they look at groups of water. If that water consumption goes down, they’re entitled to sell water again. [The City] doesn’t have to account to any resource of the State of how much water we’re using at an individual place but on a globally.” Mr. Millard requested the Board to consider sending the bill back to staff “to come up with a better method for the commercial part who you’re trying to encourage to come in and compete with existing.” He analogized the proposed ordinance to operating an apartment complex. “Why would I reward somebody that just moved to Carson and let a few, ... ‘Hey, you can move into my apartment house for \$350. You’re living next door to a guy that’s paying \$500.’” He advised of having paid \$150,000 in water connection fees to construct a laundromat a few years

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ago, and questioned the ordinance which will allow the same type of development “in ... for less than \$5,000.” He reiterated the request, from the commercial standpoint, to decrease the connection fees by no more than 50 percent.

(8:57:41) Sue Robertson, a local real estate broker, inquired as to whether Mr. Werner had considered “the dollar impact” of the proposed ordinance on “residential houses in progress.” Mr. Werner acknowledged having considered the impact. Ms. Robertson noted that single-family dwellings under construction “are not using the services.” She further noted that fees are required to be paid “up front” in order to “get a building permit.” Mr. Werner advised of having recently discussed various scenarios with Ms. Robertson pertinent to the effective date. He expressed concern over being able to justify not providing the discount to a person who applied for a building permit in the “same time frame but finished their house.” He expressed the opinion that “the only ... way to do it is ... anybody that applies after the effective date of this ordinance gets the ... reduced fees; anybody before that are all treated equally.” In response to Ms. Robertson’s request, he advised that “everybody in process is about \$41,000 on the residential side.” Mr. Werner acknowledged the quoted dollar amounts were pertinent to water and sewer connection fees. Ms. Robertson expressed the opinion “it’s a pretty minimal impact for a couple houses that kind of got caught in the grey area.” She requested the Board’s consideration in that “these houses are not hooked up to services; they aren’t in any condition to be hooked up.”

Mr. Werner acknowledged that all jurisdictions collect connection fees at the time of building permit application. Supervisor Aldean advised of having spoken with Mr. Millard yesterday, and suggested the possibility of staggering the reductions “over time.” She suggested this may lessen the impact to the City and still provide the stimulus. She suggested requesting staff to consider a declining connection fee schedule over the next twelve months. Supervisor Williamson noted the “minimal new construction” in the community as the impetus for the proposed ordinance. She suggested that the decreased connection fees may “tip the scales in favor of Carson City” for developers. She offered assurances that the purpose of the proposed ordinance is not to “undercut anyone” or “make some businesses less competitive than others ...” In consideration of apartment complex owners, she suggested that vacancies may require offering incentives “to have people move into your location as opposed to others.” Supervisor Livermore suggested separately considering residential and commercial connection fees. He expressed a concern over “creating an inequity of commercial competition” and the potential for a liability issue “of creating an unstable economic environment.”

Mayor Crowell suggested the oddity of the discussion in consideration of decreasing fees. He acknowledged the “stimulus side of things to try and spur development in our community,” and expressed concern over development being stifled by the current level of connection fees. He described this aspect as a “value judgement.” He expressed disagreement with the suggestion of a declining connection fee schedule because of staff’s analysis that the economic basis for the water and sewer connection charges is no longer in place. “There’s no cost justification for these charges.” In consideration of the issue over effective date, Mayor Crowell suggested “that applies in every situation where a change occurs. ... It just so happens, in this case, we’re dealing with a major part of it because, for whatever reason, we established a large connection fee and put a large load of the costs that were going to be associated with the water and sewer plants on the connection fee as opposed to collecting through the ... rates.” Based on staff’s analysis that there is no longer a cost justification for the water and sewer connection fees, “that leads me to ... not charge something where there’s no justification for it.” Mayor Crowell was uncertain as to how to go back and reimburse fees already paid. Mr. Werner provided historic information on connection fees and user rates. He explained that most of the current capital improvements projects are “quality related as opposed to quantity related.” He provided background information on the analysis which indicates there is no

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longer a justification for the connection fees. "... maybe it makes more sense to get this stimulus ... and the commercial properties because if our connection fees are so high in this economy that they're not coming in anyway, well, we then don't have any connection fees to pay anything off so we end up back at sum zero. ... maybe we'd be better off by reducing the connection fees that might drive somebody to build in Carson. We then get people to work, we get economic stimulus through sales tax. We get all those other things that maybe is more important than whether or not we collect a couple hundred thousand in connection fees." In consideration of Mr. Millard's comments, Mr. Werner advised that the incentive was not residential. "The real incentive ... was more the commercial side." Mr. Werner further advised that the growth management ordinance will not be changed. "Any high user of water, over 7,500 gallons per day, has to come before the Growth Management Commission before they can get a permit."

Supervisor Aldean noted the extraordinary costs associated with sewer plant improvements that "have essentially [been] put on the back burner because we don't have the capital ..." She suggested a justification for maintaining connection fees at the same level based on the need for future revenue to implement some of these very expensive improvement projects. "We have elected, however, consistent with [Supervisor Williamson's comments], to consider lowering these fees for two years to determine whether or not we can stimulate additional construction, both residential and commercial." Supervisor Aldean expressed the opinion there is a justification for maintaining the current connection fees. Mr. Werner acknowledged "that's how we determined what those rates were." He explained that had staff been able to separate the growth element from the ongoing operational element, "we probably would have some form of connection fee." He noted "we simply can't count on that anymore. ... The idea was that development should always pay for itself. That was the goal of the City all along, but we've reached a point now where we still have to do these improvements regardless of whether or not we have growth or development and that required then that we had to increase the user rates to cover those costs." Mr. Werner noted that the quality-related improvements require buying extra capacity at a very small, incremental cost. "So even if we never again had another building built in Carson, we will still face, at some point, those sewer plant improvements for the existing users because they are more ... current customer-based related than they are future-growth related."

Supervisor Aldean suggested considering the possibility of delaying collection of connection fees until the time the customer actually begins receiving water and sewer service. Mr. Werner advised of having considered this possibility. He explained that "most people borrow the money up front anyway" and discussed a recurring issue associated with final inspection and issuance of the certificate of occupancy. He advised of other options to consider, including spreading the cost over a period of time within the rates. In response to a comment, Mr. Werner advised that the growth management ordinance does not allow for water and sewer connections without a building permit. He reviewed the State's criteria that the City control allocation of water and wastewater to those projects which will actually use them. He provided additional historic information on the requirement to pay water / sewer connection charges at the time of building permit application. In response to a question, he suggested a "success score" would be indicated by a developer being able to "pencil a project" due to the reduced connection fees.

In response to a question, Mr. Werner was uncertain as to how to distinguish between residential and commercial development in consideration of water / sewer connection charges. He suggested that the ordinance treats both equally, and expressed the opinion there should be no distinction. Supervisor Aldean noted that most commercial projects have the ability to recoup investment. In response to a question, Mr. Werner explained that growth and customer-based capital improvements have always been kept distinct. He provided historic information on consideration given to wastewater treatment plant expansion in that the addition of capacity to accommodate future growth "fell on the connection fee side. ... Years ago, that

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was pretty simple because we were probably about 50 / 50 -- we were expanding the plant for future growth and future activities as well as increasing the quality side ... That's shifted ..." Mr. Werner explained there is "plenty of capacity" and that, because of improvement projects, there has actually been a "reduction in capacity at the plant ..." He further explained "back in the days that we had EPA grants, you could not distinguish between commercial and residential. It was based on quality of effluent and we set a minimum ..." Mr. Werner provided historic information on the surcharge imposed for "heavier strength sewage," and advised that it is currently in place. Discussion followed.

Mayor Crowell entertained additional public comment. (9:23:55) Dwight Millard expressed appreciation for the discussion "because it is different than what ... we've typically had in the past." He advised of having briefly spoken with Mayor Crowell previously, and clarified "it's not the actual money ... that I'm averse to; it's the way we are going about it." He explained that the "extrapolation" was his problem. He expressed the opinion that the "extrapolation is somewhat correct and should stay in place." He expressed no opposition to "giving away the money for a stimulus package." He expressed the opinion "there's no reason" the Board couldn't reduce connection fees per project. He reiterated "it's not the money issue per se, it's the fact that you told me for thirty years that this is what you needed to do and, then all of a sudden, it's like, well, we were wrong or we made a miscalculation or something." He expressed support for a reduction in connection fees "in the name of stimulus."

(9:26:37) Sam Landes, of Ridgeline Development, expressed support for the reduction in connection fees to stimulate development. He advised of two residential projects "ready to go for permit that this has helped number where these buyers are willing to buy and build ..." He further advised that the decreased connection fees will help offset the high property taxes in the Silver Oak area. With regard to permits already issued, he requested reimbursement consideration for "an open permit" for a residential project that hasn't "actually physically connected yet."

(9:28:01) Don Robertson advised he is currently constructing a home in the Silver Oak subdivision. He requested consideration for rebates for "people that are under construction." He explained that a partial refund would enable him to "hire some other contractors to do some of the finishes ..." He pointed out that the fee is to connect to the City's water / wastewater system, and advised that Washoe County "collects the fee when the connection is made." He expressed the belief that the fee should be paid for the actual connection, and reiterated that his house is not yet connected.

In response to a question, Mr. Werner discussed the difficulty associated with individual requests to the Board of Supervisors for reduction or waiver of fees. He emphasized the approach would not be impossible, but expressed concern over difficulties associated with the potential for arbitrariness. He expressed appreciation for the "valid comments," and advised that staff had considered many and various possibilities pertinent to the effective date of the proposed ordinance. In reference to Mr. Millard's comments, he advised there were no mistakes made. "We actually looked at the capacity of the facilities to determine what the cost to buy in would be and that's how we came up with these numbers. That's still there. The problem is it's more of a windfall now than it was a necessary financial because the thing that changed was the fact that the builders didn't keep building at the level we thought they were going to be and the revenues coming in weren't what we expected. ... That's what dropped that revenue stream which then required us, from a financial standpoint, to shift." Mr. Werner acknowledged the costs remain, but the long-term necessity of financing the plant has changed because building is not occurring and, therefore, the decision would be based on incentive or stimulus. He further acknowledged staff's recommendation for the Board to consider stimulus rather than cost. Mayor Crowell expressed no opposition to doing so, but reiterated the consideration was one of value. He commended the discussion. Mr. Werner requested

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direction as to a time table for the proposed ordinance and an effective date. In consideration of consistency, Supervisor Aldean suggested the date on which the ordinance is enacted should serve as the effective date. In response to a comment, Mr. Werner advised of having extensively discussed the issue of effective date with Ms. Robertson. "We started looking at all the ramifications and it really gets to be very, very arbitrary." Mr. Werner explained, "If we truly treated everybody equally, then we'd be looking at the neighborhood of, under a rebate program, ... about \$300-some thousand dollars and that just simply is not acceptable." Discussion took place regarding payment of connection fees at the time of connection, and Mr. Werner agreed to look into the possibility.

(9:37:05) At Supervisor Livermore's request, Builders Association of Western Nevada ("BAWN") Government Affairs Director Sheena Beaver advised that BAWN has "primarily been a residential housing association." She expressed support for the benefit of a decreased connection fee on the "residential side." On the "commercial side," she commended Mr. Millard's comments and agreed with the possibility of the decreased connection fee "creating an unfair advantage." She advised of a BAWN Board meeting scheduled for Tuesday, September 8th at which time a position will be developed, together with positive solutions, to discuss with Mr. Werner. Supervisor Williamson suggested requesting a City representative to attend the BAWN Board meeting.

Mayor Crowell entertained additional public comment; however, none was forthcoming. He advised that the bill would be re-introduced at a future meeting. He commended the discussion. Ms. Bruketta responded to questions regarding the method by which to dispense with Bill Nos. 119 and 120.

17. SHERIFF - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 2, ADMINISTRATION AND PERSONNEL, BY AMENDING CHAPTER 2.32, LOST OR ABANDONED PROPERTY, AMENDING SECTION 2.32.050, DISPOSITION OF UNCLAIMED PROPERTY, WHICH CREATES A PROCEDURE FOR THE DISPOSAL OF UNCLAIMED PROPERTY THROUGH INTERNET-BASED AUCTIONS, AMENDING SECTION 2.32.060, PUBLIC AUCTION, WHICH ALLOWS THE SALE OF UNCLAIMED PROPERTY THROUGH INTERNET-BASED AUCTIONS TO TAKE PLACE WITHOUT STANDARD NOTICE, AND OTHER MATTERS PROPERLY RELATED THERETO (9:40:12) - Mayor Crowell introduced this item. Sheriff Ken Furlong reviewed the agenda report. In response to a question, Ms. Bruketta advised that the District Attorney's staff assisted in developing the proposed ordinance. In response to a question, Sheriff Furlong advised there are no costs associated with the internet-based auctions. He advised that, upon passage of the proposed ordinance, a contract will be developed and submitted to the Board. Mr. Werner responded to questions of clarification regarding the method by which the internet-based auctions would be accomplished. He noted the advantage of internet-based auctions in that the market for sales expands exponentially. He acknowledged that sale items may not be sold for as high a value "as if we could do it ourselves, but the cost for us to do that far exceeds that little loss that we would have." In response to a question, he advised that auction costs would be passed along to the buyer.

In response to a question, Treasurer Al Kramer advised that the definition of unclaimed property, under the proposed ordinance, is not the same as the State's definition of unclaimed property. "Different rules apply and these are our funds not the State's funds." In response to a further question, Mr. Kramer advised that the proposed ordinance will "lead us into the next step which will be to choose a vendor." He advised there will be a commission, part of which may be paid by the buyer and / or the seller. "The rest will come back to us." Mr. Kramer advised that "in every case where they've instituted this so far, the revenues to the county or the city have gone up dramatically." In response to a comment, he advised there will be no up-

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front fees. Sheriff Furlong acknowledged that there are other jurisdictions using internet-based auctions to dispose of unclaimed property. In response to a further question, he offered to provide examples of successful processes at second reading. Mayor Crowell noted that the proposed ordinance creates enabling legislation.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Williamson moved to introduce, on first reading, Bill No. 121, an ordinance amending Carson City Municipal Code, Title 2, Administration and Personnel, by amending Chapter 2.32, Lost or Abandoned Property, amending Section 2.32.050, Disposition of Unclaimed Property, which creates a procedure for the disposal of unclaimed property through internet-based auctions, amending Section 2.32.060, Public Auction, which allows the sale of unclaimed property through internet-based public auctions to take place without standard notice, and other matters properly related thereto.** Supervisor Aldean seconded the motion. Motion carried 5-0.

18. PURCHASING AND CONTRACTS

18(A) ACTION TO APPROVE CONTRACT NO. 0910-084, JOINDER CONTRACT WITH SANTEX TRUCK CENTER THROUGH THE HOUSTON-GALVESTON AREA COUNSEL (“H-GAC”) FOR THE PURPOSE OF TWO (2) INTERNATIONAL 7600 TRUCKS FOR A NOT-TO-EXCEED COST OF \$213,740.00, TO BE FUNDED FROM THE WATER EQUIPMENT FUND AND THE STREETS EQUIPMENT FUND, AS PROVIDED FOR IN FY 2009 / 2010 (9:48:28) - Mayor Crowell introduced this item, and Public Works Department Director Andrew Burnham reviewed the agenda report. He acknowledged the cost was budgeted both in the RTC and Streets funds to replace two existing large trucks which will be auctioned. He further acknowledged that the vehicles could be purchased locally through a bid process in which anyone in the country may participate. He explained the cost benefit of joining an existing bid process. He acknowledged that the Houston - Galveston Area Council has gone through a bidding process to determine that Santex Truck Center has the most reasonable prices. In response to a question, he expressed doubt that NDOT would have surplus equipment for sale in consideration of having added the freeway as part of their maintenance program.

Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Livermore moved to approve Contract No. 0910-084, Joinder Contract with Santex Truck Center through the Houston - Galveston Area Council for the purchase of two International 7600 trucks for a not-to-exceed cost of \$213,740.00 to be funded from the Water Equipment Fund and the Streets Equipment fund, as provided in FY 2009 / 2010.** Supervisor Aldean seconded the motion. Motion carried 5-0.

18(B) ACTION TO DETERMINE THAT F AND P CONSTRUCTION, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 0910-058, CARSON CITY FAIRGROUNDS / FUJI PARK URBAN FISHING POND AND SITE IMPROVEMENT TO F AND P CONSTRUCTION, INC., FOR A BID AMOUNT OF \$603,159.30, PLUS A CONTINGENCY AMOUNT NOT TO EXCEED \$90,473.90, TO BE FUNDED FROM THE URBAN FISHING POND FUND, AS PROVIDED IN FY 2009 / 2010 (9:53:50) - Mayor Crowell introduced this item, and Purchasing and Contracts Coordinator Sandy Scott reviewed the agenda report. Supervisor Aldean inquired as to the reason the contingency amount exceeds the usual ten percent. Ms. Scott explained uncertainties associated with the dewatering process, and advised of the grantors' preference for the City to “put money into that project rather than to return it.” She acknowledged the increased contingency ensures adequate funding should the need arise.

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In response to a question, Parks and Recreation Department Director Roger Moellendorf discussed the uniqueness of the project in that over \$700,000 in grant funding has been accumulated thus far. He reiterated the grantors' preference for the City to allocate the grant funding to the project rather than returning any of it. He advised that the City has no obligation above the grant funding already allocated. Any left-over grant funding will be allocated toward additional project amenities.

Mayor Crowell entertained public comment. (9:57:05) In reference to a question from a recent Parks and Recreation Commission meeting, John Wagner advised that fish will be added to the pond once there is water in the pond.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to determine that F and P Construction, Inc. is the lowest responsive and responsible bidder, pursuant to NRS Chapter 338, and to award Contract No. 0910-058, Carson City Fairgrounds / Fuji Park Urban Fishing Pond and Site Improvement to F and P Construction, Inc. for a bid amount of \$603,159.30, plus a contingency amount not to exceed \$90,473.90, to be funded from the Urban Fishing Pond fund, as provided in FY 2009 / 2010. Supervisor Walt seconded the motion. Motion carried 5-0.**

19. PUBLIC WORKS DEPARTMENT BUILDING DIVISION - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 15, BUILDINGS AND CONSTRUCTION, CHAPTER 15.05, BUILDING CODE, SECTION 15.05.020, ADOPTION AND ADMINISTRATION OF BUILDING AND CONSTRUCTION CODES, BY REPEALING THE ADOPTION OF SECTIONS 1214.3, 1214.3.1, 1214.3.2, AND 1214.3.3 OF THE 2007 NORTHERN NEVADA AMENDMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (9:58:33) - Mayor Crowell introduced this item, and Chief Building Official Kevin Gattis reviewed the agenda report. Mayor Crowell entertained public comment. (9:59:50) BAWN Government Affairs Director Sheena Beaver expressed appreciation to Mr. Gattis for developing the proposed ordinance. Mayor Crowell entertained additional public comment; however, none was forthcoming.

In response to a question, Mr. Gattis provided background information on the proposed ordinance. He advised that Washoe County representatives have expressed support for repealing the subject sections of the 2007 Northern Nevada Amendments. He assured the Board of the public's protection under the corresponding statutory provisions. Mayor Crowell entertained a motion. **Supervisor Aldean moved to approve to introduce, on first reading, Bill No. 122, an ordinance amending the Carson City Municipal Code, Title 15, Buildings and Construction, Chapter 15.05, Building Code, Section 15.05.020, Adoption and Administration of Building and Construction Codes, by repealing the adoption of Sections 1214.3, 1214.3.1, 1214.3.2, and 1214.3.3 of the 2007 Northern Nevada Amendments, and other matters properly related thereto. Supervisor Williamson seconded the motion. Motion carried 5-0.**

20. RECESS BOARD OF SUPERVISORS (10:02:50) - Mayor Crowell recessed the meeting.

REDEVELOPMENT AUTHORITY

21. CALL TO ORDER AND DETERMINATION OF QUORUM (10:12:50) - Chairperson Williamson called the Redevelopment Authority to order at 10:12 a.m. A quorum was present.

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22. ACTION ON APPROVAL OF MINUTES - August 6, 2009 (10:12:56) - Member Crowell moved to approve the minutes. Member Livermore seconded the motion. Motion carried 5-0.

23. OFFICE OF BUSINESS DEVELOPMENT - ACTION TO APPROVE AGREEMENTS FOR ASSIGNMENT OF VENDING SPACE FOR DOPPELGANGER'S BAR AND GRILL, B'SGHETTI'S, THE CARSON CIGAR COMPANY, AND MO & SLUGGO'S BAR, AS PART OF THE SUMMER CONCERT SERIES 2009, ROCK IN THE SQUARE (10:13:20) - Chairperson Williamson introduced this item, and Deputy Business Development Manager Tammy Westergard reviewed the agenda report. Ms. Westergard acknowledged that the Telegraph Square merchants selected the date and the band without City involvement.

(10:15:01) B'Sghetti's Restaurant Owner Scott Doerr provided background information on the Rock in the Square event. At Chairperson Williamson's request, Mr. Doerr advised that a local blues band will open the show at 6:00 p.m., followed by Mumbo Gumbo at 7:00 p.m. He acknowledged that Cajun-themed food and drink will be available. He further acknowledged that the cost of the band is being funded by the four vendors. In response to a further question, he advised that the Rock in the Square event has been scheduled on the second Saturday in September for the last three years. He responded to additional questions regarding the event details.

Chairperson Williamson entertained public comment and, when none was forthcoming, a motion. **Vice Chairperson Aldean moved to approve agreements for assignment of vending space for Doppelganger's Bar and Grill, B'Sghetti's, the Carson Cigar Company, and Mo & Sluggo's, as part of the Summer Concert Series 2009, Rock in the Square. Member Crowell seconded the motion**, and noted several typographical errors in the agreements. Chairperson Williamson entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.**

24. ACTION TO ADJOURN THE REDEVELOPMENT AUTHORITY (10:19:35) - Chairperson Williamson adjourned the Redevelopment Authority at 10:19 a.m.

25. RECONVENE BOARD OF SUPERVISORS (10:19:49) - Mayor Crowell reconvened the Board of Supervisors.

26. PUBLIC WORKS DEPARTMENT PLANNING AND ZONING DIVISION - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, TO MODIFY THE DEFINITIONS OF "TRUCK, PICKUP" AND OTHER TRUCKS AND VEHICULAR EQUIPMENT OF A COMMERCIAL NATURE; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 2.3, GENERAL PARKING REQUIREMENTS, RELATING TO THE PARKING OF PICKUP TRUCKS, PANEL VANS, AND OTHER TRUCKS, COMMERCIAL TRAILERS, OR VEHICULAR EQUIPMENT OF A COMMERCIAL NATURE WITHIN RESIDENTIAL ZONING DISTRICTS, AND OTHER MATTERS PROPERLY RELATED THERETO (10:19:55) - Mayor Crowell introduced this item, and noted that Mr. Plemel had distributed late material to the Board members and the Clerk. Planning Division Director Lee Plemel provided background information on this item, and reviewed the agenda report and the late material. He responded to questions of clarification regarding the provisions of Section II, Paragraphs 2.3(9)(c) and 2.3(9)(f). Supervisor Livermore expressed concern over enforcement of the proposed ordinance. Supervisor Aldean suggested the possibility of including a definition of "rural" in the Carson City Municipal Code, and expressed agreement with Supervisor Livermore's concern over enforcement. Mr. Plemel expressed uncertainty over defining "rural" without including the Lakeview

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subdivision. He advised that the Wellington Crescent and Lakeview subdivisions do not keep horses, and noted this as the distinct feature pertinent to Paragraph 2.3(9)(f). Discussion followed, and Supervisor Aldean expressed concern over the unintended consequences of adopting an ordinance which will negatively affect residents who wish to preserve a rural lifestyle. She reiterated the suggestion to consider defining “rural” in the Carson City Municipal Code and applying it to Paragraph 2.3(9)(f), and expressed the opinion that this would provide some assurance to people who live in rural or semi-rural areas in Carson City. She requested to add “federal” vehicles to Paragraph 2.3(9)(g) in addition to those vehicles already listed in the September 1, 2009 memorandum previously distributed and reviewed by Mr. Plemel. She additionally suggested adding a new section to Paragraph 2.3 to provide for residents who utilize certain-size vehicles as their sole means of transportation. Mr. Plemel responded to questions of clarification regarding Supervisor Aldean’s suggestions.

Supervisor Williamson acknowledged the proposed ordinance as “near and dear to the hearts” of certain residents. She noted, however, the responsibility to enforce the ordinance for the entire community and that there are the same number of code enforcement officers in the City as ten years ago. She suggested considering what can be practically accomplished by passage of the ordinance. Supervisor Walt expressed concern over the ordinance being unfriendly to small business owners. She agreed with Supervisor Aldean’s suggestion to consider including a definition of “rural” in the code. Mr. Plemel expressed uncertainty that defining “rural” in the code will clarify the issue. He explained that the Carson City Municipal Code “deals in zoning districts and areas and ... you can identify areas that have different standards than other areas.” Supervisor Livermore advised that Carson City used to have rural and urban designations. He noted a great deal of “commercial friction” on the east side of town, and referred to Kansas Street as an example. Mr. Plemel acknowledged that a business license is required to conduct business from home. In response to a further question, he explained there are certain businesses which are prohibited from in-home operation. There are no areas of town, however, in which a home office is prohibited.

Mayor Crowell opened this item to public comment. (10:45:05) Richard Schneider expressed agreement that “horse properties should ... be allowed to have larger trucks.” He expressed the opinion that the impetus behind the proposed ordinance was “a home occupation violation that wasn’t addressed by the City.” He expressed the further opinion “we want to build the kind of City that doesn’t have ... big trucks in ... neighborhoods that are purely residential.” He suggested allowing properties which are zoned for horse-keeping to “have larger trucks.” He further suggested that gross vehicle weight ratings are an important consideration in limiting the size of the truck. He acknowledged concerns over “building Carson,” and expressed concern over “Carson maybe losing residents because of incidents like this ... where neighborhoods just aren’t very attractive.” He advised of many vacant properties in Lakeview. He discussed the importance of code enforcement to a community’s health and well being. “Junky properties should be looked at and put out of business.” Mr. Schneider suggested “if you’ve got little violations, chances are you’ve got bigger violations such as meth labs or worse going on ...” He reiterated agreement that horse-keeping properties should be allowed to have vehicles not necessarily defined as pickup trucks or vans, and that commercial vehicles over 11,500 pounds shouldn’t be in neighborhoods.

Ms. Bruketta expressed concern over enforcing various portions of the ordinance, and suggested hearing the code enforcement officers’ perspective. “At some point, [the code enforcement officers] need to set forth parameters so that [their] decisions aren’t arbitrary and capricious.” (10:49:33) Code Enforcement Officer Kevin McCoy requested the Board to consider that the code enforcement officers are prohibited

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from making arbitrary decisions. He noted that the proposed ordinance is part of the zoning code, violations of which will be determined by Planning Division staff and, when necessary, the District Attorney's staff.

In response to a question, Mr. Plemel suggested that any exclusion for trucks used as the sole means of transportation would be those not exceeding 8 feet in manufactured height and 22 feet in length. Supervisor Aldean read into the record proposed paragraph 9(h), as follows: "That trucks not exceeding 8 feet in manufactured height or 22 feet in length, when used as the sole means of transportation of a resident, would be exempt." In reference to Mr. Schneider's suggestion, Supervisor Aldean suggested the following modification to paragraph 9(f): "On residential parcels, one acre or larger in size that are zoned for horses, pickup trucks not exceeding 22 feet in length and eight feet in manufactured height with non-traditional body styles, such as flatbeds, when used for animal-keeping purposes, (e.g. horses or livestock), on the property and provide that such vehicles shall not be parked within a setback area and shall be screened from view from any public thoroughfare." Mr. Plemel advised that Lakeview is zoned for horses, and clarified the language "when used for animal-keeping purposes" is "the key point." In response to a question, he explained that the CC&Rs prohibit horse keeping in Lakeview.

Mayor Crowell entertained additional public comment. (10:54:43) Richard Schneider expressed concern over "people taking advantage of allowing larger trucks for animals that need larger trucks." He inquired as to where the line will be drawn. He suggested limiting the provision to horse keeping only.

Supervisor Aldean suggested further modifying the language of paragraph 9(f) to read, "... when used for horse-keeping purposes," and eliminating the parenthetical language. Ms. Bruketta suggested adding to proposed paragraph 9(h) the words "for personal use and not for commercial use." Discussion followed, and Supervisor Livermore expressed concern over "shoebox[ing] an issue on the whole community." He advised he would not support the ordinance, as proposed, and reiterated concern over enforcement.

Mayor Crowell entertained a motion. Supervisor Aldean noted the limitations associated with code enforcement personnel. **Supervisor Aldean moved to introduce, on first reading, Bill No. 123, an ordinance amending Title 18, Zoning, Chapter 18.03, Definitions, to modify the definitions of pickup truck and other trucks and vehicular equipment of a commercial nature, and amending Chapter 18.16, Development Standards, Division 2.3, General Parking Requirements, relating to the parking of pickup trucks, panel vans and other trucks, commercial trailers or vehicular equipment of a commercial nature within residential zoning districts, and other matters properly related thereto, subject to the following amendments:** subparagraph 9(f) will be reworded to read, as follows: On residential parcels one acre or larger in size, pickup trucks not exceeding 22 feet in length and eight feet in manufactured height with non-traditional body styles, such as flatbeds, when used for horse-keeping purposes on the property, and provided that such vehicle shall not be parked within a setback area and shall be screened from view from any public thoroughfare; another amendment would be to subparagraph 9(g) to add the word "federal" before "state or local government," and include a new paragraph 9(h) which would read as follows: Trucks not exceeding eight feet in manufactured height or 22 feet in length, when used as the sole means of transportation of a resident for personal use and not commercial use. **Supervisor Williamson seconded the motion. Motion failed 3-2.** Mayor Crowell noted that failure of the motion leaves the existing ordinance in place.

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27. PARKS AND RECREATION - ACTION TO DIRECT THE PARKS AND RECREATION DEPARTMENT AND THE OFFICE OF BUSINESS DEVELOPMENT TO OPERATE THE ARLINGTON SQUARE ICE SKATING RINK DURING THE WINTER OF 2009/2010 (11:01:53) - Mayor Crowell introduced this item, and Mr. Werner provided background information. In response to a question, he advised that the ice rink would be both a Parks and Recreation Department and an Office of Business Development project. He clarified that the funding source can be determined by the Board. In response to a question, Ms. Bruketta advised that, pursuant to NRS 279.408, recreation facilities can be part of an adopted redevelopment plan. She further advised that the Board has previously designated recreation facilities as part of the City's redevelopment plan and, therefore, has the authority to expend redevelopment funding to meet the goals of said plan. She referred to NRS 279.628. In response to a further question, she reviewed the statutory criteria for allocating redevelopment funds to operation of the ice skating rink. In response to a further question, she expressed the belief that approving revolving funds for a previously-adopted activity would probably not necessitate an application. She advised that the Redevelopment Authority may direct staff to prepare and submit an application. Mr. Werner acknowledged that sufficient funding is available in the redevelopment budget to fund operation of the ice rink. Supervisor Walt discussed the importance of accommodating citizens with young children being able to provide public comment, and Mayor Crowell agreed.

Parks and Recreation Department Director Roger Moellendorf commended Mr. Werner's presentation of the agenda report. He expressed the opinion, on behalf of his department, that the ice skating rink is "a viable recreation activity." He noted the 10,000+ skaters in the first year of operation, and expressed confidence that the second year will bring an increase in the number of skaters. He advised that there are few outdoor recreation activities provided by the City during the winter months, and noted this as one of the few that is "really ... family oriented." He further noted the Parks and Recreation Department's focus on recreational activities. In terms of subsidy level, program cost, and anticipated revenue, he advised that the project compares with other recreation programs offered to the community. In response to a question, he advised that recreation programs are a measure of a community's quality of life. The ice skating rink is not the type of activity which has been available in the past. A recreation opportunity which provides an attraction to downtown is a quality of life measure. Mr. Moellendorf acknowledged costs, other than those included in the agenda materials, would be incurred by the Parks and Recreation Department. He listed overhead supervisory / management costs associated with Recreation Program Manager Joel Dunn's time, as well as ancillary costs including trash clean up which would be absorbed by the Parks and Recreation Department. In response to a question, he advised that these overhead costs are not unusual in consideration of other Recreation Division programs. Mr. Moellendorf acknowledged having reviewed the budget included in the agenda materials. In response to a question, he expressed the opinion that the budget is very conservative and incremental, based on the previous year's activities, subtracting out some of the one-time capital expenditures. He suggested that consideration given to decreasing the season to eight weeks "might concentrate the use ..." Once the budget is more closely examined, in conjunction with Office of Business Development staff, Mr. Moellendorf suggested there may be adjustments which could add to the management efficiencies. In response to a further question, he advised that no other location was considered. He suggested there never seems to be an ideal location, but noted the benefits of a central downtown location and the significant infrastructure investment in terms of the electricity. He advised there is no other publicly-owned property in the same area which would be suitable for the ice skating rink.

In consideration of location, Supervisor Aldean reminded the Board that there are other areas of town which are "ailing right now." She suggested the City could enter into a cooperative agreement with any private property owner. In response to a question, Mr. Werner explained that the Parks and Recreation Department costs will be included as internal service charges at the end of the fiscal year. Supervisor

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Aldean suggested “if we are philosophically aligned on the benefits of this program, ... there wouldn’t need to be any additional costs incurred by redevelopment.” She expressed concern over the proposed 50 percent cost recovery. Mr. Werner explained that the ice skating rink was presented as a downtown activity “to bring people in, ... not as a money raiser ...” or to break even. Supervisor Aldean expressed concerns over allocating funding from the general fund. She advised of “mixed feedback” from downtown area merchants “as to whether or not this was beneficial and should be repeated.” Mr. Werner clarified his recommendation to fund the program through redevelopment.

Supervisor Livermore advised that this item was presented to the Parks and Recreation Commission on Tuesday, August 25th. He further advised of having distributed to the Board members copies of his written comments provided to the Parks and Recreation Commission in his absence from the August 25th meeting. He expressed concern over the validity of the Office of Business Development “budget figures and income estimates ...” He noted that there was no evidence of “last year’s claims of income and verifiable costs.” He advised of having been informed, by several downtown merchants, “that the ice skating rink not only did not make their cash registers ring, it hurt them.” He displayed a letter from Clark Russell, and advised of telephone conversations and a “visit with the Carson Nugget.” He has yet to hear from any downtown merchant that the ice skating rink helped their business. “Absent of that,” he could “only make his own conclusions.” After the ice rink closed last year, Supervisor Livermore advised of having “persisted to try to ... get a final accounting of what took place ...” He expressed concern over transparency and accountability, and advised of having been provided an accounting of the event by summer of this year. He expressed concern that said accounting was not included in the subject agenda materials. He advised that Parks and Recreation Commissioner Tom Keeton had also submitted written comments. He referred to earlier comments that the ice skating rink will be “a special event to benefit the downtown businesses so it’s not really a recreation program.” He advised that some of the indoor recreation programs managed by Mr. Dunn cover up to 130 percent of their costs. He expressed “all the faith and confidence in Roger Moellendorf and his department ... if this is a recreation program ... of making sure that the cost recovery is within line of our expenses against our revenue.” He acknowledged that multiple recreation programs are subsidized, and cited the aquatic facility as “a great example.” He provided background information on research he had conducted into the costs associated with the ice skating rink. He suggested that a skating rink should be a separate issue for the community, and expressed the belief that general funding should not subsidize the ice skating rink. He questioned the Parks and Recreation Department “putting on events funded by the general fund ...” He expressed support for an ice rink in Carson City, and the belief that the community should be involved in deciding upon the location and operation. Mr. Werner advised that the “2008 / 09 Actual” column, of the budget included in the agenda materials, delineated the expenditures from last year’s ice skating rink. In response to a comment, he advised that the figures were provided by the Finance Department after having been audited. He further advised that letters of support were not requested from downtown merchants because 11,000 skaters would indicate that “somebody’s going to benefit from that.” He advised that Supervisor Livermore had inquired as to purchase of a chiller, and that a determination has yet to be made as to whether the ice skating rink will be used as a business development venture in the downtown area or as a recreation program in another location. He explained that the cost is built into the \$119,900.00 skate rink rental line item as part of the 2009 / 10 estimated budget.

In response to a question, Mr. Moellendorf explained that Parks and Recreation Department cost recovery is established at 100 percent of direct costs as part of the parks and recreation master plan element. In consideration of the Parks and Recreation Department as a whole, and revenues generated by recreation programs, “we’re usually recovering about 50 percent of our total costs.” In response to a comment, Mr. Moellendorf advised that Mr. Dunn has become busier year-round because of the increase in indoor

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recreation programs. He clarified that the winter months are a slower time of year for the park maintenance crews, which may provide the opportunity to attend to the ice skating rink maintenance. In response to a further comment, he advised that Parks and Recreation Department staff considers the ice skating rink as a recreation activity located downtown. Supervisor Walt noted the family-oriented nature of the ice skating rink, and discussed a PTA-sponsored event held last year. She expressed concern over a “group of people making it an issue because they would like to see the location change.” She suggested considering the Carson Nugget’s investment “to make it happen last year.” She expressed disbelief that the downtown had not benefitted from the ice skating rink, and discussed the importance of investing funding in providing activities for young people and families.

Mayor Crowell entertained public comment. (11:46:22) B’Sghetti’s Restaurant Owner Scott Doerr advised that his restaurant has been in the downtown area for twelve years; that he has been able to predict fairly closely “within a couple thousand dollars” what “sales will be each and every December.” He advised of a ten percent increase last year “during a very difficult time.” He expressed support for affordable, family activities in the downtown area. He failed to see the negative aspect of the ice skating rink “other than financially.” As a business person, he expressed understanding for budgets and the belief that the purpose of redevelopment funding is “to support the downtown and the City.” He suggested there is no better location “because ... everyone has the ability to see it. It is its own sign.” He expressed understanding for the large fence, but noted that it had limited visibility of the ice skating rink. He expressed appreciation for last year’s ice skating rink, and requested that it go forward again this year.

(11:48:49) Chamber of Commerce Board of Directors Chairman Jim Smolenski advised that he is a member of the Parks and Recreation Commission and was present at the August 25th meeting. He discussed the Chamber’s mission to provide businesses a unified voice in the community. He reviewed several questions, following “numerous phone calls and e-mails that came into the Chamber office.” He advised of having contacted several Chamber members who are also members of the Downtown Business Association. “The majority ... basically said they really were not in support of doing this event again.” They complained of parking issues, the appearance of the “whole skating rink area,” and a lack of increase in foot traffic and sales. They suggested that the “money would really be better spent on downtown infrastructure.” Mr. Smolenski inquired as to whether the ice skating rink is “the smartest endeavor to enter into in this economic time.” He advised that he has been playing hockey since the age of four, and of having conducted research into the purchase of an ice skating rink. In consideration of the skate rink rental cost estimate of \$119,900, he advised that “almost half the cost is ... set up, tear down, and transportation to this location from the company that rents the ice rink.” He further advised of having spoken with an ice rink manufacturer yesterday who informed him that the ice rink used last year was 60 x 85, “relatively small.” A 60 x 100 ice rink, including a chiller, dasher boards, and “everything that’s needed to put the rink together,” would cost approximately \$230,000 as a one-time investment. He expressed no opposition to an ice rink, and advised of having spent a great deal of time at the ice rink last year.

Funding aside, Mayor Crowell inquired as to the Chamber of Commerce’s opinion regarding whether or not the ice skating rink enriches the community’s quality of life. Mr. Smolenski acknowledged that the quality of life was enhanced. “... on the other hand, ... it’s more the location to involve more than strictly in a corridor where it’s kind of restricted.” In response to a further question, he advised that his purpose at this meeting was to voice the concerns of some of the Chamber members that the subsidy could possibly be better spent “somewhere else.” Mr. Smolenski discussed concerns over last year’s presentation, and the cost estimates associated with this year’s proposed rink.

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(11:59:03) Firkin and Fox Marketing Director John Butler advised that he had no empirical data because the Firkin and Fox was not yet open in 2007. He advised of increased foot traffic in the downtown based on witnessing ice rink wrist bands. As a marketing director, he expressed support for downtown events which provide exposure to downtown businesses. He agreed that the ice rink visibility could be improved as well as the time of year. In reference to comments that downtown merchants had been polled, he advised that neither he nor Firkin and Fox owner Jim Phalan “were asked anything ...” He expressed the hope that “some people from the Chamber of Commerce and some groups from the [Downtown Business Association] were asked about this.” He expressed the opinion that the ice skating rink “was a viable product for the downtown to bring people in.” He advised that he lives in Reno and expressed a willingness to talk to area business owners and provide the feedback. He acknowledged needed improvements to last year’s ice rink, but “as a first-time, first-year thing, right off the bat, it was at least a ... double if not a home run.”

Supervisor Livermore expressed appreciation for Mr. Butler’s and Mr. Doerr’s comments, and advised of having been informed “by two people that they were fearful to come testify because ... of retribution because of their potential involvement with redevelopment.” Mr. Butler expressed regret over anyone being fearful to provide comment in a public forum. Supervisor Livermore apologized that he had not taken the time to contact Mr. Butler. Mayor Crowell advised that repercussions from testifying before the Board of Supervisors is “absolutely not true.” He emphasized that the Board operates in a public manner, in a way that is “hopefully conducive to getting the most public comment so that we can make the most reasonable decision for the public good in this community in the most transparent way.” Mayor Crowell thanked Mr. Butler for his attendance and participation.

(12:04:00) Carson Nugget General Manager Star Anderson advised that the ice skating rink is “not a revenue stream for the Carson Nugget.” She acknowledged that it is a family-friendly venue, described it as beautiful, and further acknowledged a “small, incremental increase in revenues in some of the restaurants.” She expressed the Carson Nugget’s support as a business and community partner, and a willingness to allow the community to utilize the parking lot.

(12:05:13) Chet Alexander expressed concern over a “foreclosure issue that we haven’t even seen the beginning of.” He expressed further concern that five-year adjustable rate mortgages will come due next year, and the opinion “it’s going to be a fire storm.” He further noted the \$10 trillion national deficit, and Nevada and California’s budget crises. He wondered at what else could be done with the funding invested and proposed to be invested in the ice skating rink. He expressed a preference for the funding to instead be allocated to the Carson City Library or to the Boys and Girls Clubs of Western Nevada. He expressed the opinion that the ice skating rink “is a foolish waste of money,” and advised of his opposition.

(12:06:43) John Wagner suggested that \$135,000 “for eight weeks seems like an awful lot of money.” He acknowledged that the aquatic facility “loses money” but noted it is open all year round. He suggested that people could be bussed to the Reno ice rink for a lot less. He further suggested that allocating this funding is a “slap” at people “who are losing their homes.” He inquired as to the number of out-of-county users and the number which “use it more than once.” He inquired as to “the actual count of the number of individuals ...” He agreed with Jim Smolenski’s suggestion to purchase an ice skating rink which can be operated year round.

Supervisor Williamson expressed support for the ice skating rink as “a good thing for our community, ... for our region, ... for our businesses, ... for our downtown.” She noted that the ice skating rink was well received and supported unanimously by the Board last year. She expressed the opinion that “we delivered

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on what we promised the community.” “If there were 10,000 skaters,” she guaranteed an additional 10 to 15,000 people in the downtown area. She acknowledged the costs associated with the ice skating rink, but noted it also provided 30 to 35 jobs. She noted the importance of the ice skating rink having provided Carson City “a sense of itself, a sense of being the best community in this region, which we are; a sense of being the capital of Nevada and being smart and innovative.” She pointed out that the objectors “don’t have children.” She noted the benefit of the ice skating rink as “a community outreach program, ... for families, for children. ... This is gang prevention” by providing the middle and high school kids “something to do that’s positive.” Supervisor Williamson noted the previous design will be fine-tuned to be “less institutional” in appearance. She expressed wholehearted support “because Carson City deserves it.”

In response to a question, Mr. Werner advised that the Board could take action to direct staff to re-agendize the item as an indication of support. Supervisor Aldean advised of having discussed with people “their primary concern of spending this sort of money out of the general fund at a time when we are bleeding.” She shared those concerns, and suggested the expense should legitimately be allocated from redevelopment. Based on the policies and procedures adopted by the Board, she expressed the opinion that the funding request should be submitted through the application process. She discussed the importance of being faithful to the policies and procedures “in order to maintain some sense of legitimacy ...” She further discussed the importance of developing a method for tracking success. Mr. Moellendorf acknowledged that the budget is conservative due to the anticipation of operational changes. He noted possible changes to the site design, the possibility of increasing concession sales without deterring from the downtown businesses, the possibility of labor savings, etc. Supervisor Williamson advised of the possibility of partnering with the Recreation Division Latchkey Programs and the School District which will increase day-time usage. Supervisor Aldean expressed a preference to dispense with the internal service charges due to “sufficient cushion in this budget to cover any extraordinary expenses” incurred by the Parks and Recreation Department.

Mayor Crowell advised of having reviewed the redevelopment statutes, and suggested the criteria should be whether the subject project enriches the community’s quality of life. He advised of being convinced that it does, and expressed encouragement that the Chamber members also believe the project enriches the community’s quality life in spite of being concerned over the location and the funding. In consideration of funding, Mayor Crowell read the statutory definition of redevelopment in the record, noting the specific reference to “recreational and other facilities appurtenant thereto.” He read into the record a portion of NRS 279.423 pertinent to the authority of the Board of Supervisors. He expressed the opinion that the ice skating rink “is spot on” with the statutory definition of redevelopment as well as the Board’s authority to allocate public funding. Supervisor Walt read into the record Sections 3.13 and 3.20 of the downtown redevelopment plan adopted February 6, 1986. Mayor Crowell expressed the belief that the ice skating rink should be a redevelopment project.

In response to a question, Ms. Bruketta reviewed the process by which to fund the project through redevelopment. Supervisor Aldean clarified her suggestion to submit the application to the Redevelopment Authority Citizens Committee members in order that they can provide comments directly to Mr. McCarthy. Discussion followed, and Supervisor Aldean suggested the Board’s action should be to authorize completion of the application for submission to the redevelopment agency. In response to a comment, she suggested there should be no distinction between government and the private sector. “... we all need to adhere to the same rules.” Ms. Bruketta expressed support, and referred to the CDBG grant process as an example. Supervisor Livermore read into the record a portion of a letter in opposition to the ice skating rink. He commended Mr. Moellendorf and Mr. Dunn as “good soldiers,” and described the ice skating rink

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as a “park and rec rescue plan.” Supervisor Aldean discussed the importance of the merchants aggressively capitalizing on these events wherever they are located. Mr. Werner expressed the opinion that the budget estimates on sales may be understated as “people are standing in line” regarding advertising.

Mayor Crowell entertained a motion. **Supervisor Williamson moved to direct the Parks and Recreation Department to develop an application for redevelopment funds for the Arlington Square Ice Skating Rink for the Winter of 2009 / 2010. Supervisor Walt seconded the motion.** Supervisor Livermore inquired as to the reason for requiring the Parks and Recreation Department to submit the application. Following a brief discussion, Mayor Crowell summarized the intent of the motion to direct a City department to prepare an application for redevelopment funding. Supervisor Aldean reiterated the request to share the application with the Redevelopment Authority Citizens Committee members even if it is outside a public meeting. Discussion took place with regard to the time frames associated with the application. Mayor Crowell called for a vote on the pending motion; **motion carried 4-1.**

(12:30:45) John Wagner expressed the opinion that no citizen should ever fear repercussions from any member of the Board of Supervisors. He suggested repercussions “may come from an employee with his employer or ... from a business with a customer ...” He commended the Board of Supervisors.

28. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (12:31:42) - Ms.

Bruketta advised that the Board would adjourn into closed session pursuant to NRS 241.015 and NRS 288.220.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS

STAFF COMMENTS AND STATUS REPORT

29. ACTION TO ADJOURN (12:32:04) - Mayor Crowell adjourned the meeting at 12:32 p.m.

The Minutes of the September 3, 2009 Carson City Board of Supervisors meeting are so approved this 1st day of October, 2009.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder