

CARSON CITY BOARD OF SUPERVISORS

Minutes of the October 1, 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, October 1, 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
Joel Benton, Senior 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, DETERMINATION OF QUORUM, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:32:50) - Mayor Crowell called the meeting to order at 8:32 a.m. Roll was called; a quorum was present. Mayor Crowell noted that the First United Methodist Church would be celebrating its 150th anniversary on October 16, 2009. First United Methodist Church Pastor Rob Jennings-Teats thanked Mayor Crowell, and provided the invocation. Kent Witt led the pledge of allegiance.

5. ACTION ON APPROVAL OF MINUTES - September 3, 2009 (8:35:32) - Supervisor Aldean suggested a revision to page 18, and moved to approve the minutes, as amended. Supervisor Williamson seconded the motion. Motion carried 5-0.

6. ADOPTION OF AGENDA (8:36:16) - At Mr. Werner's request, Mayor Crowell modified the agenda to address item 12(B) following item 12(D). Mayor Crowell then deemed the agenda adopted. (9:08:19) Mayor Crowell further modified the agenda to address item 12(B) following item 12(C). (11:18:31) Mayor Crowell further modified the agenda to address item 18(C) prior to item 18(A).

7. PUBLIC COMMENTS AND DISCUSSION (8:37:06) - Mayor Crowell entertained public comment. (8:37:29) Steve Waclo, a resident of Quail Run, commended the outcome of the freeway interchange at Fairview Drive, particularly the landscape, "details," and street lamps. He advised of "an improved police presence ..., both the Nevada Highway Patrol and our local police force," and commended their efforts at "keeping a lid on speeding." He expressed appreciation to the Regional Transportation Commission for funding allocated several years ago to upgrade windows in the Quail Run residences. He advised of a "No Engine Brakes" sign "at the freeway exit coming off which seems to help with westbound traffic, but occasionally ... a thoughtless truck driver will hit the engine brakes coming the other way." He requested that consideration be given to installing a "No Engine Brakes" sign on the eastbound side. He thanked "everybody who was involved" in construction of the Fairview Drive interchange. Mayor Crowell entertained additional public comment; however, none was forthcoming.

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8. SPECIAL PRESENTATIONS

8(A) PRESENTATION OF A PROCLAMATION TO ASSEMBLYWOMAN BONNIE PARNELL FOR DEDICATED SERVICE AS STATE LEGISLATIVE REPRESENTATIVE FOR ASSEMBLY DISTRICT 40 AND CARSON CITY (8:41:19) - Mayor Crowell introduced and provided background information on this item. He invited Assemblywoman Bonnie Parnell to the podium, joined her there, and read into the record the language of the Proclamation, copies of which were included in the agenda materials. Mayor Crowell thanked Assemblywoman Parnell and the Board members, City staff, and citizens present applauded her. (8:43:45) Assemblywoman Parnell thanked everyone, and expressed appreciation for the opportunity to serve. "As the only female and the only Democrat in the rural congregation," she expressed appreciation to her fellow legislators and her constituents. Supervisor Livermore expressed appreciation for Assemblywoman Parnell's dedication to Carson City, and commended her as "a home grown Carsonite" with "the citizens of Carson City at heart."

Mayor Crowell opened this item to public comment. (8:45:54) Mary Walker, of Walker and Associates, advised that Assemblywoman Parnell "has been an integral part of our team," especially in consideration of the 2009 Legislative Session being "probably the most difficult ... for local governments in memory." Ms. Walker advised of having met with Assemblywoman Parnell prior to the beginning of the session to request guidance. "Her guidance and all of her thoughts and help, particularly through this last legislative session ... was very much appreciated." Mayor Crowell thanked Ms. Walker for her comments, and for her efforts on behalf of Carson City. Mayor Crowell reiterated his thanks to Assemblywoman Parnell.

8(B) PRESENTATION OF A PROCLAMATION FOR DOMESTIC VIOLENCE AWARENESS MONTH (8:47:50) - Mayor Crowell introduced this item, and read into the record the language of the Proclamation, copies of which were included in the agenda materials. (8:49:28) Advocates to End Domestic Violence Director Lisa Lee thanked the Board of Supervisors for their support over the years. She advised that Advocates to End Domestic Violence recently reached its thirty-year anniversary in Carson City. She expressed appreciation to the donors, volunteers, and legislative representatives as well. The Board members, City staff, and citizens present applauded.

Mayor Crowell opened this item to public comment. (8:50:21) District Attorney's Office Victim Witness Coordinator Frankie Haynes provided background information on the Victim Witness Division established just over one year ago. Ms. Haynes provided an overview of her responsibilities to educate, support, and inform victims of violent crime. At Supervisor Williamson's request, she provided her contact information.

Mayor Crowell entertained additional public comment; however, none was forthcoming. He reiterated appreciation to Advocates to End Domestic Violence representatives.

9. RECESS BOARD OF SUPERVISORS (8:51:41) - Mayor Crowell recessed the Board of Supervisors.

LIQUOR AND ENTERTAINMENT BOARD

10. CALL TO ORDER AND DETERMINATION OF QUORUM (8:51:47) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:51 a.m. Roll was called; a quorum was present, including Member Ken Furlong.

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11. ACTION ON APPROVAL OF MINUTES - September 3, 2009 (8:52:10) - Member Alden moved to approve the minutes, as presented. The motion was seconded and carried 6-0.

12. PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION

12(A) ACTION TO APPROVE JAN AND GEOFFREY DE RUNTZ AS THE LIQUOR MANAGERS FOR THAI SPICE KITCHEN'S DINING ROOM WITH BEER AND WINE ONLY, LIQUOR LICENSE NO. 10-26839, LOCATED AT 204 WEST SPEAR STREET, CARSON CITY (8:52:29) - Chairperson Crowell introduced this item, and invited the DeRuntzes to the podium. Chairperson Crowell advised of having recently met the DeRuntzes, and wished them well. In response to a question, Mr. DeRuntz stated "things are slow," but he expects to "be okay." Chairperson Crowell provided background information on the City's aggressive program to eliminate underage drinking. He advised that the City was recently commended for said program, and discussed the seriousness of violations of underage drinking laws. He inquired as to the DeRuntzes plans for prohibiting the sale of alcohol to minors. Mr. DeRuntz advised that they have three teenage boys and are, therefore, personally concerned about underage drinking. He advised that underage drinking is not tolerated in his family and will not be tolerated in the restaurant. In response to a question, he advised "anybody that looks under 25" will be carded. Chairperson Crowell requested Mr. DeRuntz to consider requesting identification from every patron who wishes to order alcohol. In response to a question, Mr. DeRuntz advised that his employees are scheduled for alcohol server training in November.

In response to a question, Mr. DeRuntz provided the correct address for the restaurant: 111 East Telegraph Street. Member Williamson thanked the De Runtzes for their investment in Carson City. Mr. DeRuntz acknowledged the restaurant is open. At Member Williamson's request, Mr. DeRuntz announced their days and hours of operation. Member Williamson wished the DeRuntzes good luck. Chairperson Crowell entertained a motion. **Member Aldean moved to approve Jan and Geoffrey DeRuntz as the liquor managers for the Thai Spice Kitchen dining room with beer and wine only, license no. 10-26839, located at 111 East Telegraph Street. Member Williamson seconded the motion. Motion carried 6-0.**

12(B) ACTION TO APPROVE JERRY HERBST AS THE LIQUOR MANAGER FOR TERRIBLE'S 861 PACKAGED LIQUOR LICENSE NO. 10-26806, LOCATED AT 4640 SOUTH CARSON STREET, CARSON CITY (9:08:32) - Chairperson Crowell introduced this item. Ms. Pruitt provided an overview of the agenda materials, and noted staff's recommendation of approval. (9:09:04) Chairperson Crowell invited Jerry Herbst to the podium, and he responded to questions regarding the location of the subject establishment, the status of his business, and projections for the coming year. He introduced the Terrible's 861 manager; his son, Tim; and Chris Kemper.

(9:11:03) In response to a question, Mr. Kemper advised of having worked with the Herbst family for the last 17 years. He discussed "the very proactive alcohol management program ...," and expressed the opinion they are "ahead of ... the industry here in Carson and in the State of Nevada." He discussed disciplinary action associated with zero tolerance. "If somebody is caught selling to a minor, we terminate immediately," as a matter of policy. Mr. Kemper noted that the Terrible's policies are "put in place but with human factor." He explained that in-house compliance checks are conducted, and that cash registers are equipped with ID prompts. He advised that the store manager is charged with reviewing cash register tapes and logs to ensure compliance with liquor laws. He expressed support for the compliance check operations conducted by local law enforcement personnel.

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Chairperson Crowell expressed appreciation for the Herbst family's investment in Carson City. He opened this item to public comment and, when none was forthcoming, entertained a motion. **Member Williamson moved to approve Jerry Herbst as the liquor manager for Terrible's 861 packaged liquor license no. 10-26806, located at 4640 South Carson Street, Carson City, Nevada, and welcomed the business to the community. Member Aldean seconded the motion.** In response to a question, Mr. Kemper advised that an approximately 60-foot tall flagpole has been installed on the property. Member Livermore recognized Mr. Herbst's 30-plus years as a business operator in Nevada, and welcomed him back to Carson City. Chairperson Crowell called for a vote on the pending motion; **motion carried 6-0.** Chairperson Crowell thanked the Terrible's representatives for understanding the seriousness of the Carson City liquor licensing process.

12(C) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-24025, HELD BY ALVARO BRITO DBA SAN MARCOS GRILL, LOCATED AT 260 EAST WINNIE LANE, CARSON CITY, NEVADA PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE, RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN (7) DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR AND ENTERTAINMENT BOARD MEETING TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED

(8:57:55) - Chairperson Crowell introduced this item, and Senior Permit Technician Lena Tripp read the title into the record. (8:59:50) Marcos Brito introduced his father, Alvaro Brito, who acknowledged he is the licensee. In response to a question, Marcos Brito stated "there's no excuse for what happened. We just didn't read the IDs properly." He explained the first citation was issued due to a failure to properly identify the person; "... the ID having a different color hair, different color eyes." He was uncertain as to the circumstances giving rise to the second citation. In response to a question, he advised that the ID associated with the second citation was presented to Alvaro Brito. At Chairperson Crowell's request, Alvaro Brito explained the circumstances giving rise to the second citation. He stated, "there's no excuse," took responsibility, and apologized.

In response to a question, Member Furlong advised that the San Marcos Grill employees have not participated in the Sheriff's Office alcohol servers training program. He further advised of having met with Messrs. Brito, who informed him their training certifications are from outside the area. Marcos Brito advised that the San Marcos Grill employees will participate in the Sheriff's Office alcohol servers training program in November. Member Williamson cautioned Messrs. Brito regarding the escalating penalties imposed under the ordinance. She encouraged their participation in the alcohol servers training program and to become "extra vigilant" in preventing underage drinking in their restaurant in the future.

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Member Furlong discussed his policy to meet with all second offense violators to review their programs, and advised that the San Marcos Grill has no program to prevent the sale of alcohol to minors. In response to a request for clarification, Member Furlong explained that many establishments retain alcohol servers training program certifications / records; post relevant signage; conduct in-house compliance checks, etc. In response to a question, he discussed information being developed for distribution to potential liquor license holders to assist in educating and in developing in-house compliance programs.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Aldean moved to impose disciplinary action against liquor license no. 10-24025, held by Alvaro Brito dba San Marcos Grill, located at 260 East Winnie Lane, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on the issuance of a citation for a second-offense criminal statute violation within six months of the first citation issuance, related to the sale of liquor at the licensed premises; a fine of \$500.00 shall be imposed on the licensee, and the licensee and all employees selling, dispensing, or serving liquor shall be required to attend the Sheriff's Office alcohol servers training program within three months of this hearing; the licensee will be required to submit a list of all employees selling, dispensing, or serving liquor to the Public Works Department Business License Division no later than seven days from completion of the training; if the licensee fails to submit the list of employees within the seven-day period, this matter will be rescheduled for the next Carson City Liquor Board meeting to show cause as to why further disciplinary action should not be imposed. Member Walt seconded the motion. Motion carried 6-0.** Messrs. Brito acknowledged their understanding of the board's action.

12(D) DISCIPLINARY ACTION AGAINST LIQUOR LICENSE NO. 10-16914, HELD BY QIN SONG DBA BAMBOO GARDEN, LOCATED AT 3747 SOUTH CARSON STREET, CARSON CITY, NEVADA, PURSUANT TO CCMC 4.13.150; THIS DISCIPLINARY ACTION IS BASED ON THE ISSUANCE OF A CITATION FOR A SECOND OFFENSE CRIMINAL STATUTE VIOLATION WITHIN SIX MONTHS OF THE FIRST CITATION ISSUANCE, RELATED TO THE SALE OF LIQUOR AT THE LICENSED PREMISES; THIS ACTION MAY INCLUDE THE IMPOSITION OF A FINE UP TO \$500.00 ON THE LICENSEE AND THE REQUIREMENT THAT THE LICENSEE AND ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR ATTEND THE SHERIFF'S OFFICE ALCOHOL SERVERS TRAINING PROGRAM WITHIN THREE MONTHS OF THIS HEARING; IF THE LICENSEE AND RELEVANT EMPLOYEES ARE REQUIRED TO ATTEND THE ALCOHOL SERVERS TRAINING PROGRAM, THE LICENSEE WILL BE REQUIRED TO SUBMIT A LIST OF ALL EMPLOYEES SELLING, DISPENSING, OR SERVING LIQUOR TO THE PUBLIC WORKS DEPARTMENT BUSINESS LICENSE DIVISION NO LATER THAN SEVEN DAYS FROM THE COMPLETION OF THE TRAINING; IF THE LICENSEE FAILS TO SUBMIT THE LIST OF EMPLOYEES WITHIN SEVEN DAYS, THIS MATTER WILL BE RESCHEDULED FOR THE NEXT CARSON CITY LIQUOR AND ENTERTAINMENT BOARD MEETING TO SHOW CAUSE AS TO WHY FURTHER DISCIPLINARY ACTION SHOULD NOT BE IMPOSED (9:15:15) - Chairperson Crowell introduced this item, and invited Ms. Song to the podium. Ms. Tripp read the title of the agenda item into the record. Ms. Song acknowledged understanding of the implications associated with issuance of the second citation. In response to a question, she reviewed the circumstances giving rise to the first and second citations. She advised of her restaurant policy to request identification from anyone appearing to be under the age of 30. She acknowledged that the second violation was due to the failure of an employee

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to check the identification. Member Furlong advised that none of the Bamboo Garden employees have participated in the Sheriff's Office alcohol servers training program, nor is there any "program in effect" at the restaurant.

Member Livermore advised of having ridden along during compliance check operations last fall, during which time the Bamboo Garden restaurant was "tested and passed." He reviewed the components of a compliance check, and described them as appropriate and correct enforcement of liquor laws. He discussed the importance of employees being "well aware of what the risk is for ... the owner of that business." He advised that the third offense penalty includes imposition of a \$1,500.00 fine with suspension of the liquor license for a period of time. He suggested that Ms. Song affix appropriate signage in her restaurant, that she and her employees ask the age of each patron requesting to order alcohol, and that proof of age be required. Ms. Song advised that her employees are scheduled to participate in the November 10th Sheriff's Office alcohol servers training program.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Livermore moved to impose disciplinary action against liquor license no. 10-16914, held by Qin Song dba Bamboo Garden, located at 3747 South Carson Street, Carson City, Nevada, pursuant to CCMC 4.13.150; this disciplinary action is based on issuance of a citation for a second-offense criminal statute violation within six months of the first citation issuance, related to the sale of liquor at the licensed premises; this action shall include the imposition of a fine of \$500.00 on the licensee and the requirement that the licensee and all employees selling, dispensing, or serving liquor attend the Sheriff's Office alcohol servers training program within three months of this hearing; if the licensee and relevant employees are required to attend the alcohol servers training program, the licensee will be required to submit a list of all employees selling, dispensing, or serving alcohol to the Public Works Department Business License Division no later than seven days from the completion of the training; if the licensee fails to submit the list of employees within seven days, this matter will be rescheduled for the next Carson City Liquor Board meeting to show cause as to why further disciplinary action should not be imposed. Member Aldean seconded the motion. Motion carried 6-0.**

A brief discussion took place between Members Aldean and Furlong regarding ongoing research into the possibility of issuing work cards.

13. ACTION TO ADJOURN THE LIQUOR AND ENTERTAINMENT BOARD (9:25:25) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 9:25 a.m.

14. RECONVENE BOARD OF SUPERVISORS (9:25:30) - Mayor Crowell reconvened the Board of Supervisors.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

15. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:25:33) - None.

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16. SUPERVISOR ALDEAN - ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A LETTER TO THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY REQUESTING CARSON CITY TO BE AWARDED AN ITEM FROM THE DEBRIS OF THE WORLD TRADE CENTER (9:25:40) - Mayor Crowell introduced this item, and thanked Supervisor Aldean for working with Mr. Jim Shirk. Supervisor Aldean reviewed revisions to the letter included in the agenda materials. She discussed the significance of September 11, 2001 to the nation's history, and the appropriateness of memorializing the individuals who lost their lives in the tragedy.

(9:28:33) Jim Shirk expressed appreciation to Supervisor Aldean, the Board members, Fire Chief Stacey Giomi, and Sheriff Ken Furlong for their support. He discussed the intent to raise funds within the community for the memorial. Supervisor Williamson thanked Mr. Shirk, and expressed support for the worthwhile and noble effort. She suggested forming a non-profit Nevada corporation in order to safeguard contributors, and wished all the collaborators the best. Mr. Shirk advised of having considered the non-profit corporation.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Aldean expressed appreciation to Mr. Shirk for all his efforts, and looked forward to working cooperatively to ensure the memorial is a suitable tribute. **Supervisor Aldean moved to approve and authorize the Mayor to sign a letter to the Port Authority of New York and New Jersey requesting that Carson City be awarded an item from the debris of the World Trade Center, as amended. Supervisor Williamson seconded the motion. Motion carried 5-0.** Mayor Crowell thanked Mr. Shirk and Supervisor Aldean.

17. PUBLIC WORKS

17(A) ACTION TO ADOPT, ON SECOND READING, BILL NO. 123, 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 (9:32:16) - Mayor Crowell introduced this item. Deputy Public Works Director Ken Arnold reviewed the agenda report. He acknowledged the rationale pertinent to first reading was the same.

Mayor Crowell entertained public comment. (9:33:08) Northern Nevada Development Authority Executive Director Rob Hooper expressed support for the proposed ordinance, and advised of "several other companies ... that are interested now in looking at our area that weren't interested before." He advised of a food manufacturing company, which representatives are interested in locating in this area, and which would be anticipated to generate approximately \$7 million in local taxes over a four-year period. He explained that this company's specific need for a building "cannot be met in this area right now" due to a "template manufacturing process" and a specifically-engineered "set of plans that they have to build to." He reiterated his support for the proposed ordinance.

Mayor Crowell described the proposed ordinance as "two-pronged," including stimulus and economic justification. Based on the staff analysis, he explained that the "economic underpinning" of connection fees is "either gone or in the process of going away." He discussed the importance of not considering the proposed ordinance as a way to gain the advantage in the "incentive war" over other counties. He discussed the importance of working together regionally, and requested Mr. Hooper to convey this message.

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Mr. Hooper advised of counties in central Texas which will “give you the land, ... the free hookups, ... millions of dollars; just come create the jobs. That’s the competition we’re up against.” He noted the advantages of Nevada’s tax system and Carson City’s quality of life.

Mr. Werner advised of having discussed the provisions of the proposed ordinance with several citizens and business owners regarding their concerns over creating unfair competition to existing businesses. He discussed the importance of carefully monitoring the effect of the proposed ordinance, with the possibility of modifying it in the future.

Mayor Crowell entertained additional public comment. (9:41:25) Dennis McDuffy advised of having recently purchased “a couple ... laundromats.” He discussed concerns over the “bankability of the laundromats,” and the possibility of a competing laundromat having to pay “one-tenth of the capacity fees.”

Supervisor Livermore suggested applying the provisions of the ordinance on a case-by-case basis for commercial properties. In reference to Mr. Hooper’s comments, he suggested “there are opportunities but then there are unbalanced events that happen.” He expressed concern over Mr. McDuffy being “an injured party” after having recently purchased the laundromat properties. He discussed economic development incentive opportunities, and suggested “putting that in the tool box of” the Office of Business Development. He expressed concern over the proposed ordinance “really ... serving the value of the existing business.” He suggested the effect of the proposed ordinance would reduce the value of existing commercial businesses “because the connection fee is eliminated out of the potential purchase price.” He reiterated the suggestion to consider applying the provisions of the ordinance on a case-by-case basis for commercial properties. Supervisor Walt advised of having discussed the proposed ordinance with Mr. Werner yesterday, and suggested trusting that the staff has considered all the effects of the proposed ordinance and recommended the best course of action.

In reference to Mr. McDuffy’s comments, Mr. Werner advised that consideration must be given to the connection fees paid when the commercial development was constructed. “Connection fees, several years ago, were significantly less than they are today.” In addition, Mr. Werner suggested considering the relationship between connection fees and the cost of the business. He expressed difficulty considering “that as a significant element of any cost of business when our connection fees are what they are today.” He acknowledged “more of a concern” as connection fees have increased over the past five or six years.

Supervisor Williamson advised that her support of the ordinance was not in an effort “to get more high water users into our community.” She explained that high water users are classified differently under the City’s development standards, and “... aren’t the primary sources of our future.” She assured Mr. McDuffy “there shouldn’t be, because of this action, a string of laundromats coming into our community ...”

Mayor Crowell entertained additional public comment; however, none was forthcoming. In response to a question, Mr. Werner explained the Growth Management Commission’s purview to deny building permits for commercial businesses which use over 7,500 gallons of water per day. In response to a comment, he advised that the City has no purview over the economic impact of a business on the community. Discussion followed.

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Mayor Crowell posed the following question to Mr. McDuffy: If the price to build a new home yesterday was \$200 per square foot and today it's \$100 per square foot, does that create the same type of imbalance for your businesses pertinent to connection fees? Mr. McDuffy explained that to reproduce the Fluff and Fold next to the Safeway store, "there's over \$250,000 in water capacity fees that I paid for in the purchase price. So if you do that same laundromat across the street and get less rent and do it under this scenario, you'll be able to produce that whole laundromat, with brand new machines ... for virtually half of what I just paid for both of those." He expressed understanding for Mayor Crowell's analogy, "but from this particular situation, ... we're struggling every single day." Mr. McDuffy expressed concern over being unable to borrow money against a business whose value is "dramatically less."

Supervisor Aldean expressed the same reservation as at first reading over the unintended consequences of the proposed ordinance. She expressed concern over future maintenance demands and plant upgrades which may be imposed by "things beyond our control like federal mandates." She expressed the hope that, if the ordinance passes, everyone will be very conscientious in "cobbling together all the empirical data ... to determine the economic benefits ... and, conversely, ...the disadvantages ..." Mr. Werner advised of having spoken with Office of Business Development staff and with Mr. Hooper to quantify the impact of new businesses which may not have been interested in locating here before. He noted that the financial impact is "pretty simple. What we're seeing is that people aren't coming in. ... If we don't do anything, what we're seeing on the revenue stream is why we're here in the first place; we were getting ... zero connection fees. That ... became the issue ... to increase the rates to get bond coverage because we weren't getting any building." Mr. Werner advised "there a lot of people waiting in the wings to do something that can't afford it because of not having this ability ..." Supervisor Aldean expressed concern over the delicate balance between creating and sustaining business. She reiterated the importance of accumulating the data to evaluate the ordinance. Mr. Werner assured the Board that staff would do everything possible to accumulate sustainable data to portray the pertinent information.

Supervisor Williamson moved to adopt Bill No. 123, on second reading, Ordinance No. 2009-22, 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. Supervisor Walt seconded the motion. Mayor Crowell expressed the belief that the only fair way to establish fees is on a cost basis. He expressed understanding for Supervisor Aldean's concerns over unintended consequences, but suggested these are not quantified costs. Mr. Werner advised that the actual basis is the cost. "... we have to maintain a system, we have to pay for that system, we have to pay debt service, and we were finding that connection fees were not becoming a contributor to that revenue stream and we, therefore, had to do it within the rates, and that now covers the cost. The basis for having a connection fee is not there because we simply didn't have any." Mr. Werner acknowledged that the costs about which Supervisor Aldean is concerned are now being covered in the rates and not the connection charge. In reference to public testimony at the September 17th Board meeting, Supervisor Aldean noted the difference between a 40 percent decrease and a 90 percent decrease. She expressed understanding for creating a nexus between cost and fees, and the opinion that there is a need for additional revenue from every potential source rather than just further burdening the rate payers to facilitate increased industry in Carson City. She expressed uncertainty over a nexus "and that's why we relied on connection fees to ... counter that impact." She suggested considering the amount of the reduction in order to "keep our utilities division whole realizing that there are increased costs of operation and future maintenance needs and yet being fair to the people who have already paid into the system pursuant to our previous schedule."

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Supervisor Livermore expressed concern over the reduction in connection fees eliminating “future rate increases that the current rate payers will be paying too.” Mr. Werner acknowledged that the customers will be required to pay for future bonding. He reiterated, “If you have zero money coming in from connection fees, somebody has to pay the bill and, in this case, we had to increase the rate base. Even though the Board, over the years, had said that development should pay its own way, you reach a point when you get to the end of the system ... but you still have 20 years’ worth of bonds left that somebody has to pay. At that point, it’s the rate payers. They’re the ones that own the system.” Mr. Werner clarified that the situation is not as dire as previously stated “because, essentially, most of the expansion is paid for by the developers themselves. The City does not pay very much as far as infrastructure expansion on new sewer mains and that kind of thing unless its replacement.” Whether or not there is new growth is immaterial. If we have to replace the lines because they’re worn out, whoever is here today has to pay that. It has nothing to do with future growth. Mr. Werner advised that the City’s system is reaching a point where “we’re running out of need ... and we don’t have the kind of activity that generates the connection fees that we need if you’re going to try to keep those separate.” Mayor Crowell entertained additional comments and, when none were forthcoming, a vote on the pending motion. **Motion carried 3-2.**

17(B) ACTION TO ADOPT, ON SECOND READING, BILL NO. 124, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.01, WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.030, SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES, BY REDUCING WATER CONNECTION FEES; AND OTHER MATTERS PROPERLY RELATED THERETO (10:05:51) - Mayor Crowell introduced this item. Mr. Arnold reviewed the agenda report and the provisions of the ordinance. Ms. Bruketta noted a typographical error in the ordinance.

Mayor Crowell entertained public comment. (10:07:04) Dennis McDuffy reiterated his argument. (10:07:27) Steve Waclo advised of having recently attended a seminar at Sierra College in Incline Village. He suggested the larger issue is water availability, and suggested “disincentivizing turf.”

Mayor Crowell entertained additional public and Board comments and, when none were forthcoming, a motion. **Supervisor Williamson moved to adopt, on second reading, Bill No. 124, Ordinance No. 2009-23, amending Title 12, Water, Sewerage, and Drainage, Chapter 12.01, Water Connection Charges and Use Rates, Section 12.01.030, Schedule of Water Connection Charges, Lateral and Meter Box Sets, and Meter Set Fees, by reducing water connection fees, and other matters properly related thereto, with the corrections noted by the Chief Deputy District Attorney. Supervisor Walt seconded the motion. Motion carried 3-2.** Mayor Crowell thanked the citizens, the staff, and the Board members for a good discussion on the preceding two items.

17(C) ACTION TO APPROVE A SETTLEMENT AGREEMENT BETWEEN JOHN C. SERPA AND CARSON CITY REGARDING EXISTENCE OF WASTE AT OLD LANDFILL (10:10:22) - Mayor Crowell introduced this item. Public Works Department Director Andrew Burnham reviewed the agenda report and the provisions of the settlement agreement, copies of which were included in the agenda materials. He and Senior Deputy District Attorney Joel Benton responded to questions of clarification regarding the provisions of paragraph 5(c)(ii) of the settlement agreement. Mr. Burnham introduced Attorney Scott Heaton, representing Mr. Serpa.

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In response to a question, Mr. Burnham advised that the cash would be allocated from the landfill fund, and the settlement agreement includes a provision that not more than 20 connections per year can be made. In addition, there is a deadline of December 31, 2024. "So, after 2024, if they haven't acquired the 100 connections, then there would be no remuneration by the City." In response to a question, Mr. Benton expressed the understanding that Mr. Serpa was aware the property was an old landfill at the time of purchase. "The problem is that between the time the old landfill was closed and today, the federal government passed a new law basically providing that the title to hazardous waste stays with the person who placed the waste on the land regardless of who now currently owns the land." Mr. Benton acknowledged there was no indemnity language included in the purchase agreement. Mr. Werner clarified there is no indemnification against the federal requirement described by Mr. Benton. Supervisor Aldean suggested that if the property price was significantly reduced in acknowledgment of the need for cleanup and the buyer benefitted from said price reduction, "then that is between the buyer and the seller." Mr. Werner and Mr. Burnham acknowledged that the federal requirement "trumps" the private agreement between the buyer and the seller regardless of their arrangement made by mutual consent.

(10:16:46) Attorney Scott Heaton, representing John Serpa, provided background information on Mr. Serpa's purchase of the property in 1980. "The property was appraised by the City. There was no reduction in value based on the fact that it was a previously-used landfill." Mr. Heaton advised there was no federal requirement in 1980 to remove the landfill prior to developing the property. "That was a requirement that came about at a later date." Mr. Heaton further advised that Mr. Serpa paid the appraised value which did not take into account any reduction for the fact that the property was previously an old landfill. He was uncertain as to the time frame in which federal prohibitions against building on a landfill became effective. The federal requirements also require "whoever was responsible for putting the landfill in initially bears the responsibility of removing it. That was the dispute between the parties and that's why we resolved it the way that we did." Mr. Heaton advised that Mr. Serpa will spend "between \$3 and \$4 million and potentially getting a benefit of a million back." "That works for us. It would also work for us if sewer and water connection fees continued to go up which was one of the reasons we picked 100 sewer and water connection fees." Mr. Heaton noted the 15-year term of the settlement agreement. If sewer and water connection fees kept increasing over the years, "which is what we expected ... at the time we negotiated this agreement, then we would have gotten more than a million dollar benefit ..." Mr. Heaton assured the Board that until the 100 connections are made, the City has no responsibility to pay any money to Mr. Serpa. Mr. Heaton couldn't speculate as to when "we are going to use 100 hookups." He anticipates there will be none used in the next two years, "whereas we are going to incur this cost." He described the agreement as fair, and expressed the opinion it is weighted very much in favor of the City. He noted that Mr. Serpa "does a lot of business with Carson City," and "we're happy to get this behind us." Mr. Heaton advised that the settlement agreement has been in the negotiation stage for two years, and "we finally got to it right at the time the rates are reduced." He assured the Board that "it can't come about any earlier than five years and the likelihood of it happening in five years is remote as we sit here today."

Supervisor Aldean expressed concern over the lack of specificity with regard to the method by which the City's obligation will be credited to Mr. Serpa. In response to a question, Mr. Heaton reiterated that the December 31, 2024 date "is the latest ... if we have developed 100 units as of that date. If we have not developed 100 units as of that date, any obligation on the part of the City would end. If, in fact, we develop 100 units in five years and so we ... know what that credit figure is for that 100 units, then the City's obligation to come up with the additional money would occur at that point." In response to a question, Mr. Heaton advised that the December 31, 2024 date "came about because the proposed ordinance to reduce

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the fees was being discussed right at the same time this agreement was being submitted.” He further advised that the settlement agreement was reached in June 2009 prior to the City considering reduction of connection fees. “... to try to come up with ... another way to credit a developer with money, there are only so many limited places that the City can do it.” Mr. Heaton reiterated the 15-year term of the agreement, and stated, “If, in fact, the rates go back up for whatever reason ..., then you’re not really talking about the \$900,000 figure ...” He further reiterated the uncertainty that the 100 connection fees will be made over the next 15 years. In response to a further question, Mr. Heaton advised that until the 100 units are built, there is no additional obligation on the City’s part. In response to a further question, he reiterated the City is not obligated “until the 100 units are built and only if the 100 units are built” at a rate of no more than 20 units per year. In response to a question, Mr. Benton read into the record the language of paragraphs 5(c)(i) and (ii). Mr. Heaton provided additional clarification of the language.

Discussion followed, and Mr. Heaton noted “this is a settlement agreement that involves a legal dispute on whose responsibility it is to take the stuff off our property that used to be [the City’s] property and put it into [the City’s] landfill.” He advised that Mr. Serpa will be “fronting the \$3 to \$4 million that we think, legally, is your obligation ... in hopes that we will then recoup only a million of that over a period of years down the road.” Supervisor Aldean expressed appreciation, but reiterated that Mr. Serpa was aware of the circumstances at the time he purchased the property. “And the law ... in the intervening years has changed and that’s why we’re here today.” Mr. Heaton explained that when the property was offered at public auction, in 1980, and the “City set a minimum bid,” the appraisal of the property was based on the ability to develop commercially and residentially on that property without any removal of any landfill. “The only mitigating obligations of the landowner at that point, who was buying, was because of the topography in that particular area, they would have to do some additional fill to be able to actually construct residential and commercial.” “Everybody believed, including the City when they set the price back in 1980, that you could go and build on that landfill.” Mr. Heaton advised of similar projects in Reno “where the government was obligated to come in and remove the landfill for the landowner.”

Supervisor Williamson noted that the settlement agreement represents compromise of a disputed claim, which “allows everyone to go forward.” In response to a question, Mr. Heaton advised that the settlement agreement “specifically states for ‘Mr. Serpa and his affiliated companies.’” “Even though he personally owns this land, he has a variety of different companies throughout Carson City that still have developable property. ... If he sells that property, he can sell the credits as part of the sale of the property.” Supervisor Livermore expressed the belief there will be additional “negotiations and conversations about maybe the potential uses or whose going to use them at what location ...” Mr. Heaton acknowledged the City is not obligated to change zoning; “the agreement specifically says that we’re subject to all the same requirements in connection with that.” He advised there have been no discussions regarding how to develop the property.

Mayor Crowell entertained public comment. (10:31:56) Steve Waclo inquired as to the associated costs to remove hazardous waste. Mayor Crowell advised that the \$3 to \$4 million was pertinent to the cost of remediation. Mr. Heaton advised that the site has been tested by Nevada Division of Environmental Protection representatives. “They had determined that the dump is not hazardous; that the landfill from the old dump can be moved to the new dump and it’s on that basis that we’re able to do it for the price that we’re doing it. If this was truly hazardous material, I can assure you that it wouldn’t be a \$3 to \$4 million price tag. It would be a prohibitive price tag and ... something that Mr. Serpa would be saying to the City, ‘Your problem.’”

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In response to a question, Mr. Benton recommended approval of the settlement agreement. He responded to additional questions of clarification regarding the provisions of paragraphs 5(c)(i) and (ii). (10:34:47) In response to a question, Mr. Heaton explained that “maximizing the number at 20 [connections] per year, was to make sure that the landfill fund never had an obligation to pay for more than 20 on any given year ...” “Obviously, anything in excess of 20 per year, we pay the regular fee, whatever that fee is.” “If we don’t have 100 [connections] by the year 2024, then the City has no obligation.”

Mayor Crowell entertained a motion. **Supervisor Williamson moved to approve a Settlement Agreement between John C. Serpa and Carson City regarding existence of waste at old landfill. Supervisor Livermore seconded the motion. Motion carried 5-0.**

17(D) ACTION TO ADOPT A RESOLUTION APPROVING OF AND AUTHORIZING THE MAYOR TO SIGN A THREE-PARTY DEVELOPER AGREEMENT BY AND BETWEEN THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION, NORTH CARSON CROSSING, LLC, AND CARSON CITY, FOR REMOVAL OF A PORTION OF EXISTING FREEWAY SOUND WALL ALONG THE NORTH CARSON CROSSING COMMERCIAL DEVELOPMENT ADJACENT TO THE HOME DEPOT SITE (10:36:42) - Mayor Crowell introduced this item. City Engineer Jeff Sharp introduced North Carson Crossing, LLC owner / developer Kent Witt, Consultant Ken Krater, and NDOT Freeway Project Manager Jim Gallegos, and reviewed the agenda materials.

(10:39:15) Mr. Krater, of K. Krater Consulting, provided background information on his involvement in development of North Carson Crossing. He narrated a SlideShow presentation of the development in conjunction with the adjacent freeway construction. He reviewed the provisions of the Three-Party Agreement, and provided a detailed overview of a recent neighborhood meeting. In response to a question, Mr. Krater expressed the understanding that the NDOT encroachment permit would be the process to guide “the phasing and the addition of that wall and, then, finally the removal of the remaining wall.” He explained that the purpose of the Three-Party Agreement was to ensure the wall was properly constructed; that maintenance provisions were included; and that the cost would be borne by the developer.

(10:52:43) In response to a question, NDOT Freeway Project Manager Jim Gallegos expressed satisfaction with the provisions of the agreement. He reviewed the provisions of Article I, Paragraph 8, and advised that NDOT is satisfied the language “covers any action that would be taken to negatively affect the neighbors.” He stated, NDOT “will not allow the removal of the sound wall along the freeway until the developer constructs the new sound wall.”

In response to a question, Mr. Sharp provided additional clarification of the provisions of Article II, Paragraph 4. In response to a further question, he advised that the City is responsible for permitting additional development of North Carson Crossing. Once the subject agreement is executed, it provides the opportunity for the City to require Mr. Witt to prove that any new tenants will not increase the noise levels. In response to a question, Mr. Benton expressed the belief that, under the agreement, the City would have no responsibility to reduce noise or to remove the sound wall unless the developer is unwilling or unable to do so. He explained the intent of the provision to ensure NDOT is not held responsible for the expenses. Discussion followed, and Supervisor Aldean suggested entering into a companion agreement between the City and the developer to obligate the developer to mitigate the impacts of any future shopping center uses which cause noise thresholds to be exceeded. Mr. Sharp expressed uncertainty as to the actual risk. “The wall’s already in ..., and there are building height and building code restrictions. If they want to build

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something that's going to be higher and different than what's allowed in this zoning district, they're going to have to go through a special use permit to do so." In response to a comment, Mr. Sharp advised that The Home Depot wall and building help to mitigate noise. Any additional buildings will only help to further mitigate the noise.

In response to a further question, Mr. Gallegos provided background information on the intent of Article II, Paragraph 4. He expressed the opinion that the risk is "very low and just about not possible." He emphasized the noise to be mitigated is that from the freeway, not from the development. Mr. Krater advised of a "brand new analysis that assumes, say, The Home Depot burns down and is never rebuilt. It's still well under the Federal Highway Administration and NDOT criteria." He emphasized, "this model was based on 20-year projected traffic volumes, including build out of the retail center, as a whole."

Mayor Crowell entertained public comment; however, none was forthcoming. Supervisor Williamson complimented Mr. Witt, Mr. Krater, Mr. Gallegos, and Mr. Sharp, and thanked them for working together and with the neighbors. She suggested that the lack of neighborhood representation at this meeting "is a testament to all your hard work," and thanked the gentlemen. Supervisor Aldean advised of having recently spoken with Gary Nigro, who indicated his satisfaction following the neighborhood meeting. She commended the gentlemen.

Mayor Crowell entertained a motion. **Supervisor Livermore moved to adopt Resolution No. 2009-R-56, approving and authorizing the mayor to sign a Three-Party Development Agreement between the State of Nevada Department of Transportation, North Carson Crossing, LLC, and Carson City, for removal of a portion of the existing freeway soundwall along the North Carson Crossing commercial development adjacent to The Home Depot site. Supervisor Aldean seconded the motion.** In response to a question regarding Article I, Paragraph 10, Mr. Benton expressed the belief that the sound wall is not on a separate parcel from The Home Depot site. Mayor Crowell entertained additional comments or questions and, when none were forthcoming, called for a vote on the pending motion. **Motion carried 5-0.** Mayor Crowell recessed the meeting at 11:07 a.m.

18. CITY MANAGER

18(A) ACTION TO ADOPT, ON SECOND READING, BILL NO. 125, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 2, ADMINISTRATION AND PERSONNEL, CHAPTER 2.14, CARSON CITY AUDIT COMMITTEE, SECTION 2.14.030, COMPOSITION, BY REMOVING ONE OF THE BOARD OF SUPERVISORS FROM THE COMMITTEE, REMOVING THE FINANCE DIRECTOR FROM THE COMMITTEE, INCREASING THE NUMBER OF PUBLIC-AT-LARGE MEMBERS FROM TWO TO FOUR AND REMOVING THE REQUIREMENT THAT MEMBERS MUST POSSESS CERTAIN QUALIFICATIONS, SECTION 2.14.040, MEETINGS OF THE CARSON CITY AUDIT COMMITTEE, BY REMOVING THE LANGUAGE REGARDING MONTHLY MEETINGS, AND OTHER MATTERS PROPERLY RELATED THERETO (11:59:00) - Mayor Crowell introduced this item, and Mr. Werner reviewed modifications to the membership terms, as discussed at the September 17th Board of Supervisors meeting. He advised of no further comments received since first reading. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to adopt Bill No. 125, on second reading, Ordinance No. 2009-24, an ordinance amending Carson City Municipal Code, Title 2, Administration and Personnel, Chapter 2.14, Carson City Audit Committee, Section 2.14.030, Composition, by removing one of the Board of Supervisors from**

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the committee, removing the finance director from the committee, increasing the number of public-at-large members from two to four, and removing the requirement that members must possess certain qualifications; Section 2.14.040, Meetings of the Carson City Audit Committee, by removing the language regarding monthly meetings, and other matters properly related thereto. Supervisor Livermore seconded the motion. Motion carried 5-0.

18(B) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 7, ANIMALS, BY ADDING CHAPTER 7.01, BEAR PROOF COLLECTION BINS, CONTAINERS, AND STRUCTURES, AND ADDING SECTION 7.01.010, DEFINITIONS, SECTION 7.01.020, STATEMENT OF INTENT, SECTION 7.01.030, APPLICABILITY, SECTION 7.01.040, COLLECTION BIN, CONTAINER, AND STRUCTURE MAINTENANCE, SECTION 7.01.050, AUTHORITY TO ISSUE CITATIONS, SECTION 7.01.060, VIOLATION AND PENALTY, SECTION 7.01.070, SEVERABILITY, AND OTHER MATTERS PROPERLY RELATED THERETO (12:00:32) - Mayor Crowell introduced this item, and Mr. Werner advised of having been notified of Nevada Department of Wildlife ("NDOW") support. He further advised that the proposed ordinance was developed following public meetings and workshops. Animal Services Director Pat Wiggins advised that four workshops were held at various locations around the community; that the questions and comments from said workshops were the basis upon which the proposed ordinance was drafted. He expressed the opinion that the most important aspect of the proposed ordinance is the statement of intent at Section 7.01.020. He discussed the purpose of the bill to promote safety and to preserve the local bear population. He explained the NDOW policy of euthanizing bears once they have demonstrated a threat to humans. Mr. Werner advised that, in addition to the public workshops, direct mailing and door hanger notifications were provided to every residence in the wildland urban interface area.

In response to a question, Mr. Wiggins explained the progressive penalty imposed under the proposed ordinance. He acknowledged that enforcement of the ordinance will be "mostly complaint driven." At Supervisor Aldean's request, he agreed to compare the definition of "garbage" in the proposed ordinance with the one in the existing nuisance ordinance. He acknowledged having met with Waste Management representatives to review the provisions of the proposed ordinance. He responded to additional questions of clarification, and discussion followed. Supervisor Williamson thanked Mr. Wiggins and commended City staff on the public workshops. She discussed the importance of educating the public regarding the dangers associated with attracting bears into residential neighborhoods. Supervisor Aldean expressed support for the proposed ordinance, in consideration of mitigating potential hazards. Mr. Werner emphasized that any resident can use any acceptable garbage container correctly and "never see the impact of this ordinance. ... This will only impact those people that do not follow some pretty common sense guidelines for dealing with bears." Additional discussion followed.

Mayor Crowell entertained public comment and, when none was forthcoming, suggested that the lack of citizens in attendance for this item should be indicative of the success of the public process to which the proposed ordinance was submitted prior to being agendized. Mayor Crowell entertained a motion. **Supervisor Williamson moved to introduce, on first reading, Bill No. 126, an ordinance amending Carson City Municipal Code, Title 7, Animals, by adding Chapter 7.01, Bear Proof Collection Bins, Containers, and Structures, and adding Section 7.01.010, Definitions, Section 7.01.020, Statement of Intent, Section 7.01.030, Applicability, Section 7.01.040, Collection Bin, Container, and Structure**

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Maintenance, Section 7.01.050, Authority to Issue Citations, Section 7.01.060, Violation and Penalty, Section 7.01.070, Severability, and other matters properly related thereto, with appropriate revision to the definition of garbage. Supervisor Walt seconded the motion. Motion carried 5-0.

18(C) ACTION TO APPOINT ONE MEMBER TO THE PLANNING COMMISSION FOR A TERM ENDING JUNE 2010 (11:18:30) - Mayor Crowell reconvened the meeting at 11:18 a.m. and introduced this item.

(11:19:20) In response to a question, Gene Munnings discussed his interest in serving as a planning commissioner. In consideration of the concerns expressed by Mr. Munnings, Supervisor Walt inquired as to his suggestions for improving the Planning Commission's processes. Mr. Munnings suggested "networking with the other members" to visit properties which are the subject of agenda items. In response to a further question, he advised of having reviewed Title 17. He acknowledged a willingness to support the City's ordinances even if his opinion differs. Supervisor Aldean inquired as to Mr. Munnings' vision for Carson City at build-out. Mr. Munnings suggested "the ideal Carson City would not have any trash; it would be tree-lined streets." He expressed support for mixed-use residential and commercial in the downtown area, and a water feature which could be converted to an ice rink in the winter. In response to a further question, he suggested that the Highway 50 East corridor should be a priority "before things are built haphazardly." He expressed the opinion there are nice buildings in northern Carson City; "it's just getting the right tenants." He anticipates the southern end of town "will come back." He responded to additional questions regarding landscape requirements for developers. Mayor Crowell thanked Mr. Munnings for his application.

(11:30:01) In response to a question, Jose Ramirez discussed his interest in serving as a planning commissioner. Supervisor Williamson thanked Mr. Ramirez for his application. In response to a question regarding the landscape ordinance, Mr. Ramirez agreed that water availability is a consideration. He suggested considering generating sufficient amounts of effluent water for irrigation. He expressed uncertainty with regard to "pulling back on the landscaping." "We've advanced far enough where we know what to plant." Mr. Ramirez noted the importance of "listening to people." Supervisor Aldean thanked Mr. Ramirez for his application, and reviewed the responsibilities of the Planning Commission. She inquired as to amendments to the City's development standards which Mr. Ramirez may be inclined to recommend, based on his experience and interaction with the process. Mr. Ramirez noted that the standards were "thought through and discussed before they were ever adopted." "If there were any changes to be made," he expressed the preference for "it to go through the due process of discussion and evaluation ..." In response to a further question, he discussed his most recent experience with "the process," describing it "as very easy. Everybody that [he] dealt with was very generous with their time ..." In response to a further question, Mr. Ramirez advised of having attended a Planning Commission meeting at which an item of his was agenda item. He further advised of the necessity to familiarize himself with Titles 17 and 18.

Mr. Ramirez acknowledged he had been present for the Board's discussion of the water and sewer connection fee ordinances. In response to a question, he suggested a number of variables involved in the decision-making process. In consideration of water availability, he further suggested high water users should be required to justify their use. Consideration should be given to whether effluent water could be generated to replace the water used. In response to a further question, Mr. Ramirez acknowledged the importance of considering compatibility of uses.

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(11:39:37) Roger Stockton discussed his interest in serving as a planning commissioner, in response to a question. Supervisor Walt advised that the water and sewer connection fee ordinances had been adopted, and explained the basis for her support of the ordinances as well as some of the concerns expressed by the citizens. Mr. Stockton acknowledged the importance of considering each application on its merits. He suggested part of the responsibility of serving as a member of the Board of Supervisors or as an advisory board member is to “adapt with the changing times.” He described the job of an advisory board member as “partially fact finder and partially sales person.” He suggested that “success is measured based on the parties involved at least walking away ... understanding why decisions were made.” In response to a question, he advised of having viewed some of the more “interesting or controversial” planning commission meetings via cable access. In response to a further question, he advised of having reviewed the City’s comprehensive master plan. He assured the Board that, if appointed to the planning commission, he will become intimately acquainted with the pertinent portions of the municipal code. In response to a question, he expressed the opinion that special use permits should be approved only “with a lot of criteria considered.” In response to a further question, he expressed support for “sensible growth.”

The Board members discussed the applicants’ qualifications and experience. **Supervisor Williamson moved to appoint Roger Stockton to the planning commission. Supervisor Walt seconded the motion. Motion carried 5-0.**

19. BOARD OF SUPERVISORS NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (12:23:40) - Mayor Crowell advised that he would abstain from participating in the Airport Authority interviews due to his law partnership with Airport Authority Counsel Steve Tackes.

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (12:22:06) - Supervisor Walt advised of having recently met with Recreation Division Program Manager Joel Dunn, who is in the process of developing “a very attractive package” for birthday parties at the ice skating rink.

STAFF COMMENTS AND STATUS REPORT

RECESS AND RECONVENE BOARD OF SUPERVISORS (12:24:30) - Mayor Crowell recessed the meeting at 12:24 p.m., and reconvened at 1:32 p.m.

20. CITY MANAGER - ACTION TO APPOINT THREE MEMBERS TO THE AIRPORT AUTHORITY, ONE TO FILL THE “INDUSTRIAL” POSITION, ONE TO FILL THE “FIXED-BASE OPERATOR” POSITION, AND ONE TO FILL THE “CITIZEN-AT-LARGE” POSITION; THESE APPOINTMENTS ARE FOR FOUR-YEAR TERMS ENDING OCTOBER 2013 (1:32:26) - Mayor Crowell passed the gavel to Mayor *Pro Tem* Shelly Aldean, who welcomed the Airport Authority applicants and the citizens present in the audience. She explained the statutory provisions preventing Robert Thomas from interviewing for the Airport Authority “industrial” position. She advised that Don Peterson, representing Mr. Thomas, would be making a statement on his behalf. She requested the other Airport Authority applicants to step into the hallway during the interview process.

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(1:33:56) Don Peterson, a former member of the Airport Authority and representing Robert Thomas, confirmed Mr. Thomas' interest in serving as an Airport Authority member. Mr. Peterson expressed the personal opinion that Mr. Thomas would not be interested in applying for the fixed-base operator position on the Airport Authority "in order not to conflict with other candidates who he admired running for the FBO position." Mr. Peterson acknowledged Mr. Thomas' interest in serving in the event there are no other qualified candidates for the FBO position. Mayor *Pro Tem* Aldean advised that the Airport Authority "industrial" seat would be readvertised.

(1:36:15) In response to a question, Teresa DiLoreto-Long explained her qualification to apply for the fixed-base operator position on the Airport Authority. Ms. Bruketta provided additional clarification. Mayor *Pro Tem* Aldean described the interview process. In response to a question, Ms. DiLoreto-Long discussed her interest in serving as an Airport Authority member. Mayor *Pro Tem* Aldean advised that the Carson City Airport is situated in her ward, and inquired as to measures to ensure the airport remains a good neighbor to the surrounding homeowners. Ms. DiLoreto-Long discussed the importance of education and being "sensitive to the largest investment" made by the neighbors surrounding the airport in an effort to "come to some common ground."

In response to a question, Ms. DiLoreto-Long advised that the Heritage Hangar development is a "short-term investment. Our project is being built to be sold to ... future occupants." She discussed the importance of ensuring that the future owners and / or tenants of the hangars "have everything that they're seeking" in terms of housing aircraft, fueling, mechanics, safety, etc. On a personal level, she discussed the opportunity to "grow and learn about the FAA and the way the Airport Authority works ..."

Ms. DiLoreto-Long acknowledged that her company will continue to be the leaseholder on the Heritage Hangar development, and that the lease term is 50 years. In response to a further question, she advised of having reviewed "tourism reports" in consideration of "how the airport assists in bringing in people to our community." She discussed the importance of the airport's vitality in consideration of future development which "can house wonderful companies," resulting in an increase in community residence and activity. In response to a further question, she rated the last four years of the airport operations as "A-plus." She commended the outstanding progress in integrating technological advances and obtaining funding, and expressed the opinion "it speaks volumes for Carson City." She acknowledged the airport is "poised and ready" to move forward in the next few years. "There's a time and place for everything and, clearly, ... now is the time."

In response to a question, Ms. DiLoreto-Long discussed the airport's potential in consideration of ground control approach technology and the recent lengthening of the runway. She advised of having "grown up around general aviation," and of having visited many small community airports. She expressed the opinion that as the Carson City Airport evolves, even more opportunity will be created to make Carson City a destination.

Mayor *Pro Tem* Aldean thanked Ms. DiLoreto-Long for her application. Mayor *Pro Tem* Aldean explained the statutory provision for a fixed-base operator to provide a specific aeronautical service at the airport. She advised that if all the Heritage Hangars are sold, Ms. DiLoreto-Long may no longer qualify to occupy the Airport Authority's FBO position. Ms. DiLoreto-Long thanked the Board.

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(1:48:04) Stephen Poscic advised that he owns two class FBOs at the airport, “one for maintenance and one for flight school.” He provided background information on his experience in the aviation industry, as an aircraft inspector, and advised that he holds an airplane transport pilot’s license. In response to a question, he discussed his interest in serving as an Airport Authority member. Mayor *Pro Tem* Aldean noted the significance of the runway realignment and increasing the traffic pattern altitude from 800 to 1,000 feet. In response to a question, Mr. Poscic suggested that the Airport Authority should “continue their workshops ... to keep the people advised, ... listen to their input, and make changes if there are any needed.”

Supervisor Livermore thanked Mr. Poscic for his application. In response to a question, Mr. Poscic advised that he has been a Carson City businessman for four years. Supervisor Livermore discussed the economic development opportunity associated with the airport. In response to a question, Mr. Poscic described the Airport Authority’s management and operation of the Carson City Airport as “pretty efficient.” In response to a question regarding the retail property adjacent to the main airport entrance, he suggested that any retail development would enhance the airport.

Supervisor Williamson thanked Mr. Poscic for his application. In response to a question, Mr. Poscic credited his brother-in-law, Jack McQuirk, with inviting him to Carson City. In response to a further question, Mr. Poscic expressed an interest in continuing “what the former board has accomplished, and then continue to see the airport through its fruition of leasing out all its airport space, including possibly a new terminal building ...” The Board members thanked Mr. Poscic for his application.

(1:54:43) Mayor *Pro Tem* Aldean welcomed Yvon Weaver. In response to a question, she discussed her interest in serving as an Airport Authority member. In response to a question regarding recommendations to ensure the airport continues to be a good neighbor, Ms. Weaver emphasized the importance of communication.

Supervisor Williamson noted the substantial recent investment by both the Airport Authority and the federal government in the Carson City Airport. She inquired as to the value of these investments to the airport as well as the entire community. Ms. Weaver expressed appreciation for the airport improvement projects as a benefit to the capital city. In response to a further question, she emphasized a positive approach to serving as an Airport Authority member. She advised “the airport is very dear,” and that she has spent many years there. Ms. Weaver acknowledged having served as the airport manager for a period of 15 years. She assured the Board of her ability to distinguish between the responsibilities of airport manager and Airport Authority member. She expressed appreciation for the opportunity to have served as the airport manager, and acknowledged the importance of change. She discussed the importance of working as a team with the other Airport Authority members. She advised of not having attended an Airport Authority meeting since having resigned as the airport manager. The Board members thanked Ms. Weaver for her application.

(2:04:07) Phil Stotts introduced himself for the record. At Mayor *Pro Tem* Aldean’s request, Mr. Stotts advised he is president of the Carson Air Group, a condominium association which is considered a fixed-base operator. In response to a question, he explained that the condominium association provides aircraft storage. Ms. Bruketta inquired as to whether Mr. Stotts had a written statement from the Airport Authority verifying aeronautical services. Mr. Stotts advised that the condominium lease agreement with the City designates Carson Air Group as a fixed-base operator.

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In response to a question, Mr. Stotts discussed his interest in serving as an Airport Authority member. Mayor *Pro Tem* Aldean noted the routine occurrence of friction between neighborhoods adjacent to airports. She further noted the runway realignment project and increasing the traffic pattern altitude from 800 to 1,000 feet. In response to a question, Mr. Stotts anticipates an increase in business aircraft once the runway realignment project is complete. He noted that business aircraft have become quieter over the years. He expressed the opinion that pilots interested in basing their aircraft at the Carson City Airport should be required to ensure their airplanes meet other airports' current noise standards. He additionally suggested that pilots should be further encouraged to follow the noise abatement procedure.

Supervisor Williamson thanked Mr. Stotts for his application, and noted the recent investment in the Carson City Airport. In response to a question, Mr. Stotts suggested that "the increase in the tax base alone will help Carson City." The availability of an instrument approach makes it possible for more people to fly into the airport. In response to a further question, Mr. Stotts advised of no agenda "other than simply to serve as someone with some kind of aviation experience to contribute to the decisions being made about the airport." He advised of having canvassed some of the hangar owners and "some of the guys in the condo association just to the south ..." to inquire as to "anything they would like me to promote." He noted the "pretty universal answer" of "things are fine; just leave us alone." Supervisor Livermore thanked Mr. Stotts for his application, and recognized his aviation experience as delineated in his application materials. In response to a question, Mr. Stotts advised of not having participated in the City's economic vitality study. He acknowledged the economic potential and value of the Carson City Airport, and "envisioned spillover from Reno." He suggested the possibility that some of the pilots with planes presently based in Reno may want to relocate to Carson City. In response to a further question, he advised of having attended "10 to 15 percent" of the Airport Authority meetings over the past ten years. He commended the operation and management of the airport over the past four years. He described the management style of "the previous airport manager" as "hands off," and advised that "the people around [his] area" appreciated this. He expressed appreciation for the Airport Authority having developed "shovel-ready" projects to coincide with the availability of American Recovery and Reinvestment Act funding.

Mayor *Pro Tem* Aldean thanked Mr. Stotts, and entertained public comment. Mayor *Pro Tem* Aldean acknowledged that the Board would deliberate and take action to fill the fixed-base operator position prior to continuing the interview process.

(2:16:12) Eric Laiche advised that the "largest constituency at the Carson City Airport is those of us who own hangars and those of us who have airplanes in those hangars." He advised of having been concerned over losing three Airport Authority members. He further advised that present Airport Authority member John Kelly "has a deep understanding of aviation, airports, and so on," and brings "to the board the knowledge of the commercial side of the FBO world." Mr. Laiche recommended Phil Stotts "who also has a deep knowledge of aviation, airports, to be able to talk to the FAA and understand the words." He advised that Mr. Stotts, "as president of one of the hangar-owner associations can also understand the silent majority; the view of those of us who ... kind of want to be left alone." Mr. Laiche advised he is not a member of Mr. Stotts' association, but discussed the importance of an Airport Authority member who has the necessary aviation knowledge as well as being able to understand the viewpoint of the "main users of the airport." Mr. Laiche advised he has been using the Carson City Airport for the past 35 years and has been "on the airport for over ten." He expressed appreciation for "a great deal of what has gone on." He

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expressed concern over “partisanship disputes, personality issues that are unfortunate and have harmed the airport to some degree.” He expressed the opinion that one of Mr. Stotts’ attributes as a candidate “is that he has not been involved.” He strongly recommended Mr. Stotts.

(2:20:17) Don Peterson advised that he knows each of the candidates “to one extent or the other ...” He suggested that Mr. Stotts could have applied for a member-at-large position without having his credentials questioned. He advised of having reviewed the information provided by Ms. Bruketta, and expressed concern over the apparent variability of Mr. Stotts’ application “but not the flexibility on the FBO versus industrial side.” He expressed agreement with Mr. Laiche’s description of Mr. Stotts in terms of his “neutrality. He’s always had an open ear. He’s always been available ...” He requested the Board to consider whether a “firm rule” is being applied to one area and a “variable rule” is being applied to another.

In response to a question, Ms. Bruketta expressed concern over a person “who belongs in an association” qualifying as a fixed-base operator. She referred to Mr. Stotts’ response to her question regarding his qualification as a fixed-base operator; that he has written verification from the Airport Authority. She suggested that the Airport Authority should be addressing this issue with its members. Discussion followed. In response to a question, Ms. Bruketta advised that Airport Authority Counsel Steve Tackes has indicated that Mr. Stotts qualifies for the fixed-base operator position. She deferred to Mr. Tackes’ expertise as Airport Authority counsel.

Mayor *Pro Tem* Aldean entertained additional public comment and, when none was forthcoming, entertained discussion of the Board members regarding the applicants’ qualifications and experience. Supervisor Williamson noted that the Board members had received a number of written recommendations attached to each of the applicants’ application materials. Following discussion, consensus of the Board was to appoint Teresa DiLoreto-Long to the fixed-base operator position. Mayor *Pro Tem* Aldean entertained a motion. **Supervisor Williamson moved to appoint Teresa DiLoreto-Long to the fixed-base operator position on the Carson City Airport Authority. Supervisor Livermore seconded the motion,** noting that the term ends October 2013. **Motion carried 4-0,** and the Board members congratulated Ms. DiLoreto-Long.

Mayor *Pro Tem* Aldean noted that the next interviews would be for the citizen-at-large position. (2:28:10) William Abbott introduced himself for the record and, in response to a question, discussed his interest in serving as an Airport Authority member. Mayor *Pro Tem* Aldean noted the runway realignment project and the increase in traffic pattern altitude, and inquired as to other measures to ensure the airport remains a good neighbor. Mr. Abbott discussed the importance of closely monitoring safety. He acknowledged that the traffic pattern altitude was increased primarily due to noise, but discussed associated safety considerations. He discussed the involvement of the local Experimental Aircraft Association (“EAA”) chapter in evaluating the traffic pattern altitude. He expressed the opinion that engaging local organizations to assist in monitoring safety issues will continue to be valuable. He commended Airport Manager Casey Pullman, and discussed the importance of advertising and education in consideration of recommended procedures.

Supervisor Livermore thanked Mr. Abbott for his application. Mr. Abbott acknowledged having attended the majority of Airport Authority meetings over the past several years. In response to a question, he advised of not having participated in the City’s economic vitality study. Supervisor Livermore discussed the economic potential of the airport and, in response to a question, Mr. Abbott suggested starting an

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accountability campaign to ensure privilege taxes are paid on the airplanes based at the Carson City Airport. He acknowledged an inventory would be necessary. In response to a further question, he commended the Airport Authority's efficiency and effectiveness over the past four years. He expressed the opinion that the airport is "vastly improved" from even two years ago.

Supervisor Walt thanked Mr. Abbott for his application, and inquired as to his motive for applying. Mr. Abbott advised of having provided public testimony over the years, and of having learned that of the information he receives by attending Airport Authority meetings, "there's a lot more relevant information" that he doesn't receive. He expressed an interest in bringing an objective and fair perspective to the Airport Authority in consideration of airport business and the "non-airport community."

Supervisor Williamson thanked Mr. Abbott for his application. In response to a question, he discussed a communication gap with the non-aviation community and expressed an interest in helping to close it. He discussed the importance of learning the Airport Authority's operation in order to serve as effectively as possible. Mayor *Pro Tem* Aldean thanked Mr. Abbott for his application.

(2:39:36) Harlow Norvell introduced himself for the record and, in response to a question, discussed his interest in serving as an Airport Authority member. In response to a further question, he advised that the airport "infrastructure" would be used to "penalize pilots if they do not comply with our request to maintain 1,000 feet in the traffic pattern altitude." He provided examples, and advised that exercising authority over pilots in the air would require FAA involvement. He acknowledged a willingness to penalize pilots for failing to observe the rules and regulations of the Carson City Airport.

Supervisor Walt thanked Mr. Norvell for his application. In response to a question, he advised of having previously served the Airport Authority in the citizen-at-large position. In response to a further question, he advised that he does not operate a business at the Carson City Airport, nor does he own an aircraft based at the airport. He expressed an interest in involving the community in the airport, and described himself as "one who can work with people to come to a common understanding on the issues and try and obtain the best possible result, realizing that no one person can always have their way all of the time. It is a seven-member body and it is important to give deference to the feelings, the concerns, and the desires of other members of the board." He discussed the terminal building and a retail parcel adjacent to the main entrance, and noted the importance of hearing "all the opinions and giving deference to all of the issues, and to try to come to the best accommodation possible without becoming ... unwilling to listen to the feelings and thoughts of others." He discussed the importance of the public's involvement in the process.

Mr. Norvell acknowledged having participated in the City's economic vitality study. In response to a further question, he discussed the value of bringing community groups together to discuss the airport. He provided an overview of the various discussions and opinions associated with the economic vitality study as pertinent to the airport. He expressed the opinion that the Airport Authority should be involved in community discussions regarding the airport. In reference to the economic vitality study discussions, he expressed the opinion "they were productive," and advised that he "felt good about [his] involvement in trying to make the case for the airport. It's one of the things that solidified my belief that we needed to move the airport forward in an economic fashion that would optimally benefit the community without dramatically increasing the negatives that the airport presents." He suggested this "is the big challenge now and going into the future." In response to a question, he expressed an interest in helping to see the master plan completed. He expressed the opinion "that we have achieved the best alternative to ... move the airport

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forward; taking the needs and concerns of the community into consideration.” He advised of having applied for the standard instrument approach procedure in August of 2005, and noted that it was just implemented last year. Supervisor Livermore thanked Mr. Norvell for his application.

Supervisor Williamson thanked Mr. Norvell for re-applying. In response to a question, he advised of having ensured a 30-day termination clause in the Reno Airport lease, and that the new Jet Ranch Hangar recently received its certificate of occupancy. Mayor *Pro Tem* Aldean thanked Mr. Norvell.

(2:58:45) Richard Schneider identified himself for the record and, in response to a question, discussed his interest in serving as an Airport Authority member. Mayor *Pro Tem* Aldean noted the runway realignment project and the increase in the traffic pattern altitude, and inquired as to other measures to ensure the airport remains a good neighbor. Mr. Schneider suggested “the big problem with airports is always noise.” He expressed concern over the lack of “buffer” around the Carson City Airport, and discussed safety issues associated with landing in bad weather.

Supervisor Livermore encouraged Mr. Schneider to review the City’s economic vitality study. In response to a question, Mr. Schneider expressed the opinion that “airports are gold mines.” He advised of not having attended Airport Authority meetings in the past. In response to a question, he expressed surprise that Carson City “has such an inadequate airport.” In response to a further question, he provided background information on his managerial experience. In response to a further question, he discussed his agenda to “serve Carson City.” He suggested that the citizen-at-large position “should be more focused on people that aren’t affiliated with the airport, the neighborhoods around the airport.”

Mayor *Pro Tem* Aldean entertained public comment and, when none was forthcoming, the Board members discussed the applicants’ qualifications and experience. Mayor *Pro Tem* Aldean entertained a motion. **Supervisor Livermore moved to appoint Harlow Norvell to fill the citizen-at-large position on the Airport Authority for a term that expires in October 2013. Supervisor Walt seconded the motion. Motion carried 4-0.** Mayor *Pro Tem* Aldean congratulated Mr. Norvell and welcomed him back to the Airport Authority. She encouraged the other applicants to consider reapplying at a future date, and commended their interviews.

Mayor *Pro Tem* Aldean returned the gavel to Mayor Crowell.

21. ACTION TO ADJOURN (3:19:17) - Mayor Crowell entertained a motion to adjourn at 3:19 p.m. Supervisor Aldean so moved. Supervisor Williamson seconded the motion. Motion carried 5-0.

The Minutes of the October 1, 2009 Carson City Board of Supervisors meeting are so approved this 5th day of November, 2009.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder