

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the June 6, 1996, Meeting  
Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, June 6, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 1 p.m.

PRESENT: Marv Teixeira Mayor  
Greg Smith Supervisor, Ward 1  
Janice Ayres Supervisor, Ward 2  
Tom Tatro Supervisor, Ward 3  
Kay Bennett Supervisor, Ward 4

STAFF PRESENT: John Berkich City Manager  
Alan Glover Clerk-Recorder  
Rod Banister Sheriff  
Dorothy Timian-Palmer Utilities Director  
Paul Lipparelli Deputy District Attorney  
John Iratcabal Deputy Purchasing & Conts. Dir.  
John Tuttle Sr. Parking Enforcement Officer  
Mitchell Ames Recreation Supervisor  
Katherine McLaughlin Recording Secretary  
Beth Huck Business License Tech.  
Justine Chambers Purchasing & Contracts Dept.  
(B.O.S. 6/6/96 Tape 1-0001.5)

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, INVOCATION, PLEDGE OF ALLEGIANCE, AND ROLL CALL** - Mayor Teixeira convened the meeting at 1 p.m. Rev. Bruce Kochsmeir of the First Presbyterian Church gave the Invocation. Supervisor Bennett led the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

**1. ACTION ON APPROVAL OF MINUTES - May 1 and 8, 1996, Special Meetings (1-0025.5)** - Supervisor Ayres moved to approve. Supervisor Tatro seconded the motion. Motion carried 5-0.

**CITIZEN COMMENTS (1-0032.5)** - Mayor Teixeira introduced Joyce Franco. Ms. Franco had represented the Lyon County Youth Coalition in the Olympics Torch Run. She thanked Supervisor Ayres for her support which had enabled her to carry the torch in Las Vegas. Mayor Teixeira commended her on her role and Supervisor Ayres for her contribution.

(1-0055.5) Chamber of Commerce President John McKenna noted the Chamber's support for the acquisition of the former Bank of America building. He noted the original concerns regarding the date when City staff would be relocated, acquisition and improvements costs. He requested a detail budget and schedule be provided. He then explained that his term as President was almost over and thanked the Board for its hard work and assistance. He also wished Mayor Teixeira luck in his future endeavors.

Additional comments were solicited but none given.

**LIQUOR AND ENTERTAINMENT BOARD (1-0080.5)** - Mayor Teixeira recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. The entire Board was present including Sheriff Banister, constituting a quorum.

**2. TREASURER - Business License Tech Beth Huck**

**A. ACTION ON A PACKAGED LIQUOR LICENSE FOR INDERJIT S. THIND AND RAMANJIT KAUR, DOING BUSINESS AS FRONTIER MOTEL AND FOOD MART (1-0082.5)** - Inderjit S. Thind and Ramajit Kaur responded to Board questions concerning their acquisition of the business. Member Banister noted the favorable Sheriff's report. Chairperson Teixeira explained the problems encountered in Carson City from youths attempting to acquire beer and urged them to be cognizant of the problem and attempt to stop it. Member Smith moved that the Liquor and Entertainment Board approve the request for a packaged liquor license from Inderjit S. Thind and Ramajit Kaur, doing business as Frontier Motel and Food Mart, at 1718 North Carson Street, fiscal impact is \$575 Investigation Fee, \$1,000 New Fee, and \$200 per quarter. Members Tatro and Ayres seconded the motion. Motion carried 6-0. Chairperson Teixeira wished them success in their new endeavor.

**B. ACTION ON A LIQUOR LICENSE FOR GOURMET SYSTEMS OF NEVADA, INC., DOING BUSINESS AS APPLEBEE'S NEIGHBORHOOD GRILL AND BAR (1-0115.5)** - District Manager Paul Tasher - Discussion indicated the business would open on June 17. Member Banister noted the favorable Sheriff's report. Discussion noted the number and location of Applebee's in Nevada and the plan for another one in Reno. Member Ayres moved that the Liquor Board approve the request for a liquor license for Gourmet Systems of Nevada, Incorporated, doing business as Applebee's Neighborhood Grill and Bar, fiscal impact \$500 Investigation Fee, \$1,000 New Fee, and \$200 per Quarter. Member Bennett seconded the motion. Motion carried 6-0. Discussion ensued on the services which would be provided by the restaurant. The Board welcomed the firm to the area.

**BOARD OF SUPERVISORS** - There being no other matters of consideration, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

**3. CONSENT AGENDA (1-0158.5)**

**A. CITY MANAGER - ACTION ON APPROVAL OF THE PARTICIPATORY AGREEMENT FOR FISCAL YEAR 1996-97 BETWEEN CARSON CITY AND HOME HEALTH SERVICES OF NEVADA, INC.**

**B. PURCHASING DIRECTOR**

**i. ACTION ON CONTRACT NO. 9596-214 - WATER UTILITY PAVING**

**ii. ACTION ON CONTRACT NO. 9596-213 - 1996 BOOSTER PUMP STATION**

**UPGRADE**

**iii. ACTION ON CONTRACT NO. 9596-007 - FORENSIC PATHOLOGY AUTOPSY SERVICES, AMENDMENT**

**iv. ACTION ON CONTRACT NO. 9596-178 - BOB BOLDRICK THEATER STAGE RIGGING, REQUEST FOR FINAL PAYMENT**

**v. ACTION ON CONTRACT NO. 9596-234 - DISPOSAL OF MISCELLANEOUS SURPLUS EQUIPMENT**

**vi. ACTION ON CONTRACT NO. 9596-158 - WELL NO. 41 EMERGENCY REPAIRS, CHANGE ORDER NO. 1**

**vii. ACTION ON CONTRACT NO. 9596-145 - CARSON CITY SHERIFF AND FIRE DEPARTMENTS, PHYSICIAN SERVICES AGREEMENT**

**viii. ACTION ON CONTRACT NO. 9596-227 - CITY OF SPARKS JOINDER BID WITH PERVO PAINT COMPANY FOR TRAFFIC PAINT AND REFLECTIVE BEAD PURCHASES**

**ix. ACTION ON CONTRACT NO. 9596-223 - ASPHALT CEMENT CONCRETE**

**x. ACTION ON CONTRACT NO. 9596-99 - DOWNTOWN BEAUTIFICATION DESIGN AND DOCUMENTS AND CONSTRUCTION ADMINISTRATION, AMENDMENT TO THE ORIGINAL CONTRACT** - None of the Items were pulled for discussion. Supervisor Tatro moved to approve the Consent Agenda as presented. Supervisor Ayres seconded the motion. Motion carried 5-0.

## **ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**4. FIRE CHIEF - Division Chief Steve Mihelic - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE TO ADOPT THE 1994 UNIFORM FIRE CODE, TO MAKE VARIOUS AMENDMENTS TO THAT UNIFORM CODE AND ITS APPENDICES, TO MAKE OTHER CHANGES TO CHAPTERS 14.04 AND 14.08) RESULTING FROM THE NEW PROVISIONS OF THE UNIFORM FIRE CODE AS AMENDED AND OTHER MATTERS PROPERLY RELATED THERETO (1-0168.5) -** Public Works Director Jay Aldean and Fire Chief Louis Buckley - Discussion explained several revisions to the Fire Code, the Chamber of Commerce and Builders Association's involvement with the modifications, reasons the 1994 Code is just now being adopted, and date when the other Building Codes would be considered. Chief Buckley indicated that different areas used different Codes. The surrounding area uses the Code recommended for adoption. The State had already adopted this Code. Supervisor Bennett moved to introduce Bill No. 122 on first reading, AN ORDINANCE AMENDING TITLE 14 OF THE CARSON CITY MUNICIPAL CODE TO ADOPT THE (1991) 1994 UNIFORM FIRE CODE, TO MAKE VARIOUS AMENDMENTS TO THAT UNIFORM CODE AND ITS APPENDICES, TO MAKE OTHER CHANGES TO CHAPTERS 14.04 (AND 14.08) RESULTING FROM THE NEW PROVISIONS OF THE UNIFORM FIRE CODE AS AMENDED AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0.

### **5. PUBLIC WORKS DIRECTOR - Jay Aldean**

**A. ACTION TO APPROVE THE DESIGNATION OF CURRY STREET BETWEEN FIFTH STREET AND MUSSER STREET FROM A ONE-WAY OPERATION TO A TWO-WAY OPERATION (1-0305.5) -** Deputy Public Works Director Tim Homann, Doug Addison, Chamber of Commerce Executive Vice President Larry Osborne, Bob McFadden, Senior Parking Enforcement Officer John Tuttle - Discussion indicated that Finance and Redevelopment Director Mary Walker had requested the change. The proposal would not impact the Farmers' Market. Supervisor Ayres felt that the one-way streets were an impediment to tourists as well as local residents. Discussion pointed out that the parking in the downtown area is very sensitive. Concerns were expressed about the loss of parking spaces and the ability of the area to absorb this loss. Mr. Homann indicated that the Ormsby House had offered the use of its parking garage to the public. The parking study also indicated there is an adequate number of spaces available at this time. Supervisor Bennett felt that adequate parking would not be available as the area continues to be redeveloped. Mr. Homann felt that this problem would have to be addressed when it arises. Supervisor Ayres indicated her personal experience in this area indicates there is adequate parking available.

(1-0550.5) Mr. Addison felt that the loss of parking would place an undue burden on his clientele and cut his available parking in half. The surrounding businesses use the same area he uses. He did not feel that his clientele would use the Ormsby House as it was too far away.

Mr. Osborne questioned when the notices had been given and urged the Board to retain the parking spaces or continue the item until the impacted businesses are aware of the proposal.

Mr. McFadden indicated a need to address the wrong way traffic on Curry Street and to attract tourists to Curry Street. The traffic speed needs to be reduced. He felt that there is adequate parking space available on Curry Street including his parking area. He felt that Mr. Addison should figure out other ways to attract his clientele which would mitigate the loss of parking issue.

(1-0709.5) Mr. Tuttle explained for the record his personal contact with each of the business owners advising them about the proposal.

Supervisor Tatro moved that the Board approve the designation of Curry Street between Fifth Street and Musser Street from a one-way operation to a two-way operation. Supervisor Ayres seconded the motion. Motion was

voted by roll call with the following result: Tatro - Yes; Ayres - Yes; Smith - I hate these when it's almost like a coin flip, I'll say no, No; Bennett - I am going to say no for this reason, I think that we really need, as successful and as much as we need to help the folks between Second and Third, we also need to have a better plan for a solution for how we are going to handle the redevelopment process between Fourth and Fifth before we go and implement this plan, I think we need to think this thing through or perhaps there is another compromise solution, for instance taking that one-way as far down as Fourth Street and still leave Fourth and Fifth one-way, I just think that there is an opportunity to do a little bit more work here - No; and Mayor Teixeira - You know I'm not even running for re-election, right, and the key here, I have known Doug for a lot of years, the work that has been done in the downtown area all the way up and down that street, especially on that side, not only with the new--, has absolutely brought a ton of clientele there, and it keeps happening more and more, but I do believe that we have a problem over there if we are going to keep bringing the tourists in there, Jack's Bar benefits by the success of the St. Charles, it has got to, everybody wins when you have businesses pumping down there, I have some concern on Doug's space as it relates to his motel, Jack's Bar has its reputation and established clientele, it will be there and I think he will pick up new clientele even if the parking is long distance, what's nice about this is that nothing is cast in stone, all that this is is a matter of "changing a few signs and redoing some restriping", I will do this, I am going to vote for it on a six month trial period, if there is a significant problem with it as far as parking at Jack's, and Jack has got his records for a period, a year, if it definitely impacts his business, I want it brought back, so I am going to vote yes for the process but only for a six month period, I think we can test it through our summer months, come back, and see what the effect is on it, if it hurts Jack's business to any degree, then it is not working, and what is going to happen, you see, then we go back to the one way, we are going to go one way at Musser--discussion indicated Curry north of Musser would remain one-way--that corridor is also picking up with new commercial enterprises, with the operation of the Wild Scallion and so forth in that area, you know, I'm saying, when and where are you going to stop, I think the loss of parking is one of the things that, what does it cost us to make one parking space, Mr. Berkich, \$6,000-\$7,000 a parking space--Mr. Berkich responded \$4,000 plus--\$4,000, let's just use a round number of \$5,000, so we just threw \$35,000 down the toilet here by doing this, to do what, to fix, I disagree with Bob in one area, I believe a problem of sending people at each other from different directions and making left and right turns, I don't know where the safety factor comes in versus taking them all in a straight line going one direction, in fact, let me hold this and my thought for a minute, can we talk, can we continue this, this doesn't have to be cast in stone today, and I know this is a deadline, you only have two or three, to the hell with it, I'll stay with my first deal, I vote yes and try it for six months - Yes. Motion carried 3-2.

Following Mr. Lipparelli's request for clarification, Supervisor Tatro moved that the Board direct the Public Works to monitor the effects of the change which had just been made and to report back to the Board in six months. Supervisors Ayres and Bennett seconded the motion. Motion carried 5-0. Mr. Aldean indicated his Department would be able to do the monitoring.

**B. ACTION ON APPROVAL OF AN AGREEMENT BETWEEN CARSON CITY AND THE NEVADA DEPARTMENT OF TRANSPORTATION PROVIDING SECTION 18 GRANT FUNDING OF LOCAL TRANSPORTATION SERVICES PROGRAM (1-0812.5)** - Supervisor Bennett moved that the Board of Supervisors approve the Agreement between Carson City and the Nevada Department of Transportation providing Section 18 grant funding of the local transportation services program. Supervisor Smith seconded the motion. He also noted the concern with Paratransit Services. Acceptance of the grant would not obligate the City to continue Paratransit's services. Supervisor Ayres indicated that there would be additional meetings with the providers due to the Title 18 and Public Service Commission concerns. Mr. Aldean also explained that NDOT has an additional \$80,000 in funding available for a higher level of service if the Board determines there is a need at a future date. The motion to approve the Agreement between Carson City and NDOT providing Section 18 grant funding of local transportation services program was voted and carried 5-0.

**C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 119 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ALBERTSON'S, INC., AND CLEARVIEW, L.L.C., REGARDING IMPROVEMENTS RELATED TO THE**

**DEVELOPMENT OF APN 09-262-08, LOCATED IN CARSON CITY, NEVADA (1-0871.5)** - Mr. Aldean explained the improvements proposed for the intersection at Clearview and Carson Street. Mr. Berkich indicated that there had been several meetings on this intersection including with NDOT. Supervisor Bennett encouraged staff to consider connecting Curry Street to Clearview and improving it from Moses to Clearview. Mr. Aldean agreed to consider this recommendation and present it to RTC. Supervisor Ayres moved that the Board adopt on second reading Bill No. 119, Ordinance No. 1996-19, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY, ALBERTSON'S, INC. AND CLEARVIEW, L.L.C., RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 09-262-08 LOCATED IN CARSON CITY, NEVADA. Supervisors Smith and Bennett seconded the motion. Motion carried 5-0.

**6. UTILITIES DIRECTOR - Dorothy Timian-Palmer**

**A. ACTION ON AN AGREEMENT BY AND BETWEEN CARSON CITY AND THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION (NDOT) FOR UTILITY AND STORM DRAIN ADJUSTMENTS FOR THE FOLLOWING NDOT PROJECTS:**

- 1. PROJECT #SPF-050-2(8) OVERLAY OF HIGHWAY 50 EAST FROM CARSON STREET TO DUMP HILL**
- 2. PROJECT #SP-000M(41) OPEN GRADED SURFACE COURSE ON KING STREET, WEST ORMSBY BOULEVARD AND WINNIE LANE**
- 3. PROJECT #SP-000M(41) SIDEWALKS AND WHEELCHAIR RAMPS ON KING STREET, WEST ORMSBY BOULEVARD, AND WINNIE LANE (1-0954.5)** - Supervisor Bennett moved that the Board of Supervisor approve and authorize the Mayor to sign the letters of approval authorizing the Nevada Department of Transportation to perform Utility and storm drain adjustments for the following NDOT projects: 1. Project SSPF-050-2(8) Overlay of Highway 50 East from Carson Street to Dump Hill; 2. Project SP-000M(41) Open Graded Surface Course on King Street, West Ormsby Boulevard, and Winnie Lane; and 3. Project SP-000M(41) Sidewalks and Wheelchair Ramps on King Street, West Ormsby Boulevard, and Winnie Lane. Supervisor Tatro seconded the motion. Following a request for an amendment, Supervisor Bennett modified her motion to include fiscal impact of \$60,500, funding source is the Utility Department Account No. 515 and 520 and Public Works Streets Division Account 256-3038-431-7818. Supervisor Tatro continued his second. Motion carried 5-0.

**B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND THE MICHAEL AND KAREN HOHL FAMILY TRUST (1-0815.5)** - Supervisor Tatro moved to introduce Bill NO. 123 on first reading, AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND THE MICHAEL AND KAREN HOHL FAMILY TRUST REGARDING ASSESSOR'S PARCEL NOS. 9-153-01 AND 9-153-02 LOCATED AT 3700 SOUTH CARSON STREET, CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION. Supervisor Ayres seconded the motion. Motion carried 5-0.

**BREAK:** A four minute recess was declared at 2:06 p.m. When the meeting was reconvened at 2:10 p.m. the entire Board was present constituting a quorum.

**7. NEVADA DEPARTMENT OF TRANSPORTATION - PRESENTATION OF THE PROPOSED LIST OF PROJECTS FOR FISCAL YEARS 1997-99 ALONG WITH THE LONG RANGE LIST OF PROJECTS FOR CARSON CITY (1-1010.5)** - Nevada Department of Transportation Director Tom Stephens reviewed the list. Discussion indicated the Bypass meeting proposed for July 11 would be an evening meeting in the Community Center Auditorium. Mr. Stephens corrected the estimated cost for the Bypass to be \$170,000,000. Comments stressed the need for median barriers on Spooner Summit. Mr. Stephens indicated a larger curve sign will be installed in the first curve from the top of the hill. He also explained the status of the Highway 50 project which he felt was on schedule. The Highway 50 project in Stagecoach-Silver Springs will not increase the road width to four lanes. It would only widen it to provide left turn lanes at intersections. The present roadway will be abandoned when completed or used for shoulders. Discussion indicated that there would be right turn lanes

installed at Highway 50 and Roop Street. Chamber of Commerce Executive Vice President Larry Osborne explained the public meetings being conducted on the Highway 50 improvements. He thanked the Department for its cooperation on this education program. Public Works Director Aldean explained the reasons the Lompa/Highway 50 drainage problem would not be addressed as the improvements were only temporary "stop gap" measures. Supervisor Smith requested this information be provided in written form. Mr. Aldean then explained that drainage improvements planned for Graves Lane and Highway 50 would be installed as these improvements mitigate the entire drainage problem. Mr. Stevens explained the change in engineering standards from when Highway 50 was originally constructed decades earlier and the current standard.

(1-1385.5) Public comments were solicited. Pete Livermore urged the staff/City/State to address the drainage problem at the shopping center. Flooding has forced businesses into bankruptcy. He also explained that he includes in his business plan a minimum of five working days lost due to the flooding. The problem becomes worse annually. If the City/State is not willing to make the improvements, then he urged the City to stop development around it. Supervisor Ayres noted her comments during the budget process and her vote to fund a drainage study/program. She agreed that the area is a disaster which should be addressed.

Mayor Teixeira indicated this would be another issue at a future meeting and thanked NDOT for its presentation.

**8. PERSONNEL MANAGER - Judie Fisher**

**A. ACTION ON APPOINTMENT/REAPPOINTMENT OF BUSINESS, CITIZEN-AT-LARGE, HOTEL/MOTEL MEMBERS TO THE CONVENTION AND VISITORS' BUREAU (1-1438.5)** - The Board interviewed Laura Adler, (1-1698.5) Rex Bovee, (1-1806.5) Taunya Milligan and (1-1879.5) Jay Meierdierck. Mayor Teixeira thanked each for applying. Ms. Fisher noted the letter from Don Quilici. (A copy is included in the packet.) There is an opening for one business candidate, one citizen-at-large, and one hotel/motel candidate. A letter from Mary Wagner had not been received as of the meeting time although she had informed Ms. Fisher that one would be forthcoming.

(2-1967.5) Discussion indicated the terms would not be modified at this time. Mr. Millard was running unopposed for the hotel/motel opening. The Board Members then began to list his/her top candidates for the two remaining openings. Supervisor Smith explained for the other candidates that it is not a closed door. He is willing to make changes when deemed appropriate, however, in this case he is more than satisfied with the Bureau's endeavors and, particularly, these three individuals. He felt they should be reappointed and the continuity continued. Supervisor Tatro then moved that the Board appoint Dwight Millard, Laura Adler, and Don Quilici to two year terms on the Convention and Visitors Bureau. Supervisor Ayres seconded the motion. Motion carried 5-0.

**B. ACTION ON A RESOLUTION AMENDING FORMER RESOLUTION NO. 1993-R-89 ADDING MEMBERSHIPS TO SERVE ON THE GOLF COURSE ADVISORY COMMITTEE FOR CARSON CITY (1-2065.5)** - Ms. Fisher explained the petition to add a member of the Eagle Valley Mixed Golf Club to the Golf Course Advisory Committee and the other Clubs which she had added to the Resolution. The resolution would expand the membership to nine. Dinty Moore, as the Eagle Valley Mixed Golf Club's spokesperson, explained the reasons the Club requested the Committee include a representative. Supervisor Bennett moved that the Board of Supervisors approve Resolution No. No. 1996-R-29, A RESOLUTION AMENDING FORMER RESOLUTION NO. 1993-R-89 ADDING MEMBERSHIPS TO SERVE ON THE GOLF COURSE ADVISORY COMMITTEE FOR CARSON CITY. Supervisor Ayres seconded the motion. Motion carried 5-0.

**9. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan - PLANNING COMMISSION REVIEW AND APPEAL MATTERS**

**A. ACTION ON M-95/96-23 - AN APPEAL BY CHAIRMAN OF THE WASHOE TRIBE OF THE EXTENSION OF A SPECIAL USE PERMIT (U-94/95-45) TO ALLOW AN EXTENSION FOR**

**UNLIMITED GAMING, ADDITION TO ALLOWABLE BUILDING HEIGHT AND PARKING REDUCTION FOR A COMBINATION OF USES INCLUDING GAMING, HOTEL/RESTAURANT ON PROPERTY ZONED RETAIL COMMERCIAL (RC) LOCATED ON THE WEST SIDE OF SOUTH CARSON STREET BETWEEN MOSES STREET AND SONOMA STREET, APN 9-111-19, 20 AND 21 (PLANNING COMMISSION APPROVED 4-1-0-2) (1-2168.5)** - Principal Planner Rob Joiner, Carson Colony Community Council Chairperson Bernadette A. Nieto-Markussen, Dorothy Reinken, Mr. Aldean - Mr. Joiner distributed a copy of a report on Special Use Permits for this project and explained that he had met with the Washoe Tribe concerning the drainage requirements. (A copy was not given to the Clerk.) Mr. Snopko had indicated to Mr. Joiner that he would not sell any items in his facility which would compete with the Washoe Tribe. The proposed building would be ten feet higher than that allowed in the zoning district. This request had been approved in 1990 and is a concern to the Tribe. Mr. Snopko may wish to work with the Tribe on this issue. The Smoke Shop is concerned about the third phase of the project which will be in front of it. Mr. Joiner felt that even the 45 feet would be an intrusion, however, it is allowed by right.

(1-2281.5) Ms. Nieto-Markussen stressed the Tribe's concern with the traffic. She had been meeting with Mr. Berkich in an attempt to address this issue. She also noted the impact the building's height would have on the Smoke Shop. She acknowledged that Mr. Snopko could by right construct to 45 feet but felt that the additional ten feet would be a problem. Mr. Sullivan indicated that the drainage would have to be perpetuated and cited the condition mandating this requirement. Ms. Nieto-Markussen was unable to explain the reasons the previous Councils had failed to take a stand on the project. Discussion also noted that Sonoma Street would be extended either by this development or the Ben Franklin store. Mayor Teixeira felt that it would mitigate some of the concerns. He also indicated that Curry Street may be extended to Clearview and the need for improvements at Clearview and 395. Mr. Joiner explained the notifications which had been sent to the BIA in 1990. Notifications are now being sent to the local Council as well.

(1-2381.5) Ms. Reinken expressed her concerns about the impact the traffic would have on the Head Start program which is located across the street from the proposed casino. She felt it would be a bad influence on those children. She also voiced her concern about the proposal to extend Curry Street to Clearview as the present traffic is a "nightmare". The street is posted for 25 miles per hour at the curve only. The remainder is 35 miles per hour, however, everyone drives 55. She also expressed her feeling that gambling, although it produces a lot of revenue, is a "non-productive industry". She questioned whether a casino would be constructed across from the Fremont School and compared the proposal to this site. Mr. Sullivan pointed out that the casino employees would need a child care facility(ies) which could make the project a win-win for the community. He suggested the Tribe consider adjusting its youth center focus to meet this need. He agreed that the traffic could be a problem and encouraged the Tribe to work with Public Works. Ms. Reinken suggested other commercial uses be considered for the site. Mayor Teixeira explained that the Board could not dictate the use to the property owner. He also noted a financial problem which had been encountered in Douglas County for a similar project. Without proper financial support the project would not be constructed. This is up to the applicant and not the Board. Ms. Reinken then indicated that the traffic study could not be completed until the building is constructed as illustrated by the problems encountered at Albertson's (Clearview and 395). Mr. Aldean indicated that there had been a traffic study and that staff was aware of all of the problems which would be created. This was not the present issue. The Highway and Streets Master Plan had indicated Curry Street will eventually connect from Highway 50 to Fuji Park. More traffic will be placed on it in the future particularly as development along it occurs. It will have to be widened to meet this demand. Until the Board changes this Plan, staff will continue to follow it. Supervisor Bennett explained her feeling that Curry Street is not a quiet street. Traffic is increasing daily and is considered an alternate to 395 by many drivers. She also elaborated on areas which she felt were hazardous/unsafe. Supervisor Bennett moved that the Board of Supervisors uphold the Planning Commission's recommendation to allow the final one year extension, not to exceed May 30, 1997, for the extension for unlimited gaming, addition to allowable building height and parking reduction for a combination of uses including gaming, hotel/restaurant on property zoned Retail Commercial located on the west side of South Carson Street between Moses Street and Sonoma Street, APN 9-111-19, 20, and 21. Supervisor Smith seconded the motion. Motion carried 5-0.

**B. ACTION ON U-93/94-6, 6A - A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM JOE HOPPER/SUPER KMART (PROPERTY OWNER: FIRST SECURITY BANK OF UTAH) BY REVIEWING THE CONDITIONS OF APPROVAL AND OTHER MATTERS RELATED THERETO, ON PROPERTY ZONED RETAIL COMMERCIAL-PLANNED UNIT DEVELOPMENT (RC-PUD), LOCATED AT 3456 NORTH CARSON STREET, APN 8-061-33 (1-2626.5) -** Deputy District Attorney Paul Lipparelli, Lars and Associates Representative Scott Mommer, Jerry Lynn, Chamber of Commerce Executive Vice President Larry Osborne, Donna Kuester, Tom Sawyer, Earl Atchison, Pete Livermore - Following Mr. Sullivan's introduction, Mr. Lipparelli explained Attorney Stephen Mollath representation of Kmart and his letter of opposition to the Board's consideration of this item. A copy of this letter was given to the Clerk and is included in the packet. Mayor Teixeira indicated that the attorney was not present and that the Board should consider the issue. Mr. Sullivan then explained the Planning Commission's review, the technical and noise issues, the original recommendation for a show cause hearing, the final recommendation indicating Kmart is in compliance with its conditions, and the Planning Commission's vote. Plans have been submitted by a developer who owns the property southwest of Kmart which included landscaping and trees in the area which Commissioner Nietz had indicated needed to be planted. Mr. Sullivan indicated that Pavio will be required to plant an additional row of trees when that site is developed. He then responded affirmatively to Mayor Teixeira's questions indicating that all of the conditions of the special use permit had been met and that a second sound study had been completed. This noise level was less than the original level. In ten other communities that level is now below their maximum allowable standard. The study and the communities' standards were explained. Mr. Sullivan presented and briefly explained a report on the abatement of traffic noise from the American Association of State Highway and Transportation Officials to the Board and Clerk. (A copy is included in the file.)

(1-2878.5) Mr. Mommer supported staff's recommendation and requested the file be closed.

(1-2895.5) Mr. Lynn read his prepared statement into the record. He reviewed the history of the zoning for the Kmart site and the conditions mandated for Kmart's use. The noise problem was pointed out in 1994. To date this problem has not been resolved. He urged the Board to hold the line and eliminate the problem or demand placing the cooler on the ground as originally proposed. "Normal noise" levels are acceptable. Noise levels established for other communities may not be acceptable for Carson City. He emphasized that the residents were not harassing Kmart as had been insinuated elsewhere. He indicated he had not been aware of the Planning Commission meeting. The noise is 24-hours a day.

(1-3022.5) Mr. Osborne explained the reasons the Chamber had not been involved with this issue previously and urged the Board to accept the staff and Planning Commission's recommendation. (During his comments Supervisor Ayres stepped from the room--3:50 p.m. A quorum was still present.) The conditions have been met. Additional conditions should not be required.

(1-3076.5) Ms. Kuester iterated her feeling that the noise issue had not been addressed and that additional development would merely compound it. She also expressed her concerns about the criteria used in the noise study. Her contact with Mike Tyson, who had originally been involved with the project, was explained. He had indicated that the building was not structurally sound enough to have the air conditioning units on the roof. He had agreed to having a wall around the venting units as it would eliminate the noise problem, which she urged to the Board to require. (Commissioner Ayres returned during her comments--3:54 p.m. A quorum was present as previously indicated.) Ms. Kuester felt that the Hospital had had noise levels placed on its special use permit as a direct result of the problems encountered with Kmart. She felt that it was unfair that the adjacent residents were still being forced to cope with the Kmart noise issues while the Hospital's neighbors had the benefit of her neighbors' experience. She also indicated that there had been a verbal noise complaint from a resident on Dartmouth in University Heights which had not been brought to the Board's attention. She felt that the Board would be having to deal with more and more noise complaints as the City develops. She emphasized that the Board had told Mr. Mommer to "fix it" in December. This has not occurred.

(1-3235.5) Mr. Sawyer noted the newspaper's role in the issue and Mr. Sawyer's question at the Planning

Commission about the lack of Nye residents. Mayor Teixeira requested Mr. Sawyer stay on the subject and not enter into a verbal battle. Mr. Sawyer indicated that he lived at the "other end of town" and was "tired of hearing about all the things that Kmart is doing wrong". He opposed Commissioner Nietz' suggestion that a row of trees be planted along Nye Lane as it would take at least 15 years for them to reach a size that may benefit the neighborhood and in 10 years the neighbors would "demand Kmart clean their driveways because of the leaves". He urged the Board to "put it to sleep".

(1-3285.5) Mr. Atchison indicated that this problem had gone on long enough. His personal investigation of the situation had not indicated there is a problem. He felt that the neighbors had singled out Kmart. McDonald's creates more noise than Kmart and urged the Board to address it and put the issue to rest.

(1-3328.5) Mr. Livermore explained his personal visit to Ms. Kuester's residence and feeling that the noise was not tolerable.

Additional comments were solicited but none given.

Discussion between the staff and the Board indicated that the traffic noise was the main background noise cited in the noise study. There is little that can be done about this ambient noise. The City has not yet required sound walls on other projects. Supervisor Ayres felt that one could not be required at this time. She would like a wall around the Mark Twain School to eliminate the playing noise. Mr. Sullivan pointed out that the noise issue is subjective, that Kmart had attempted to reduce the noise level, and requirement that the Board judge the issue. He felt that the noise study was valid and supported the reduction. If he had to make a recommendation on a noise standard for the City it would recommend the 45/55 dba as had been used at the Hospital. Kmart's noise level outside is between 45 and 48 dba. Supervisor Smith noted his involvement from the beginning. He felt Kmart had been a problem from the very beginning as it would change the neighborhood's lifestyle and enjoyment of their property. It is unfair to characterize these residents as "chronic" complainers, etc. His personal knowledge of the individuals indicated that these individuals were willing to state the problem and offer potential solutions. This is what the "system" requires. Without these individuals many of the special use permit conditions would not have been required. He felt that the entire situation had been an example of the City's poor ability to execute a problem and to follow through. He also felt that the neighbors had not appeared at the Planning Commission due to frustration at the failure of the system to provide an answer and that the tapes of the Planning Commission meetings had indicated to him that the Commissioners were not responding in a dignified and respectful manner.

(2-0004.5) Mr. Sawyer felt that Supervisor Smith had just indicated his vote on this issue. Mayor Teixeira ruled him out of order. Mr. Sawyer expressed his feeling that Mayor Teixeira had "cut him off" when he was making his comments. Mayor Teixeira again ruled him out of order.

(2-0017.5) Supervisor Smith explained his initial involvement with the situation as it is in his Ward. He supported Mr. Osborne's recommendation that if all of the conditions have been met, the firm should be allowed to operate and be left alone. He "loves" Kmart and shops there all the time. He continued his original statement that if the residents had not been diligent in their efforts the conditions would not have been enforced. His personal investigation of the noise problem indicated that the traffic problem was ambient, however, the cooler noise is bad. Although he felt that Kmart had complied with the conditions, he did not believe it had done everything that could be done to minimize the noise. "They had done all that the City has allowed them to get away with doing." He questioned what had been done since the cooler was placed on the roof to address the noise problem.

(2-0074.5) Mr. Mommer indicated the April packet had included a summary of the firm's attempts to reduce the noise level. The summary indicated that there had never been any units located on the ground and then moved to the roof. The units had gone direct to the roof and its current location. The louvers, which act as an exhaust fan for the compressor room, were located in the roof of the compressor area rather than on the side. Insulation had been used to reduce the noise and placed from the inside of the building. The first study recommended that the sound deadening material be removed from its original site and that a solid block wall be installed and the louvers made rigid rather than opening and closing. A bad motor on the exhaust was also discovered in the first study. It

was replaced. The second study indicated that the noise level had dropped from the first study and was now below the normal standard found in other areas. He also indicated that he had done more in Carson City than Yuma even though the Yuma store is larger and is closer to the residents. The condenser is in the same location. It has two or more units. Fresno and Reno are the same physical plant.

(2-0135.5) Supervisor Bennett then explained her personal investigation of the noise and indicated that she had heard the noise. She could understand the concerns. She suggested Kmart consider an experimental baffle around the unit on the roof to see if it would change the deflection of the sound. She felt that the height of the condensers and its sound radiation outwards had created the problem. It is a constant noise which does not disappear after a short period.

(2-0175.5) Supervisor Ayres reminded the Board that when the building was approved, the Board should have been aware of the potential noise created by a building of that size. She agreed that it had not worked out as originally proposed. She pointed out that the option is to close down the store and questioned the wisdom of this move. She did not feel that the Board could do anything which would satisfy 100 percent of the people. She indicated she had spent \$2,000 for a centralized air conditioning system which allows her to keep her windows closed and reduces the noise impact from the Mark Twain School. She agreed that not everyone could afford to do this. She questioned how the noise could be mitigated further.

Mr. Sullivan explained for Supervisor Tatro where the sound measurements had been taken. Supervisor Tatro then explained his personal investigation of the noise problem and indicated that he had not heard the noise. He indicated that the air conditioning noise from the Public Employees Retirement System was the loudest thing he heard. He felt that this may have been due to the angle. Supervisor Bennett then pointed out the issue presented by Ms. Kuester which is that as additional development occurs in the City, there will be additional impacts including noise. She felt that the noise issue should be addressed. Mayor Teixeira then pointed out that the firm had complied although not in a timely fashion. He felt that this was a portion of the problem. He also noted his efforts to address/mitigate some of the problems particularly during construction. He then pointed out Kmart's failure to obtain a special use permit for the outdoor sales activities which he felt further compounded the "working" relationship. He urged Kmart to get its act together better. He had requested the second sound study. He, too, had investigated the noise problem. If the sound levels are as indicated, the City would be hard pressed to have a show cause hearing and force the special use permit. He resented the fax from the attorney and his failure to appear to discuss that issue. Mr. Mommer felt that the attorney had been contacted to determine the purpose of the hearing. Mayor Teixeira felt that he should have called his office. Mr. Mommer felt that there had been calls to the District Attorney's office. Mayor Teixeira felt that if there had been better compliance on Kmart's part some of the friction could have been addressed. He noted that Kmart had complied with its conditions and that he would "love" to never hear about the sound noise again. He suggested that the firm make one more attempt to address the problem by creating a temporary baffle/frame from plywood sheets. If it works, then a permanent structure should be constructed. This would be a good faith program. He acknowledged that he could not force Mr. Mommer to do it. The trees will be planted by Pavio when the bank is constructed. There will be additional construction projects surrounding the building with additional landscaping and trees at some future date. This may block the view and help with the noise. He also pointed out that the Special Use Permit would be reconsidered in December. He noted that Super K had agreed to all of the conditions in writing. He reiterated his suggestion that a temporary fix be attempted. The Pavio project may not commence until next spring and that the trees will be planted sometime after that.

Supervisor Ayres moved that the Board approve U-93/94-6, 6a regarding a review of a previously approved special use permit for Joe Hopper/Super Kmart, property owner: First Security Bank of Utah, by reviewing the conditions of approval and other matters related thereto, on property zoned Retail Commercial-Planned Unit Development, located at 3456 North Carson Street, APN 8-061-22, with a recommendation that Super Kmart do everything in its possible conditions to alleviate the noise problem that now exists for some of the neighbors. Supervisor Bennett seconded the motion. Discussion indicated that Supervisor Ayres would recommend that the temporary wall/baffle around the units be attempted as suggested by Mayor Teixeira. Supervisor Bennett indicated she would second the motion if a recommendation is strong enough. Supervisor Ayres indicated she

would amend the motion to recommend a temporary baffle/wall. Additional comments were requested but none give. The motion was voted by roll call with the following results: Yes - Smith, Bennett, Ayres, Tatro, and Mayor Teixeira. No - None. Motion carried 5-0.

Mayor Teixeira indicated that the Board would continue with the agenda and apologized to Mr. Sawyer as they were both wrong. Mr. Sawyer disagreed.

Mr. Sullivan then requested the record reflect that Mr. Mommer had just indicated that he would not attempt the temporary wall/baffle experiment as recommended. Mayor Teixeira reiterated his suggestion that a temporary experiment be attempted. Mr. Mommer stated that the boards would have to meet building standards. Mayor Teixeira emphasized that it was to be an experimental project. Not a permanent fixture. Mr. Mommer should be able to talk to the City staff and make a frame with cheap plywood on the one side facing the neighbors. If it works, then a permanent structure could be constructed. Otherwise, it should be removed. Mr. Mommer asked if the dba drops 1, 2 or 3 decimals, then what. Supervisor Bennett indicated he "should deal with it". Mayor Teixeira responded that if it makes a significant change with a baffle then do a permanent baffle. If not, "thank you for trying very much period". If you refuse to do any of it, guess what, we will see you later on. Mr. Mommer expressed his appreciation for the Board's time. Mr. Sullivan apologized for the incident and indicated that he was getting frustrated also.

### C. ORDINANCES - SECOND READING

i. **ACTION ON BILL NO. 120 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTIONS 18.03.030 ACCESSORY BUILDING OR ACCESSORY STRUCTURE, 18.03.035 ACCESSORY FARM STRUCTURE OR ACCESSORY FARM BUILDING, 18.03.141 PRIMARY BUILDING, 18.04.040 DETERMINATION OF DISTRICTS, 18.05.123 GENERAL REQUIREMENTS, 18.05.051 ANIMALS AND FOWL, 18.05.109 INDOOR/OUTDOOR COMMERCIAL, 18.06.247 CONDITIONAL USES, AND OTHER MATTERS PROPERLY RELATED THERETO (2-0418.5)** - Mr. Sullivan's introduction indicated that Section 18.05.051 should be deleted from the ordinance as directed at the first reading. Comments were solicited but none made. Supervisor Tatro moved to adopt Bill No. 120, Ordinance No. 1996-20 on second reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTIONS 18.03.030 ACCESSORY BUILDING OR ACCESSORY STRUCTURE, 18.03.035 ACCESSORY FARM STRUCTURE OR ACCESSORY FARM BUILDING, 18.03.141 PRIMARY BUILDING, 18.04.040 DETERMINATION OF DISTRICTS, 18.05.123 GENERAL REQUIREMENTS, 18.05.109 INDOOR/OUTDOOR COMMERCIAL, 18.06.247 CONDITIONAL USES, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0.

ii. **ACTION ON BILL NO. 121 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 4-153-06 FROM SINGLE FAMILY 6,000 (SF6000) AND RESIDENTIAL OFFICE (RO) TO RESIDENTIAL OFFICE (RO) ON APPROXIMATELY 1.16 ACRES OF LAND LOCATED SOUTH OF HIGHWAY 50 EAST, NORTH OF ROBINSON STREET ON THE EAST SIDE OF ROOP STREET IN CARSON CITY, NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO (2-0438.5)** - Supervisor Tatro moved to adopt Ordinance No. 1996-21, Bill No. 121 on second reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 4-153-06 FROM SINGLE FAMILY 6,000 (SF6000) AND RESIDENTIAL OFFICE (RO) TO RESIDENTIAL OFFICE (RO) ON APPROXIMATELY 1.61 ACRES OF LAND LOCATED SOUTH OF HIGHWAY 50 EAST, NORTH OF ROBINSON STREET ON THE EAST SIDE OF ROOP STREET IN CARSON CITY, NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Discussion indicated the Agenda incorrectly indicates the acreage is 1.16. The ordinance correctly stated 1.61 acres. Motion carried 5-0.

## 11. BOARD OF SUPERVISORS

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-0469.5)** - Mayor Teixeira announced The Nevada Appeal Correspondent Irwin Goldberg's promotion and transfer. Board comments wished him luck in his future endeavor.

(2-2041.5) Discussion noted Supervisor Smith and Supervisor Bennett's roles in a fund raiser. Supervisor Smith then requested the Board reconsider its starting time at the next meeting and delineated his reasons for the request. Mayor Teixeira suggested the Board provide him with written comments on this issue and expressed the feeling that he should have put some of today's issues on the evening session. Supervisor Ayres explained her reasons for supporting the 1 p.m. start time when originally proposed. She was willing to meet whenever deemed appropriate and stressed that it had not been the Mayor's decision but was the entire Board's. Mr. Berkich indicated that there were copies of Joe Trinastic's letter in the Board's mailbox at the office. He also reminded the Board of the golf course workshop scheduled for Saturday, June 8th, at 9:30 a.m. It would be filmed.

**10. CITY MANAGER - John Berkich - STATUS REPORT ON THE PROPOSED SKATEBOARD PARK IN MILLS PARK (2-0484.5)** - Mayor Teixeira began the topic by commending Virginia Orcutt on the press comments regarding her endeavors. Mr. Berkich indicated this item would be carried on future agendas. Shaw Construction had provided an excellent cost estimate. The project had been separated between material and labor and donations were being sought for either or both. Several areas which may utilize City crews were being identified. This may make it a partial public works project. The donations will be confirmed in writing. Any portions not covered by donations or City labor will be sent out to bid. These will include any items where there are liability, tolerance, etc. Mayor Teixeira explained the \$20,000 additional funding commitment made by the Parks and Recreation Commission. Mr. Berkich commended Mrs. Orcutt on her donation to the project and the contributions she had solicited. There is approximately \$56,000 in donations and Residential Construction Tax funds. Mayor Teixeira indicated his feeling that this was a good plan which would result in the best product with limited funds.

**11. C. CLOSED SESSION - ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 241.030 TO CONSIDER THE PROFESSIONAL COMPETENCE OF THE CITY MANAGER (2-0525.5)** - Mayor Teixeira indicated this item would be considered this evening.

(2-2172.5) Supervisor Ayres moved that the Board recess into Closed Session pursuant to NRS 241.030 to consider the professional competence of the City Manager. Supervisor Bennett seconded the motion. The Nevada Appeal Correspondent Irwin Goldberg voiced his objection to having the review in Closed Session and cited the Open Session on Golf Pro Gary Bushman to support his request. The motion to go into Closed Session was voted and carried 5-0. Mayor Teixeira recessed the Open Session at 7:25 p.m.

**11. B. SUPERVISOR AYRES - ACTION ON RECONSIDERATION OF RESOLUTION NO. 1995-R-20, A RESOLUTION DESIGNATING THE COMMUNITY COUNCIL ON YOUTH AS THE COORDINATING AGENCY FOR REQUESTING GRANTS OF MONEY APPROPRIATED BY THE BOARD OF SUPERVISORS FOR YOUTH SERVICES IN CARSON CITY (2-0535.5)** - Supervisor Ayres explained her concern about the City's requirement that any agency applying for funds from the Community Council on Youth (CCY) must submit 14 copies of the application by a designated date. The Council had submitted its application based upon several requests. Any agency submitting a grant request to the Council was prohibited from submitting a separate application to the City if the Council approved the application. She had been informed by the City that Young Volunteers of Nevada (YVN) could not submit an application as it was after the deadline and outside the Council. She had relayed this information to YVN. Then the Children's Museum suddenly submitted an application outside of the Council and after the deadline. She felt that this action had not treated all of the community service agencies equitably. She suggested that the Council tell the different groups in the beginning whether they will be funded or not and allow the unfunded groups to seek separate funding. She also noted that there had been agencies which had applied for funding under the Council and separately from the Board.

(2-0615.5) Supervisor Tatro agreed that everyone should be treated fairly and equally. He explained the reasons the Council had been selected to seek a blanket grant for all youth agencies, its review of the applications, and monitoring of the grants. YVN had failed to meet its goals and, therefore, the Council Board had recommended against funding for it. He stressed the need for the City to be sure of the maximum effectiveness of the grants it gives. In order to do this monitoring must be required. Signification interaction between the Council and YVN had occurred and was explained. These efforts were unsuccessful. His support for the current program was indicated. The purpose of CCY and its Board composition were explained.

Supervisor Ayres reiterated her concern with the procedure and the lack of an appeal process which had prohibited YVN from submitting an application to the Board for funding similar to the application considered for the Children's Museum. Supervisor Tatro felt that there were major differences between YVN and the Museum as the Museum had lost a large grant through no defect in their endeavors. The Boys and Girls Club request had been created by the City's agreement with the State and was for all of the operations conducted at the former Children's Home. He also noted that there had not been an appeal process established previously. Supervisor Ayres felt that she should have been able to put in the application and was denied this ability. Mayor Teixeira indicated that during the budget process he had placed \$10,000 for the Boys and Girls Club on the wish list and Supervisor Bennett had placed the Children's Museum on the wish list. He also supported Supervisor Tatro's point and acknowledged that the Board had created the problem. He felt that it could be addressed by the new Mayor in 1997. He also pointed out that she could have requested the item be agendized for consideration.

BREAK: At 4:58 p.m. a recess was declared. At 6 p.m. when Mayor Teixeira reconvened the session the entire Board was present, constituting a quorum. Staff members present included City Manager John Berkich, Clerk-Recorder Alan Glover, Parks and Recreation Director Steve Kastens, Utility Director Dorothy Timian-Palmer, Deputy District Attorney Paul Lipparelli, Recreation Superintendent Barbara Singer, and Recording Secretary Katherine McLaughlin.

NOTE FOR THE RECORD: This evening's session was agendized as a possible quorum for the following Committees/Commissions: Parks and Recreation Commission, Capital Projects Advisory Committee, and Capital Projects Advisory Committee. When the gavel dropped, a quorum was not present for any of the Committees/Commissions. Roll call was not taken for any of the Committees/Commissions.

**12. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON A RESOLUTION ASKING THE ADVICE OF REGISTERED CARSON CITY VOTERS AS TO WHETHER TO REQUEST THE LEGISLATURE TO AUTHORIZE AN INCREASE IN THE SALES TAX RATE OF ONE-QUARTER OF ONE PERCENT TO BE USED TO FUND THE ACQUISITION, DEVELOPMENT AND MAINTENANCE OF PARKS, OPEN SPACE, TRAILS AND RECREATION FACILITIES (2-0745.5) -** Chairperson for the Quality of Life Initiative Mike Fisher and supporters Steve Hartman and Peter Livermore - Mr. Kastens briefly outlined the history of the initiative and its purpose. He noted its community-wide support including that from the Parks and Recreation Commission, Shade Tree Council, Carson River Advisory Committee, and the Master Plan. He then introduced Chairperson Fisher. Chairperson Fisher requested Board support for the resolution. He explained its broad based community support including the Master Plan, the reasons for the tax initiative, and for seeking funding from non-community visitors to support the program. (A copy of his comments is included in the file.) Improvements which would be funded by the initiative were outlined. (A packet of information was given to the Board. None to the Clerk.)

(2-0881.5) Mr. Hartman explained the need to preserve the community's quality of life including its open space and to provide support for its recreational programs. He used overhead slides to illustrate the reasons for maintaining open space to protect the City's watershed and recreational areas. He stressed the need to complete the Bike/Hiking Trails and connect the recreational areas. He emphasized that the cost would be only 25 cents per \$100 and would be paid by tourists as well as residents. He did not feel that this increased cost would force shoppers to go elsewhere for merchandise. It may increase the economic draw for commercial/industrial establishments. He also distributed a sheet to the Board. (None to the Clerk.) He felt that the funding would

provide for "huge" natural parks and trails. He emphasized that the Master Plan had established these sites and that it should be implemented. The tax initiative was compared to the growth management program under taken years ago. He felt that if action is not taken at this time, the hillsides will be lost and the community will suffer. The proposal was a win-win for the community. Supervisor Ayres expressed her reasons for supporting the initiative as it would benefit more youth than the funding provided for juvenile delinquency programs. It would also provide an outlet for seniors. Mr. Hartman felt that Winnie Lane and College Parkway are prime examples of individuals desiring bike and hiking trails. Mr. Hartman then showed a video illustrating the quality of life and items which would be funded.

(2-1270.5) Mayor Teixeira polled the audience to determine if there was any opposition to the proposal. Robert Weaver urged the Board to consider the impact the proposal would have. He felt that there is adequate funding ready available for this purpose and that he was already being taxed to death.

Additional comments were solicited. (2-1295.5) Charles Larkin supported the initiative and explained his personal biking habits to illustrate his reasons for feeling that additional bike trails are needed.

Mayor Teixeira commended the Committee on its presentation and expressed the hope that it could be sold to the community. Supervisor Tatro moved that the Board approve Resolution No. 1996-R-30, A RESOLUTION ASKING THE ADVICE OF REGISTERED CARSON CITY VOTERS AS TO WHETHER TO REQUEST THE LEGISLATURE TO AUTHORIZE AN INCREASE IN THE SALES TAX RATE OF ONE-QUARTER OF ONE PERCENT TO BE USED TO FUND THE ACQUISITION, DEVELOPMENT AND MAINTENANCE OF PARKS, OPEN SPACE, TRAILS AND RECREATIONAL FACILITIES. Supervisor Ayres seconded the motion. Supervisor Smith acknowledged Mr. Weaver's concerns. He agreed that there are a lot of individuals who like the idea, the thought, and things which could be accomplished by the proposal, however, would be forced to struggle with the idea of additional taxes. He noted the significant work ahead to overcome this. The Board's action only places the issue on the ballot so that all of the voters in Carson City can weigh the pros and cons and make a decision. It does not indicate support for the initiative. Supervisor Ayres expressed her support for the initiative. When the V&T Railroad initiative was being considered she had figured that the ad valorem impact on a home valued at \$100,000 was only \$9 per year per household. She questioned whether the public would spend \$9 a year for something which would so positive for the community or whether to spend the tax monies for new juvenile detention facilities and drug abuse centers. She urged the community to do something positive with the money. Additional comments were solicited but none given. The motion to adopt Resolution No. 1996-R-30 was voted and carried 5-0.

BREAK: A five minute recess was declared at 6:35 p.m. When the meeting reconvened at 6:40 p.m. the entire Board was present constituting a quorum. Staff members present included City Manager Berkich, Public Works Director Jay Aldean, Deputy District Attorney Lipparelli, and Recording Secretary McLaughlin.

**13. CITY MANAGER - John Berkich - STATUS REPORT AND POSSIBLE ACTION TO PROHIBIT TRUCK TRAFFIC ON DEER RUN ROAD OR TO DIRECT STAFF ON METHODS TO RESOLVE CITIZEN COMPLAINTS (2-1360.5)** - Mr. Berkich's introduction included an explanation of his meeting with BLM, the desire to keep the pit open, alternative routes to the pit, and NDOT's evaluation of the Brunswick Canyon Bridge which indicated it would require a tremendous amount of money and work to upgrade the bridge. NDOT is at this time doing an environmental impact study for the bridge.

(2-1396.5) Tom Quigley expounded on his understanding of the Board's direction at the last meeting and the two issues involved--the need to establish an alternative route to the sand pit and his desire to prohibit trucks on Deer Run Road. He felt that the City's Master Plan supported a prohibition of trucks on Deer Run Road. The volume of trucks had increased. BLM has issued another permit for the removal of 2,000 cubic yards of sand. Approximately half of the sand which could be taken had already been removed. He estimated the remaining value of the sand at \$13,000. The use is not compatible to the residential neighborhood. Deer Run Road's resurfacing program will commence in one week. The road could not support the heavy truck traffic. He

questioned the reasons other purveyors could use the road when Mr. Bertagnolli is prohibited.

Mr. Berkich indicated by using the aerial photograph the location of a potential alternate route. Public Works Director Aldean agreed that the truck traffic could deteriorate the road quicker. Only a small portion of Deer Run Road would be used to reach the alternative.

Mr. Quigley felt that the alternate route would still impact the residents and that the dust/trucks would still be visible. Mr. Berkich agreed that the alternate route would be along the ridge and cut back to the pit. Mr. Aldean indicated that a potential route had been "flagged". BLM is considering it with modifications. There will be a meeting on it on Monday. This may place the road on the other side of the ridge.

Supervisor Bennett thanked Mr. Quigley for his presence and comments at the Carson River Advisory Committee meeting yesterday. She also explained a previous meeting on a gravel extraction operation in the vicinity and felt that NDOT had indicated that the bridge could handle heavy truck traffic.

Mr. Lipparelli explained that the Federal government, as a general matter, is not subject to local government zoning laws as they relate to federally owned property. There are cases dealing with specific uses indicating that Federal government can within certain criteria be subjected to local government zoning laws. Examples were cited to illustrate this. He felt that the City may be able to prevail over BLM due to the feeling that the sand pit operation is not a vital governmental operation. To accomplish this end, however, would demand a lot of time and resources in court. This may not occur until the useful life of the pit is exhausted. For this reason he recommended working cooperatively with BLM.

Mayor Teixeira explained the 1989 issue over a gravel pit. During that presentation it was determined that the gravel was available in a lot of different areas. He felt certain that, as this area is a desert, there should be sand available within a reasonable proximity. He noted the Board's ability to prohibit trucks over seven ton on a City road. Enforcement could be a problem. This would effectively close the pit. Mr. Berkich indicated that staff would check the bridge with NDOT again. Supervisor Bennett felt that the City had jurisdiction over the roads.

Mr. Quigley reiterated his request that truck traffic be prohibited on Deer Run Road. Mayor Teixeira acknowledged his point, however, before the pit was opened, there was no problem. With the pit open, there is a problem. They must use Carson City roads to reach the pit. If the Board prohibits trucks on the road, it mitigates the BLM issue. Mr. Quigley referenced the closure of a road in Carson City behind a 7-11 to indicate that the City had the authority to close the road.

Mr. Weaver expressed his feeling that the contractors had been given "free use of anything on the other side of the bridge". He felt that the question concerning the bridge had not been completely resolved. The line was drawn at the bridge and should be held.

Canyon Creek Construction Owner Sam Nevus agreed that he used a lot of sand from the pit and had trucks over seven tons. Mr. Lipparelli indicated that the issue could be addressed by a resolution. Mr. Nevus indicated that he would be able to "manufacture" the sand at the Moundhouse pit. This would increase the cost of concrete. He has projects in Carson City, Douglas County, and Reno. He had been removing the sand over the last two years. The sand had been taken from Dayton before that period. This pit is closed. He felt that there is more sand in the Carson City pit than had been indicated. He agreed that there are other areas with the same type of sand, however, getting a permit is a problem. Another pit had been used for backfilling pipe. The pit closure may increase the price of his product. He urged the Board to identify the aggregates in Carson City and permit them. He felt that a route should be established which would allow continued use of the pit without disturbing the residents. If the Board desired to close all of the pits in Carson City, its action would do so. It will ultimately cost Carson City additional money for hauling. Supervisor Bennett supported Mr. Nevus' comments concerning the need to inventory the aggregate resources. She questioned whether Mr. Nevus could use the large pit west of Stagecoach. Mr. Nevus indicated he was not aware of the pit. Supervisor Bennett encouraged him to check into this pit. She explained the reasons she felt that BLM had expanded the use of the pit. Bertagnolli cannot use Deer Run Road

and he was keeping other contractors from using the bridge. Mr. Nevus felt that Mr. Bertagnolli had used Deer Run Road. If he is not, then all of the contractors should use his route. Mayor Teixeira felt that something should be done. BLM is making money at the City and the contractors' expense.

Mr. Quigley indicated that BLM is waiting on Carson City's decision before acting. BLM had purportedly indicated it was willing to close the pit.

Mr. Berkich indicated that BLM had been invited to the meeting.

Supervisor Ayres moved that the Board of Supervisors direct staff to contact the BLM about the traffic on Deer Run Road and try to mitigate the citizens' complaint; then, if this is not possible, that the City move to prohibit truck traffic on Deer Run Road. The motion died for lack of a second.

Supervisor Smith moved that the Board of Supervisors direct staff and the the District Attorney's Office to prepare a resolution to be brought back at the next meeting to limit traffic on Deer Run Road to seven tons or less. Supervisor Bennett seconded the motion. Following a request for an amendment, Supervisor Smith amended his motion to include everywhere south of Deer Run Road Bridge. Supervisor Bennett continued her second. Supervisor Ayres indicated that if this does not work, the issue would be back. Mr. Lipparelli indicated that the resolution could contain a provision exempting local deliveries. Mr. Aldean, Supervisor Smith and Supervisor Bennett agreed. Mayor Teixeira noted that there would still be some trucks in the area. The motion as amended was voted and carried 5-0. Mayor Teixeira thanked the audience for coming.

**11. D. RECESS INTO OPEN SESSION (2-2221.5)** - Mayor Teixeira reconvened the Open Session at 8:18 p.m. (The entire Board was present, constituting a quorum.)

**i. ACTION REGARDING BOARD REVIEW OF THE CITY MANAGER'S PROFESSIONAL COMPETENCE AND SETTING OF COMPENSATION; AND, ii. ACTION TO APPROVE THE FOURTH ADDENDUM TO THE 1990 AGREEMENT WITH JOHN BERKICH, CITY MANAGER, FOR A PERIOD OF TWO YEARS** - Mayor Teixeira explained that the Board had directed Mr. Berkich to distribute more of his workload to his staff. Supervisor Smith moved that the Board approve the Fourth Addendum to the 1990 Agreement with John Berkich, City Manager, for a period of two years. Supervisor Tatro seconded the motion. Motion carried 5-0.

Discussion ensued on the Unclassified merit rating program and the rating Mr. Berkich should be given. Supervisor Ayres moved to rate Mr. Berkich as excellent. Supervisor Tatro seconded the motion. Supervisor Tatro then noted the news articles regarding Counties and Cities surrounding Carson City and their issues. These articles illustrate how far behind Carson City they are in a lot of different ways. The City has one officer who is the chief officer of the organization. The Board can take credit for a lot of policy decisions but carrying them out involves the coordination of that person and approximately 500 individuals. This City, on less money than any place else in the State, does more for its citizens than any other place in the State. This does not happen by magic but rather due to the efforts of the individuals who work for the City. Supervisor Ayres commended him on his comments. Additional comments were solicited but none given. The motion was voted by roll call with the following result: Yes - Smith, Bennett, Tatro, Ayres, and Mayor Teixeira. Nays - None. Motion carried 5-1.

Discussion indicated that the Unclassified had been given a 2-1/2 COLA and noted the raise given to Mr. Berkich last year. Mayor Teixeira explained the bonus program and recommended he be given a \$4500 bonus plus 2-1/2 percent. Reasons for his recommendation were indicated. Supervisor Smith moved that the Board of Supervisors approve a 2-1/2 percent increase on the base salary for the City Manager and \$4500 one time merit bonus for a job well done. Discussion indicated the \$4500 was for this year and is not cumulative to the base. Supervisor Tatro seconded the motion. Discussion explained that only the 2-1/2 percent was cumulative. He would have to apply for the bonus again next year. Discussion noted the need for an effective date. Supervisor Smith amended his motion to include that the 2-1/2 percent is effective on the anniversary date, which is retroactive. Supervisor Tatro

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the June 6, 1996, Meeting  
Page 17

continued his second. Supervisor Ayres expressed her desire to have the bonus set at \$5000 in view of the salary paid other City/County Managers. Supervisor Bennett supported her recommendation. The motion to approve a 2-1/2 percent increase and a \$4500 bonus retroactive to the anniversary date was voted by roll call with the following result: Ayres - No; Tatro - No; Bennett - No; Smith - No; and Mayor Teixeira - Yes. Motion failed on a 1-4 vote.

Supervisor Ayres moved that the Board give the City Manager a 2-1/2 percent COLA retroactive to the anniversary date and a \$5,000 bonus for one time. Supervisor Bennett seconded the motion. Motion carried 5-0.

There being no other matters for consideration, Mayor Teixeira adjourned the meeting at 8:35 p.m.

The Minutes of the June 6, 1996, Carson City Board of Supervisors meeting

ARE SO APPROVED ON \_\_\_August\_1\_\_\_\_,

1996.

\_\_\_\_\_/s/\_\_\_\_\_

Marv Teixeira, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_

Alan Glover, Clerk-Recorder