

CARSON CITY BOARD OF SUPERVISORS
Minutes of the September 3, 1998, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, September 3, 1998, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Tom Tatro	Mayor Pro-Tem
	Greg Smith	Supervisor, Ward 1
	Jon Plank	Supervisor, Ward 2
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	Rod Banister	Sheriff
	Al Kramer	Treasurer
	Dan St. John	Deputy City Manager
	Daren Winkelman	Health Director
	Steve Kastens	Parks and Recreation Director
	John Iratcabal	Purchasing Director
	Paul Lipparelli	Chief Deputy Dist. Atty. (a.m. only)
	Mark Forsberg	Deputy Dist. Atty. (p.m. only)
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 9/3/98 Tape 1-0001)	

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Pro-Tem Tatro convened the meeting at 8:30 a.m. Roll call was taken. A quorum was present although Mayor Masayko was absent. Rev. Linda Inlow of the First United Methodist Church gave the Invocation. Supervisor Smith lead the Pledge of Allegiance.

1. APPROVAL OF MINUTES - None.

CITIZEN COMMENTS (1-0048) - Franklin J. "Dinty" Moore distributed a copy of his remarks to the Clerk. He then read his prepared statement into the record which included a request that the Board agendaize a period of time for discussion of his comments with the Board. (Copy attached.) Additional Citizen Comments were solicited but none given. Mayor Pro-Tem Tatro then explained the Open Meeting Law and that the Board would not respond to Citizen Comments. He also requested that a copy of Mr. Moore's comments be given to Mayor Masayko so that he could consider placing it on a future agenda. Additional Citizen Comments were solicited but none given.

2. SPECIAL PRESENTATION - PROCLAMATION FOR NATIONAL FOOD SAFETY EDUCATION MONTH - SEPTEMBER 1998 (1-0123) - Health Director Daren Winkelman - Mr. Winkelman explained the National Food Safety Council program, reasons for working with the Council, and the City's program. Mayor Pro-Tem Tatro read the proclamation into the record and commended him on the program. Brochures describing these programs were distributed to the Board. (A copy was not given to the Clerk.) Supervisor Bennett commended him on having a healthy community.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Pro-Tem Tatro recessed the Board of Supervisors and immediately reconvened the session as the Liquor and Entertainment Board. A quorum of the Board was present including Sheriff Banister. Chairperson Masayko was absent as previously indicated.

3. TREASURER - Al Kramer

A. ACTION ON A REQUEST TO CHANGE LOCATIONS OF THE FULL BAR LIQUOR LICENSE HELD BY BRIAN AND ARDELLA SHAW, DOING BUSINESS AS CAFE DEL RIO (1-0244) - Ardella and Brian Shaw - Vice Chairperson Tatro and Member Smith commended them on their efforts to reopen. Member Banister indicated that the request is for a change of location. The Sheriff's Office had not encountered any problems with the previous location. Member Smith moved that the Liquor and Entertainment Board approve the request to change locations of the full bar Liquor License held by Brian and Ardella Shaw, doing business as Cafe Del Rio, to their new location at 102 North Curry Street, which is a \$25 change of location application fee for the fiscal impact. Member Bennett seconded the motion. Motion carried 5-0. Discussion indicated the restaurant would open on September 15. Lunch will be served Tuesday through Saturday. Dinner will be served Friday and Saturday nights.

B. ACTION ON A PACKAGED LIQUOR LICENSE FOR ARTHUR W. SKIPWORTH, JR., DOING BUSINESS AS EAGLE VALLEY MARKET #2, LOCATED AT 725 BASQUE WAY #4 (1-0329) - Arthur W. Skipworth, Jr. - Member Banister indicated the Sheriff's Office had not had a problem with the first location and recommended approval. As Mr. Skipworth is already in operation at another location, he indicated that he was familiar with Nevada Liquor Laws and would train his employees to observe them. Member Plank moved to approve a packaged Liquor License for Arthur W. Skipworth, Jr., doing business as Eagle Valley Market #2, located at 725 Basque Way #4, under Carson City Municipal Code 4.13.100, fiscal impact is a \$200 quarterly fee and a \$1,000 original new fee. Mr. Skipworth indicated that construction had been delayed and explained the location and his opening plans. He also thanked all of the City Departments for their efficiency and professionalism. Mayor Pro-Tem Tatro wished him success in his new business.

Mayor Pro-Tem Tatro then adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum of the Board was present although Mayor Masayko was absent.

BOARD OF SUPERVISORS

4. CONSENT AGENDA (1-0398)

A. TREASURER

i. ACTION TO REVISE AMOUNT DUE ON PROPERTY TAXES FOR FISCAL YEARS 1997 AND 1998 TO CORRECT ERRORS IN PENALTY CALCULATION DUE TO FAULTY BANKRUPTCY MODULE IN THE PROPERTY TAX PROGRAM

ii. ACTION ON REMOVAL AND PARTIAL REFUND OF 1998-1999 REAL PROPERTY TAXES FOR PARCEL #8-053-16 DUE TO STATE OF NEVADA ACQUISITION

B. UTILITIES DEPARTMENT

i. ACTION ON A DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR HONE FAMILY TRUST AND GREUBEL FAMILY TRUST, APN 8-271-30, LOCATED ON HIGHWAY 50 EAST FOR RECLAIMED WATER AND WATER MAIN EXTENSION

ii. ACTION ON A DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR MICHAEL BELL AND ED WENINGER, APN 4-021-08, LOCATED AT 1501 EAST FIFTH STREET FOR SEWER AND WATER MAIN REPLACEMENT

C. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9798-40 - JUNIOR SKI PROGRAM, RESORT AMENDMENT NO. 1

ii. ACTION ON CONTRACT NO. 9798-259 - LONE MOUNTAIN CEMETERY RECLAIMED WATER EXTENSION PROJECT, REQUEST FOR FINAL PAYMENT

iii. ACTION ON CONTRACT NO. 9798-213 - BREWERY ARTS CENTER PHASE IV, REQUEST FOR FINAL PAYMENT

iv. ACTION ON CONTRACT NO 9899-78 - SURPLUS VEHICLES

v. **ACTION ON CONTRACT NO. 9798-212 - REQUEST TO AMEND EXISTING CONTRACT, CAROLINE STREET PARKING LOT ENGINEERING SERVICES**

vi. **ACTION ON CONTRACT NO. 9697-182 - WASTEWATER TREATMENT PLANT MECHANICAL SLUDGE DEWATERING AND DAF THICKENER DESIGN ENGINEERING SERVICES AGREEMENT, AMENDMENT NO. 1** - None of the items were pulled for discussion. Supervisor Smith moved that the Board accept and approve the Consent Agenda as presented. Supervisor Plank seconded the motion. Motion carried 5-0.

5. BOARD OF SUPERVISORS - NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0425) - Supervisor Bennett announced Steve Wynn's resignation from TRPA and her niece's promotion to Full Colonel and new military assignment. Supervisor Smith congratulated the Primary Election winners and expressed his belief that the electorate is educated and involved in the election issues. Supervisor Plank reported on the dedication ceremony for the new building at the Community College and his meeting with Ms. Bentley from Western Nevada Development District on the lack of notice regarding the last Home Consortium meeting and problems with the Home Consortium program. Later this afternoon he planned to meet with Community Development Director Walter Sullivan and Administrative Assistant Kathy Lawrence on the City's element of the Home Consortium. All of Carson City's funds have been expended and staff is anxiously awaiting renewal of the program. There are six applicants waiting for funding. He had also attended the NDOT Bypass Open House and the Parks and Recreation dedication of the murals. He encouraged everyone to view the murals. He then explained his participation at the Volunteer Recognition Dinner at the Senior Center. Mayor Pro-Tem Tatro explained the status of his ordinance providing written notification to property owners when a road construction or expansion project is proposed for their area.

AGENDA MODIFICATIONS (1-0718) (1-3523) - Item 11, the Airport Authority lease, was deferred.

6. NEVADA DIVISION OF WATER PLANNING - State Administrator Naomi Duerr, P.G. - PRESENTATION ON THE NEVADA STATE WATER PLAN (1-0721) - Ms. Duerr distributed three booklets to the Board and Clerk. (A copy is in the file.) The purpose of her Department and the report were described. The plan should be completed by February and will be presented to the Legislature. She encouraged all Nevada communities to adopt flood ordinances and implement same in order to participate in the National Insurance Program. A training program scheduled for next week for individuals working in flood management fields was announced. Grants under the AB 198 program are available. Carson City has not been a recipient, however, surrounding Counties have been. The type of data gleaned by her Agency, its availability to the public, her library, concerns with the overpumping and overappropriation of the groundwater, and the City's socio-economic trend were explained. Discussion indicated that Carson City may not have applied for the water grants due to its size and ability to meet Federal water quality requirements. The groundwater booklet had been provided as a sample. Carson City is in the Eagle Valley groundwater basin which was not part of the figures she had provided. Concerns due to overappropriation of water rights were described. A similar report will be given to the Subconservancy District in two weeks.

Overhead slides were then used to illustrate and discuss the community's socio-economic factors since 1950 and the 2020 projections, Carson City's diversification, Lyon County's efforts to diversify, employee water usage calculations, the agricultural calculations, and the City's withdrawal projections. Supervisor Bennett suggested her figures be compared with the City's. Ms. Duerr supported her suggestion and emphasized that the report analyzes the entire State and not a specific county or area. She also agreed to add a footnote indicating the time the information was obtained. Reasons for having used 1995 USGS information were explained. Supervisor Smith also suggested that Utility Operations Manager Tom Hoffert prepare a memo on his thoughts about the report.

Ms. Duerr then used overhead graphs to illustrate and explain the public water supply since 1970, its comparison to the withdrawals, her definition of a withdrawal, a comparison of the national residential average per person water usage per day of 150 gallons, its increase to 168 when commercial and industrial uses are added, Nevada's average of 344, and its comparison to Utah, Arizona, and New Mexico's usage. Maps illustrating the topography,

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the hydrographic regions and their sub-basins, the designated basins, the precipitation map, the evapotranspiration map, and the water quality map were explained. Supervisor Bennett pointed out the City's conjunctive water use program, its summer-time water conservation measures, the ordinance mandating low water use fixtures in new construction and retrofits, etc., and requested recognition for this effort. Ms. Duerr acknowledged Carson City's leadership in conservation.

Ms. Duerr then showed pictures of the four seasons for the Humboldt River and Walker Lake which support the need for conjunctive uses. The impact on the economy as well as the environment were noted. Graphs illustrating the rise and fall of a well in Southern Nevada were also displayed and supported the economic and environment concerns. The "blip" in 1990 and 1993 may be due to additional rainfall. The recent groundwater replenishment district may help bring the groundwater table back up.

Ms. Duerr then stressed the need for public involvement in the plan. The second half of the water plan should be released in late November or early December. She encouraged City staff to review the reports and provide input. This will make it truly a state water plan. Mayor Pro-Tem Tatro thanked her for the report. Ms. Duerr then explained the distribution process which has since been enlarged and her deadline. Comments received by September 15 may be included in the report.

Supervisor Bennett then explained the Carson Water Subconservancy District and its purpose. Ms. Duerr indicated that a watershed management paper had been included in the second part which highlighted the Subconservancy District as well as the Humboldt Water Drainage Authority. She also explained that whenever the State needs water it must go through the permitting process used by all of the other water users in the State. She then described a workshop which had been held in Carson City on August 24th and the misleading comments which had appeared in the Tahoe Bonanza. She reiterated the purpose of the water plan and the need for additional legislation before implementation can occur. Public comments were solicited but none given. Mayor Pro-Tem Tatro directed Mr. Berkich and staff to analyze the documents, obtain Board comments, and to respond. He thanked Ms. Duerr for the report.

BREAK: A ten minute recess was declared at 9:55 a.m. A quorum of the Board was present when he reconvened the meeting at 10:05 a.m. although Mayor Masayko was absent as previously indicated.

7. TREASURER - Al Kramer

A. ACTION ON A RESOLUTION AUTHORIZING THE CITY MANAGER TO ARRANGE THE SALE OF THE CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES); AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH (1-1415) - Public comments were solicited but none given. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1998-R-59, A RESOLUTION AUTHORIZING THE CITY MANAGER TO ARRANGE THE SALE OF THE CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES); AND PROVIDING OTHER MATTERS IN CONNECTION THEREWITH. Supervisor Smith seconded the motion. Motion carried 4-0.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 122 - AN ORDINANCE AMENDING CHAPTER 12.03 (SEWER CONNECTION CHARGES AND USE RATES) ADDING SECTION 12.03.055 (DELINQUENT CHARGES AS LIENS) AUTHORIZING THE COLLECTION OF DELINQUENT SEWER CHARGES AS LIENS AGAINST THE REAL PROPERTY AND OTHER MATTERS PROPERLY RELATED THERETO (1-1582) - Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1998-25, Bill No. 122, AN ORDINANCE AMENDING CHAPTER 12.03 (SEWER CONNECTION CHARGES AND USE RATES) ADDING SECTION 12.03.055 (DELINQUENT CHARGES AS LIENS) AUTHORIZING THE COLLECTION OF DELINQUENT SEWER CHARGES AS LIENS AGAINST THE REAL PROPERTY AND OTHER MATTERS PROPERLY RELATED THERETO.

Supervisor Plank seconded the motion. Motion carried 4-0.

REDEVELOPMENT AUTHORITY (1-1834) - Mayor Pro-Tem Tatro then recessed the Board of Supervisors session and immediately reconvened the session as the Redevelopment Authority. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Mayor Pro-Tem Tatro reconvened the Board of Supervisors session. A quorum was present although Mayor Masayko was absent as noted.

8. REDEVELOPMENT DIRECTOR - Rob Joiner - A. DISCUSSION AND POSSIBLE ACTION REGARDING THE RECOMMITMENT OF INCENTIVE PROGRAM FUNDING SET-ASIDE, NOT TO EXCEED \$100,000, FOR THE FORMER GOLDEN SPIKE CASINO BUILDING, 716 NORTH CARSON STREET, FOR A PERIOD NOT TO EXCEED ONE YEAR; B. DISCUSSION AND POSSIBLE ACTION REGARDING THE FORMER LUCKY SPUR CASINO SITE, 302 NORTH CARSON STREET, REDUCTION IN INCENTIVE PROGRAM FUNDING SET-ASIDE FROM \$100,000 TO \$75,000 FOR A PERIOD NOT TO EXCEED ONE YEAR; AND, C. ACTION ON JENNIFER LOPICCOLO'S REQUEST FOR REDEVELOPMENT INCENTIVE PROGRAM FUNDING FOR PROPERTY LOCATED AT 123 WEST SECOND STREET IN THE AMOUNT OF \$25,000 (1-2135) - Supervisor Smith moved that the Board of Supervisors approve the three actions previously approved by the Redevelopment Authority in their previous meeting. Supervisor Bennett seconded the motion. Motion carried 4-0.

9. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

F. ORDINANCES - SECOND READING

ii. ACTION ON BILL NO. 127 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 19.59 ACRES FROM TOURIST COMMERCIAL-PUD (TC-PUD) TO RETAIL COMMERCIAL-PUD (RC-PUD) ON PROPERTY LOCATED SOUTH OF EAGLE VALLEY RANCH ROAD AND ADJACENT TO THE EAST TO U.S. HIGHWAY 395 (NORTH CARSON STREET), CARSON CITY, NEVADA, ASSESSOR'S PARCEL NUMBER 7-461-01, AND OTHER MATTERS PROPERLY RELATED THERETO (1-2155) - Senior Planner Juan Guzman - Supervisor Smith moved to adopt on second reading Ordinance No. 1998-26,
AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 19.59 ACRES FROM TOURIST COMMERCIAL-PUD (TC-PUD) TO RETAIL COMMERCIAL-PUD (RC-PUD) ON PROPERTY LOCATED SOUTH OF EAGLE VALLEY RANCH ROAD AND ADJACENT TO THE EAST TO U.S. HIGHWAY 395 (NORTH CARSON STREET), CARSON CITY, NEVADA, ASSESSOR'S PARCEL NUMBER 7-461-01, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 4-0.

A. ACTION ON THE APPOINTMENT OF DAN JACQUET TO FILL THE UNEXPIRED TERM OF JAMES HENRY AS A MEMBER OF THE CARSON CITY OPEN SPACE ADVISORY COMMITTEE (1-2251) - Supervisor Plank moved to appoint Dan Jacquet to fill the unexpired term of James Henry as a member of the Carson City Open Space Advisory Committee, no fiscal impact. Supervisor Bennett seconded the motion. Motion carried 4-0. Mr. Sullivan indicated that he would advertise for additional alternates.

B. ACTION ON AB-97/98-7 - AN ABANDONMENT REQUEST FROM THE DIVISION OF STATE LANDS (PROPERTY OWNER: STATE OF NEVADA) TO ABANDON AN APPROXIMATELY 66 FOOT WIDE BY 420 FOOT LONG PORTION OF THE PUBLIC RIGHT-OF-WAY, LOCATED ON NORTH/SOUTH WALSH STREET BETWEEN EAST MUSSER STREET AND EAST SECOND STREET, ON PROPERTY ZONED PUBLIC (P), ADJACENT TO APN'S 4-185-03, 4-185-04, 4-184-01, 4-184-05, 4-187-02, 4-187-03, 4-188-01, AND 4-188-03 IN CARSON CITY, NEVADA; C. ACTION ON AB-97/98-8 - AN ABANDONMENT REQUEST FROM THE DIVISION OF STATE LANDS (PROPERTY OWNER: STATE OF NEVADA) TO ABANDON AN APPROXIMATE 80 FOOT WIDE BY 879 FOOT

LONG PORTION OF THE PUBLIC RIGHT-OF-WAY LOCATED ON EAST KING STREET BETWEEN NORTH/SOUTH STEWART STREET AND NORTH/SOUTH ROOP STREET ON PROPERTY ZONED PUBLIC (P) ADJACENT TO APN'S 4-193-01, 4-194-01, 4-187-01, 4-185-04, AND 4-186-01 IN CARSON CITY, NEVADA; AND, D. ACTION ON AB-97/98-9 - AN ABANDONMENT REQUEST FROM THE DIVISION OF STATE LANDS (PROPERTY OWNER: STATE OF NEVADA) TO ABANDON AN APPROXIMATE 66 FOOT WIDE BY 879 FOOT LONG PORTION OF THE PUBLIC RIGHT-OF-WAY LOCATED ON EAST SECOND STREET BETWEEN SOUTH STEWART STREET AND SOUTH ROOP STREET ON PROPERTY ZONED PUBLIC (P), ADJACENT TO APN'S 4-194-01, 4-081-01, 4-083-01, 4-083-04, 4-187-01, AND 4-187-03 IN CARSON CITY, NEVADA (1-2310) - Senior Planner Tara Hullinger - Discussion noted the following agenda item related to the value of a parking space, the fact that the State had already removed a portion of Walsh Street, and the lack of information regarding the State's plans for the area. Mr. Sullivan explained his intent to take comments on the following agenda item and to return for action when the entire Board is present. Mayor Pro-Tem Tatro also pointed out the lack of information as to the public purpose which would be served by the street closures. He then explained his personal knowledge about the street usage by State employees. He requested for the record the definition of the public purpose which would be served and suggested that the State and City coordinate activities closer. Ms. Hullinger indicated that the State had a conceptual parking lot plan available for discussion. This plan had been reviewed by the Planning Commission as part of a request for a Special Use Permit. Special Use Permits are no longer approved by the Board. Ms. Hullinger then displayed and briefly described the plans. She also explained the statutes which would allow abandonment of the right-of-way at no cost due to the public purpose which would be served. The right-of-way had not been dedicated to the City and without the public purpose would require payment from the State. Public benefits suggested by staff included the increased public parking facility, landscaping and lighting improvements, the sidewalk along Roop Street between Musser and King Streets, replacement of broken sidewalks, handicap accessible sidewalk improvements, and the cost of the parking lot improvements. These benefits were discussed at length. Supervisor Plank explained the bicycle route proposed for this area and questioned whether it could be added to the parking plans.

Mr. Lipparelli elaborated on the Statute mandating that the Board make a finding as to whether the public is materially harmed by the closure. If a determination is made that no material harm is created, the abandonment process is then used to relinquish the right-of-way. He then explained that the streets had been obtained under the patent process and cited examples of similar abandonments which the Board had previously considered. If the City does not own the street, then the State as the adjacent property owner would. The process will eliminate any potential problems. He also pointed out that as the State is a public agency, the process of determining public benefit is simplified.

Supervisor Smith iterated his support for the abandonment. Mayor Pro-Tem Tatro then expressed his feeling that the policy related to the value of a street when abandoned needed to be established. Then staff could include the original acquisition and policy as part of the documentation. He also requested that the entire packet provided to the Planning Commission be included in the future Board packets. This would provide additional information on companion items such as special use permits and may influence final consideration. Supervisor Bennett supported his desire to agendize the policy the issue.

(1-3249) State Public Works Board Representative Dan Daily briefly described the project. The Kincaid building will remain. The Blaisdal building may be removed at some distant date although its HVAC system is currently being upgraded.

Public comments were solicited but none given.

Supervisor Smith moved that the Board of Supervisors approve AB-97/98-7, an abandonment request from the Division of State Lands, the property owner is the State of Nevada, to abandon an approximate 66 foot wide by 420 foot long portion of the public right-of-way, located on North/South Walsh Street between East Musser Street and East Second Street, on property zoned Public adjacent to Assessor's Parcel Numbers 4-185-03, 4-185-04, 4-

184-01, 4-184-05, 4-187-02, 4-187-03, 4-188-01 and 4-188-03 in Carson City, Nevada, pursuant to all of the findings contained in the Planning Commission's report. Supervisor Bennett seconded the motion. Clarification indicated that those findings included the finding of a public benefit. Motion carried 4-0.

Supervisor Smith moved that the Board of Supervisors approve AB-97/98-8, an abandonment request from the Division of State Lands, property owner is the State of Nevada, to abandon an approximate 80 foot wide by 879 foot long portion of public right-of-way located on East King Street between North/South Stewart Street and North/South Roop Street on property zoned Public adjacent to Assessor's Parcel Numbers 4-193-01, 4-194-01, 4-187-01, 4-185-04, and 4-186-01 in Carson City, Nevada, pursuant to the Planning Commission's recommendations. Supervisor Bennett seconded the motion. Motion carried 4-0.

Supervisor Smith moved that the Board of Supervisors approve AB-97/98-9, an abandonment request from the Division of State Lands, property owner is the State of Nevada, to abandon an approximate 66 foot wide by 879 foot long portion of the public right-of-way located on East Second Street between South Stewart Street and South Roop Street on property zoned Public adjacent to Assessor's Parcel Numbers 4-194-01, 4-081-01, 4-083-01, 4-083-04, 4-187-01 and 4-187-03 in Carson City, Nevada, pursuant to the recommendation as contained in the Planning Commission's report. Supervisor Bennett seconded the motion. Motion carried 4-0.

E. ACTION ON M-98/99-2 - THE DOWNTOWN CARSON CITY PARKING VALUE ANALYSIS, A STUDY PREPARED BY JOHNSON-PERKINS AND ASSOCIATES, INC., IN ORDER TO PROVIDE THE BOARD OF SUPERVISORS WITH GUIDELINES DETERMINING "REASONABLE CONSIDERATION" PURSUANT TO NRS 278.480.7 (1-3493) - Senior Planner Juan Guzman, Johnson-Perkins and Associates Representative Dan Oaks - Discussion indicated action would not be taken at this time and reviewed the staff and Mr. Oaks' reports. Mr. Sullivan was directed to provide Mayor Masayko with a copy. Public comments were solicited but none given. No formal action was taken.

F. ORDINANCES - SECOND READING

i. ACTION ON BILL NO. 126 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) TITLE 18 (ZONING), SPECIFICALLY, SECTIONS 18.06.255 (RETAIL COMMERCIAL <RC> PRIMARY USES) TO INCLUDE CERAMICS, WITH KILN, AND OTHER MATTERS PROPERLY RELATED THERETO (1-3701) - Supervisor Bennett moved that the Board adopt on second reading Ordinance No. 1998-27, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE (CCMC) TITLE 18 (ZONING), SPECIFICALLY, SECTIONS 18.06.255 (RETAIL COMMERCIAL <RC> PRIMARY USES) TO INCLUDE CERAMICS, WITH KILN, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 4-0.

BREAK: There being no other matters for consideration until 1:30 p.m., a recess was declared at 11:35 a.m. A quorum of the Board was present at 1:30 p.m. when Mayor Pro-Tem Tatro reconvened the meeting although Supervisor Smith had not yet returned and Mayor Masayko was absent.

10. SPECIAL PRESENTATIONS - A. PRESENTATION BY JEROME WHITE ON MOTORCYCLE USE ON PUBLIC LANDS, AND B. PRESENTATION BY KEVIN WALSH REGARDING THE PINE NUT MOUNTAINS TRAIL ADOPTION PROGRAM (1-3785) - Kevin Walsh, Jerome White - Mr. Walsh reported on the Pinenut Mountain Trail Association's first meeting. Both BLM District Manager John Singlaub and BLM Recreation Specialist Arthur Callan had attended the meeting. A committee had been established which will make presentations to the High School about appropriate areas in which to ride ATVs. BLM's plan for the Pinenuts had been scratched. They are in the process of rewriting it now. (2-0001) Mr. Walsh planned to file Articles of Incorporation later today. He had distributed to the Board and Clerk a memo describing the corporation's purpose and advertising its scavenger hunt. He announced the corporation's officers. He expressed a hope that he would be able to work with Carson River Advisory Committee on its cleanup activities. He requested assistance from the Sheriff's Office in notifying the property owners so that his volunteers would not be harassed

during the cleanup activities and for a show of enforcement. Mayor Pro-Tem Tatro indicated that he would notify the Sheriff's Office. Mr. Walsh then asked the Board to research BLM's success with its national regulations and their implementation procedures. He then introduced Mr. White. Additional information was available from two telephone numbers which he gave to the Board. Discussion pointed out the donation made by Mr. Green, Capital Sanitation. (Supervisor Smith arrived during these comments--1:40 p.m. A quorum was present as previously indicated.) Mayor Pro-Tem Tatro commended him on his involvement and efforts to address a problem. Supervisor Plank encouraged Mr. Walsh to contact as many of the residents along the River as possible. Mayor Pro-Tem Tatro explained his plan to notify the residents. Mr. Walsh volunteered to assist with posting notices.

(2-0127) Mr. White explained his involvement in Carson City and Douglas County, his experience in the Pinenuts, his involvement with BLM on an experiment on Prison Hill, his personal motorcycle rides and programmed rides which he had helped develop in the Pinenuts. He asserted that there are few areas in the Pinenuts which could be used by motorcycles. He expressed the hope that an advisory council would be established to work with the BLM and the Board.

Mayor Pro-Tem Tatro indicated that the purpose of the two presentations had been to heighten the Board's awareness of the use of the Pinenuts and wished the groups success with their coming event(s). Supervisor Bennett explained Dan Kaffer and NCRS's involvement with the Public Lands Day activities.

11. CARSON CITY AIRPORT - ACTION ON LEASE AGREEMENT BETWEEN CARSON CITY AIRPORT AUTHORITY AND CRYSTAL BAY AVIATION, LLC, FOR PROPERTY LOCATED AT THE CARSON CITY AIRPORT IDENTIFIED AS LOTS 40, 41, 47 AND 48 - Pulled.

12. PURCHASING DEPARTMENT - Director John Iratcabal - ACTION ON CONTRACT NO. 9899-15 - SLUDGE DEWATERING PROJECT, AWARD (1-0208) - Wastewater Superintendent Kelvin Ikehara, Carrollo Engineers Representative Dennis Wood - Mr. Wood provided a brief description of the project. It had originally been planned for next year. As it will help eliminate more of the odors, it was brought forward earlier. The project will eliminate the need for the sludge drying beds. The drying beds will still be available, if needed, for future floods or other high flow events. Plans are to utilize the sludge material for compost and reduce the need to use the landfill. Supervisor Bennett suggested staff analyze the possibility of using the sludge for fertilizer. Douglas County's program was cited as an example. Mr. Wood indicated that part of the composting process sterilizes the sludge. Mr. Ikehara felt that 75 percent of the odor problem will be eliminated. The use of sludge in California was also explained. The project should not at this time impact the rates. Public comments were solicited but none given. Supervisor Bennett moved that the Board of Supervisors accept the Purchasing Department's recommendation and award Contract No. 9899-15 to Bidder No. 3, KG Walters Construction Co., Inc., P. O. Box 4359, Santa Rosa, California, as the lowest responsive and responsible bidder pursuant to the requirements or NRS Chapters 332, 338, 339, and 624 for a contract amount of \$4,000,669 and a contingency amount of \$166,225; funding source is the Sewer Capital Projects as provided in Fiscal Years 9899 and 99-2000 budgets, if approved the above referenced account would be decreased by \$4,838,524. Following a request for an amendment, Supervisor Bennett amended her motion to correct the amounts to be \$4,669,000. Supervisor Smith seconded the motion. Mayor Pro-Tem Tatro verified the numbers as being \$4,669,000, contingency of \$166,525, for a total of \$4,835,525. The motion as amended was voted and carried 4-0.

13. PERSONNEL MANAGER - Judie Fisher - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) TO ADD JUSTICE COURT TECHNICIAN; ADD REDEVELOPMENT DIRECTOR TO PRINCIPAL PLANNER. TITLE CHANGES: AUTOMATION SERVICES DIRECTOR TO INFORMATION SERVICES DIRECTOR; DEPUTY PUBLIC UTILITIES DIRECTOR TO DEVELOPMENT ENGINEERING MANAGER; DEPUTY PUBLIC WORKS DIRECTOR TO PUBLIC WORKS CAPITAL PROJECTS MANAGER; PUBLIC WORKS ENGINEER/RTC TO SENIOR ENGINEER/RTC; PUBLIC WORKS ENGINEER/SEWER TO SENIOR ENGINEER; STREET SUPERINTENDENT TO STREET OPERATION MANAGER; WATER UTILITY SUPERINTENDENT TO UTILITY OPERATIONS

MANAGER; AND ENVIRONMENTAL CONTROL MANAGER TO DEPUTY HEALTH DIRECTOR. REMOVE ASSOCIATE PUBLIC WORKS ENGINEER, PUBLIC UTILITIES DIRECTOR AND PUBLIC WORKS DIRECTOR (2-0425) - Supervisor Bennett moved to introduce on first reading Bill No. 128, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) TO ADD JUSTICE COURT TECHNICIAN; ADD REDEVELOPMENT DIRECTOR TO PRINCIPAL PLANNER. TITLE CHANGES: AUTOMATION SERVICES DIRECTOR TO INFORMATION SERVICES DIRECTOR; DEPUTY PUBLIC UTILITIES DIRECTOR TO DEVELOPMENT ENGINEERING MANAGER; DEPUTY PUBLIC WORKS DIRECTOR TO PUBLIC WORKS CAPITAL PROJECTS MANAGER; PUBLIC WORKS ENGINEER/RTC TO SENIOR ENGINEER/RTC; PUBLIC WORKS ENGINEER/SEWER TO SENIOR ENGINEER; STREET SUPERINTENDENT TO STREET OPERATION MANAGER; WATER UTILITY SUPERINTENDENT TO UTILITY OPERATIONS MANAGER; AND ENVIRONMENTAL CONTROL MANAGER TO DEPUTY HEALTH DIRECTOR. REMOVE ASSOCIATE PUBLIC WORKS ENGINEER, PUBLIC UTILITIES DIRECTOR AND PUBLIC WORKS DIRECTOR. Supervisor Smith seconded the motion. Discussion explained the reasons the RTC Senior Engineer had not been modified and noted the lack of funding sources for the other title changes. The motion was not modified to include the funding source for RTC. The motion as indicated was voted and carried 3-1 with Mayor Pro-Tem Tatro voting Naye.

14. UTILITIES DEPARTMENT - Deputy Director Jay Ahrens - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE SILVER OAK DEVELOPMENT CO., A LIMITED PARTNERSHIP AND THE BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA ON BEHALF OF WESTERN NEVADA COMMUNITY COLLEGE REGARDING ASSESSOR'S PARCEL NO. 08-061-28 AND 7-091-82 LOCATED AT THE SILVER OAK PLANNED UNIT DEVELOPMENT AND THE WESTERN NEVADA COMMUNITY COLLEGE, 2201 WEST COLLEGE PARKWAY, CARSON CITY, NEVADA, FOR WATER TANK SITE IMPROVEMENTS AND WATER MAIN CONSTRUCTION (1-0526) - Public comments were solicited. Mr. Ahrens explained the project's plans to handle the dirt for Jim Caren. Supervisor Smith encouraged Mr. Ahrens to investigate the potential for having a berm along the front of the property. Supervisor Bennett moved that the Board introduce Bill No. 129 on first reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND THE SILVER OAK DEVELOPMENT CO., A LIMITED PARTNERSHIP AND THE BOARD OF REGENTS OF THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA ON BEHALF OF WESTERN NEVADA COMMUNITY COLLEGE REGARDING ASSESSOR'S PARCEL NO. 08-061-28 AND 7-091-82 LOCATED AT THE SILVER OAK PLANNED UNIT DEVELOPMENT AND THE WESTERN NEVADA COMMUNITY COLLEGE, 2201 WEST COLLEGE PARKWAY, CARSON CITY, NEVADA, FOR WATER TANK SITE IMPROVEMENTS AND WATER MAIN CONSTRUCTION, fiscal impact is \$125,339.82, funding source is Ash Canyon Tank II, account number 520. Supervisor Smith seconded the motion. Motion carried 4-0.

15. PUBLIC WORKS DIRECTOR - Deputy Public Works Director Tim Homann

A. ACTION ON ACCEPTANCE OF THE DEED OF TRUST TO CARSON CITY FROM THE BERNHARD FAMILY TRUST DATED SEPTEMBER 12, 1994, AS SURETY PROVIDED FOR THE ROOP STREET SOUTH SUBDIVISION (2-0662) - Discussion explored reasons for having the Board consider the item. Mayor Pro-Tem Tatro disclosed his wife's employment and indicated that he would not gain financially from the agreement; therefore, he did not feel that he had a conflict of interest. **Supervisor Smith moved that the Board accept the conveyance of the Long Form Deed of Trust and Assignment of Rents to Carson City from Alexander K. Bernhard and Lenore J. Bernhard, Co-Trustees of the Bernhard Family Trust dated September 12, 1994, on property identified as Assessor's Parcel Number 008-125-40, and authorize the Deputy City Manager to execute a request for reconveyance upon satisfaction of the Improvement Agreement conditions. Supervisor Plank seconded the motion.** Discussion ensued on the precedent which the procedure could establish. Mr. Homann indicated that a deed of trust is an option for providing surety to the City for any improvements. It is not normally used. The improvement agreement included an 18 month timeframe for

completion of the work. Supervisor Bennett explained her concern is not with Mr. Bernhard, who does diligent work and is a responsible developer in the community, but the others in the community who are less than responsible. Discussion noted the Board's action a year ago which had established a list of items which could be used to meet bonding/security requirements. Mayor Pro-Tem Tatro felt that as long as the City required a value of 1-1/2 times that of the improvements, it was a valid method. Supervisor Bennett indicated her concern was with the precedent which would be established and not the proposed document. She wished to be certain that there are other documents which could be used and that there is a timeline attached to the agreement. Mr. Homann explained that a Department does not sign off of the surety agreement unless the District Attorney's office has reviewed the process. If any legal questions arise regarding the method of surety or its documentation, the District Attorney's office will respond. Examples were cited to support his justification in using the District Attorney's office. There are checks and balances available which should meet the Board's comfort level. Supervisor Smith agreed that the process will establish a precedence as it makes sense. The City gets a security which it needs for the improvements. The developer is not required to tie up his capital in either a bond or cash, etc. This is a win-win situation for both parties. He felt certain that the Board will see more of these agreements in the future.

Jim Caren explained that the deed of trust is the most secure form of security the City could obtain assuming that a deep recession does not occur and all of the property values drop. Although, this could happen anywhere. All of the other forms, including a true bond, cause the City to rely upon a third party to pay that sum at some future date. This was the purpose behind the change in the process and elimination of the assurance letters. The title companies were concerned about the risk factor provided in those assurance letters. Land does not go any where. The Board has direct control over the ability to foreclose under the agreement and the deed of trust. A deed of trust may be even better than cash. The bank may be reluctant to give the money away without a lawsuit.

There being no other matters for discussion on this item, the motion to accept the long form deed of trust as surety for the Roop Street South Subdivision was voted and carried 4-0.

B. ORDINANCES - SECOND READING

i. ACTION ON BILL NO. 123 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JABA, LLC, RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO.S 09-071-74, 09-071-75, 04-012-03 AND 04-012-20, LOCATED ON SOUTH ROOP STREET SOUTH OF LITTLE LANE IN CARSON CITY, NEVADA; AND ii. ACTION ON BILL NO. 124 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND I. R. ANDERSON, RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 09-071-74 LOCATED ON SOUTH ROOP STREET AT LITTLE LANE IN CARSON CITY, NEVADA (2-0882) - Mr. Homann explained for Lois Lazer the funding allocated for this project. Ms. Lazer indicated her concern with the RTC funding is due to former Finance Director Walker's statements that Graves Lane will be \$1 million short. Supervisor Smith pointed out the advantage to having partnerships with developers as it reduces the City's costs. Supervisor Bennett moved to adopt on second reading Bill No. 123, Ordinance No. 1998-29, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JABA, LLC, RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO.S 09-071-74, 09-071-75, 04-012-03 AND 04-012-20, LOCATED ON SOUTH ROOP STREET SOUTH OF LITTLE LANE IN CARSON CITY, NEVADA, with a fiscal impact of \$90,885.74, and the funding source of RTC Road Construction. Supervisor Smith seconded the motion. Supervisor Bennett continued her motion to include Water Utility Transmission Line Upgrade. Supervisor Smith concurred. Mayor Pro-Tem Tatro noted the financial split as being in the staff report. Supervisor Smith then indicated that Graves Lane is not \$1 million short. Its funding is from multi-fiscal years which was necessary due to the size of the project. He did not wish to have the public think that the City was starting a road for which it could not afford to pay. Ms. Lazer indicated that it would take two years to complete Graves Lane and that no other project would be able to be considered during that timeframe. She questioned whether the Board could contract for a project which it could not fund for two years based on the assumption that the gas tax's four cent revenue stream would be adequate to cover the cost. Mayor Pro-Tem Tatro noted that the Board was not agendized to discuss her issue and requested additional comments on the motion.

None were made and the vote to approve Ordinance 1998-28 on second reading was voted and carried 4-0.

Supervisor Bennett moved to adopt on second reading Bill No. 124, Ordinance No. 1998-29, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND I. R. ANDERSON, RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 09-071-74 LOCATED ON SOUTH ROOP STREET AT LITTLE LANE IN CARSON CITY, NEVADA, fiscal impact is \$21,752.30, and the funding source is RTC Road Construction. Supervisor Smith seconded the motion. Motion carried 4-0.

iii. ACTION ON BILL NO. 125 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TO ADD SECTION 10.04.102 (CLASS A VEHICLE) DEFINING A CLASS A VEHICLE, TO ADD ACTION 10.04.104 (CLASS B VEHICLE) DEFINING A CLASS B VEHICLE, TO ADD SECTION 10.04.106 (CLASS C VEHICLE) DEFINING A CLASS C VEHICLE, TO AMEND SECTION 10.28.170 (LOAD LIMITS) INCORPORATING STATE LAW LOAD LIMITS, AND TO ADD SECTION 10.28.180 (TRUCK ROUTE RESTRICTIONS) PROVIDING THAT CERTAIN STREETS MAY NOT BE USED BY CERTAIN VEHICLES, AND OTHER MATTERS PROPERLY RELATED THERETO (2-1020) - Mr. Homann's introduction included an explanation of his contacts with the Chamber of Commerce Transportation Committee and the AGC. A resolution may be considered at the next Board meeting designating the prohibited routes. Mayor Pro-Tem Tatro read a letter from Norman W. Peterson into the record supporting the proposed ordinance and urging the Board to approve it. Lois Lazer urged the Board to include Airport Road as a prohibited route. Mayor Pro-Tem Tatro requested she make these comments when the resolution is considered. Supervisor Smith moved to adopt on second reading of Bill No. 125, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TO ADD SECTION 10.04.102 (CLASS A VEHICLE) DEFINING A CLASS A VEHICLE, TO ADD ACTION 10.04.104 (CLASS B VEHICLE) DEFINING A CLASS B VEHICLE, TO ADD SECTION 10.04.106 (CLASS C VEHICLE) DEFINING A CLASS C VEHICLE, TO AMEND SECTION 10.28.170 (LOAD LIMITS) INCORPORATING STATE LAW LOAD LIMITS, AND TO ADD SECTION 10.28.180 (TRUCK ROUTE RESTRICTIONS) PROVIDING THAT CERTAIN STREETS MAY NOT BE USED BY CERTAIN VEHICLES, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Plank seconded the motion. Motion carried 4-0. Mr. Homann indicated that City trucks will not be allowed to use any prohibited streets as a through street the same as any commercial vehicle. City trucks will be allowed to use the street if working on a construction project in that neighborhood.

16. CLERK-RECORDER - Alan Glover - ACTION TO APPROVE THE CANVASS OF THE VOTE OF THE PRIMARY ELECTION HELD ON SEPTEMBER 1, 1998 (2-1155) - Mr. Glover explained the Statutes mandating the canvass, the turnout, reasons for the drop in the percentage of voters exercising their voting rights, the concern about the Post Office's failure to deliver sample ballots, and encouraged the electorate to review the General Election Sample Ballots due to the number of issues and individuals upon whom they must decide. Discussion noted the vote for Pete Livermore and Sheriff Rod Banister as well as the uncontested races for the General Election. Comments also noted the potential for the Clerk to have a conflict of interest when performing the election functions and reasons why this does not occur. Mr. Livermore congratulated Mr. Glover and his staff on their efficient, fast work counting the ballots. Supervisor Plank moved to approve the canvass of the vote of the Primary Election held on September 1, 1998. Supervisor Smith seconded the motion. Mayor Pro-Tem Tatro explained his son's experience as a first time voter and expressed his feeling that he will never forget it due to the recognition given by the workers. Mayor Pro-Tem Tatro commended the workers for giving such recognition. The motion to approve the canvass was voted and carried 4-0.

There being no other matters for consideration, Supervisor Smith moved to adjourn. Mayor Pro-Tem Tatro seconded the motion. Motion carried 4-0. Mayor Pro-Tem Tatro adjourned the meeting at 2:57 p.m.

The Minutes of the September 3, 1998, Carson City Board of Supervisors meeting

ARE SO APPROVED ON ___April_1____, 1999.

