

CARSON CITY BOARD OF SUPERVISORS
Minutes of the August 15, 1996, Meeting
Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, August 15, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 10 a.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
	Al Kramer	Treasurer
	Steve Kastens	Parks and Recreation Director
	Judie Fisher	Personnel Director
	Jay Aldean	Public Works Director
	Paul Lipparelli	Deputy District Attorney
	William Windle	Automation Services Project Leader
	John Mayes	Risk Manager
	Steve Mihelic	Division Fire Chief
	Juan Guzman	Principal Planner
	Margaret Robinson	Administrative Assistant to Public Works Director
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 8/15/96 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. Roy Parker of the Full Gospel Church gave the Invocation. Mr. Berkich lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

1. ACTION ON APPROVAL OF MINUTES - June 20, 1996, Regular Session and the April 30, May 14, May 30, and June 26, 1996, Special Sessions (1-0023.5) - Supervisor Tatro moved to approve the Minutes. Supervisor Ayres seconded the motion. Supervisor Smith requested a correction to the April 30th Minutes to reflect that Judge John Tatro had been present. Supervisor Tatro amended his motion to include the correction. Supervisor Ayres continued her second. Motion carried 5-0.

2. SPECIAL PRESENTATIONS

A. ACTION ON RETIREMENT RESOLUTION FOR GARY BASEEL (1-0035.5) - Personnel Director Judie Fisher - Supervisor Ayres moved that the Board adopt Resolution No. 1996-R-40, RESOLUTION COMMENDING RETIREMENT for Gary Baseel, and read the entire Resolution into the record. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira commended him on his service and wished him success in his future endeavors.

B. ACTION ON RETIREMENT RESOLUTION FOR MARGARET ROBINSON (1-0081.5) -

Personnel Director Fisher - Supervisor Smith moved that Board of Supervisors adopt Resolution No. 1996-R-41, RESOLUTION COMMENDING RETIREMENT for Margaret Robinson, and read the entire Resolution into the record. Supervisor Ayres seconded the motion. Motion carried 5-0. Mayor Teixeira wished her success in her future endeavors and thanked her for her service.

C. ACTION ON RETIREMENT RESOLUTION FOR ROBERT SANDERS (1-0119.5) - Personnel Director Fisher - Supervisor Tatro moved that the Board adopt Resolution No. 1996-R-42, RESOLUTION COMMENDING RETIREMENT For Robert Sanders, and read the entire Resolution into the record. Supervisor Ayres seconded the motion. Motion carried 5-0. Mayor Teixeira thanked him for his service and wished him success in his future endeavors. Mr. Sanders indicated that his tenure had passed quickly and the hope that the future years would slow down. Although there had been conflicts between the Department and Board over the years, when a fire occurred everyone worked together. He had been proud to have been part of this united effort.

D. PRESENTATION OF NEVADA PUBLIC AGENCY INSURANCE POOL'S LOSS CONTROL EXCELLENCE AWARD TO JOHN MAYES, RISK MANAGER (1-0152.5) - Nevada Public Agency Insurance Pool Representative Wayne Carlson explained the program and award. He commended Mr. Mayes on his dedication and efforts. His comments also noted the efforts of Craig Buchholz, who works with Mr. Mayes. Mr. Carlson then presented the award and check for \$750 to Mr. Mayes. Mayor Teixeira congratulated Mr. Mayes on his efforts.

CITIZEN COMMENTS (1-0195.5) - Virginia Orcutt explained her efforts to obtain donations for the skateboard park and the businesspeople's concerns about bicyclists. She asked who has the bicycle safety program? Mayor Teixeira indicated that the Sheriff's Office has a bicycle safety program and encouraged her to contact him. Sheriff Banister indicated that there is no formal program through his office. The Deputy who had been assigned to this program has been transferred to another area and no longer works on this program. Supervisor Bennett indicated that the Rotary Club has a bicycle/pedestrian program and suggested Ms. Orcutt contact Sue Newberry at NDOT. Mr. Berkich indicated that staff will be working with Ms. Newberry, NDOT, and the Rotary Club in establishing a comprehensive bicycle safety program in the near future. Ms. Orcutt emphasized the need for the program. She agreed to meet with the group. Additional public comments were solicited but none given.

LIQUOR AND ENTERTAINMENT BOARD - Mayor Teixeira then recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board was present, constituting a quorum, including Sheriff Banister.

3. CONSENT AGENDA FOR THE LIQUOR AND ENTERTAINMENT BOARD (1-0238.5) - TREASURER - Al Kramer - ACTION ON SPECIAL ENTERTAINMENT PERMIT WITH WAIVER OF FEES FOR A JAZZ FESTIVAL AND CRAFT FAIR PROMOTED BY CARL DAHLEN OF THE BREWERY ARTS CENTER - Discussion explained the reasons for closing the street. The neighbors had been contacted and were aware of the plan to close the street. Member Banister and Fire Chief Buckley indicated they did not have a problem with the street closure. Member Tatro moved that the Board approve the request for a Special Entertainment Permit with waiver of fees for Carl Dahlen of the Brewery Arts Center; fiscal impact is \$2 per booth; and funding source is the Business License revenue. Member Bennett seconded the motion. Motion carried 6-0. Mr. Dahlen explained the activities planned for the festival, its costs, and invited the public to come.

BOARD OF SUPERVISORS - There being no other matters for consideration as the Liquor and Entertainment Board, 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.

4. CONSENT AGENDA FOR THE BOARD OF SUPERVISORS

A. TREASURER

i. ACTION ON TREASURER'S REPORT FOR THE MONTH OF JULY 1996

ii. ACTION ON DIRECTION AND ORDER TO SELL REAL PROPERTY TAX DELINQUENCIES WHERE CARSON CITY HAS TAKEN A DEED

B. COMMUNITY DEVELOPMENT DIRECTOR

i. ACTION ON AN ABANDONMENT REQUEST FROM RONALD KITCHEN TO ABANDON AN APPROXIMATELY 60 FOOT WIDE BY 110 FOOT LONG PORTION OF UNDEVELOPED PUBLIC RIGHT-OF-WAY, EAST OF THE INTERSECTION OF SONOMA STREET AND OROVADA DRIVE (PLANNING COMMISSION APPROVED 6-0-0-1)

ii. ACTION ON A REQUEST FROM PAUL AND ROBERT POLICHIO TO ABANDON AN APPROXIMATELY THREE FOOT WIDE BY 85 FOOT LONG PUBLIC RIGHT-OF-WAY ON THE NORTH SIDE OF WEST LONG STREET AND AN EIGHT FOOT WIDE BY APPROXIMATELY 85 FOOT LONG PUBLIC RIGHT-OF-WAY ON CURRY STREET, ON PROPERTY ZONED RESIDENTIAL OFFICE (RO), LOCATED AT THE NORTHWEST INTERSECTION OF WEST LONG STREET AND CURRY STREET, ADJACENT TO APN 1-155-05 (PLANNING COMMISSION APPROVED 6-0-0-1)

C. PURCHASING DEPARTMENT

i. ACTION ON CONTRACT NO. 9697-39 - VEHICLE PURCHASE, JOINDER

ii. ACTION ON CONTRACT NO. 9697-40 - SURPLUS AND DONATION OF TWO TRUCKS TO CITY OF CALIENTE

iii. ACTION ON CONTRACT NO. 9697-050 - TREASURER'S TAX COLLECTION SYSTEM

D. HOUSING AUTHORITY - ACTION ON APPROVAL OF CARSON CITY/COUNTY HOUSING AUTHORITY RECOMMENDATION TO ADD HOUSE AMERICA TO THE LIST OF AUTHORIZED LENDING INSTITUTIONS FOR THE CARSON CITY/COUNTY AFFORDABLE HOUSING PROGRAM (1-0322.5) - Supervisor Tatro pulled Item B. i. for discussion. Supervisor Smith pulled Item B. ii. and Contract 9697-050 for discussion. Supervisor Tatro moved to approve the Consent Agenda as presented with the deletion of the two items from Community Development and deleting Contract 9697-050. Supervisors Smith and Bennett seconded the motion. Motion carried 5-0.

C. i. (1-0341.5) - Supervisor Tatro explained his conflict of interest and indicated that he would abstain from voting on this Item. Supervisor Smith moved that the Board of Supervisors approve an abandonment request from Ronald Kitchen to abandon an approximately 60 foot wide by 110 foot long portion of undeveloped public right-of-way east of the intersection of Sonoma Street and Orovada Drive. Supervisors Ayres and Bennett seconded the motion. Motion carried 4-0-1 with Supervisor Tatro abstaining.

C. ii. (1-0353.5) - Senior Planner Guzman indicated the street had been dedicated to the City by the original developer. Supervisor Smith expressed his feeling that at some future date Ormsby and Long Streets would be connected and used as arterials. He then questioned whether the three feet should be abandoned due to this plan and why the entire block had not been included in the request. Mr. Guzman indicated that only the one applicant had requested the abandonment. This individual had been encouraged to talk with his neighbors in an effort to include the entire block. The neighbors had not contacted the Department. Due to time constraints, staff proceeded with the one request. Public Works had supported abandoning the three foot. Supervisor Smith moved that the Board of Supervisors approve a request from Paul and Robert Polichio to abandon an approximate three foot wide by 85 foot long public right-of-way on the north side of West Long Street and an eight foot wide by approximately 85 foot long public right-of-way on Curry Street on property zoned Residential Office located at the northwest intersection of West Long Street and Curry Street adjacent to Assessor's Parcel Number 1-155-05. Supervisor Ayres seconded the motion. Supervisor Bennett questioned whether the abandoned property would need to help address the City's circulation needs until the Bypass is constructed and specifically the need for additional width on Curry Street. Mr. Guzman explained the location and indicated that Curry Street does not connect with the southern part of the City. The motion to approve the abandonment as indicated was voted and carried 5-0.

C. iii. (1-0427.5) - Discussion between the Board and Treasurer Kramer indicated the cost is

\$11,500, however, it may be less if a new format is developed. Supervisor Smith moved that the Board of Supervisors accept the Purchasing and Contracts Department's recommendation to award Contract No. 9697-050 entitled "Treasurer's Tax Collection System" to Advanced Data Systems of Carson City pursuant to the provisions of NRS 332.115, Subparagraph g, for a total cost of \$15,000; funding source is the SPAN Budget as provided in 95/96 fiscal budget. Supervisor Ayres seconded the motion. Mayor Teixeira commended Mr. Kramer on his efforts. The motion to approve Contract 9697-050 was voted and carried 5-0.

5. CARSON CITY TELEVISION COMMISSION - Chairperson Gene Quarterson and Administrative Assistant to the City Manager Liz Hernandez - **ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING SECTION 5.20 (OPERATION OF PUBLIC EDUCATIONAL GOVERNMENTAL TELEVISION CHANNEL) OF THE CARSON CITY MUNICIPAL CODE INCLUDING 5.20 (OPERATION OF PUBLIC EDUCATIONAL GOVERNMENTAL TELEVISION CHANNEL), 5.20.010 (DECLARATION OF PURPOSE), 5.20.040 (DUTIES OF CCTC), AND 5.20.050 (MEETINGS) AND OTHER MATTERS PROPERLY RELATED THERETO (1-0468.5)** - Chairperson Quarterson explained the Committee's request to be involved with handling the complaints. Any final appeals will be considered by the Board of Supervisors. His Committee will only make recommendations. Deputy District Attorney Paul Lipparelli urged the Board to maintain authority over the operation unless the Statutes specifically grant the Board the authority to transfer that authority. The ordinance should not create a problem so long as everyone understands that the Committee is advisory only and that appeals could be made to the Board of Supervisors. Chairperson Quarterson indicated that his Committee understood this. Supervisor Bennett moved that the Board of Supervisors introduce on first reading Bill No. 146, AN ORDINANCE AMENDING SECTION 5.20 (OPERATION OF PUBLIC EDUCATIONAL GOVERNMENTAL TELEVISION CHANNEL) OF THE CARSON CITY MUNICIPAL CODE INCLUDING 5.20 (OPERATION OF PUBLIC EDUCATIONAL GOVERNMENTAL TELEVISION CHANNEL), 5.20.010 (DECLARATION OF PURPOSE), 5.20.040 (DUTIES OF CCTC), AND 5.20.050 (MEETINGS) AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

6. PURCHASING DIRECTOR

A. ACTION ON CONTRACT NO. 9697-47 - RENEWAL PROGRAM FROM THE NEVADA PUBLIC AGENCY INSURANCE POOL 1996-97; AND, B. ACTION ON CONTRACT NO. 9697-48 - SELF INSURANCE PROGRAM SERVICES (1-0545.5) - Risk Manager John Mayes - Clarification indicated the costs were less than staff had anticipated when the budget allocations were made. This year's premiums are more than last year's. Mr. Mayes also indicated that the cost for some additional coverage he had acquired last year was not included in the figures. Mr. Mayes then explained his informal verification of the premium costs. Discussion indicated this market is becoming more competitive. Supervisor Ayres moved to accept the Purchasing Department's and Risk Management Department's recommendation on Contract No. 9596-047 to Award the Contract to CDS of Nevada, 3700 Grant Drive, Suite C, Reno, Nevada, for \$286,242.02 for the Pool Coverages and \$5,521 for the Boiler and Machinery coverages for a contract sum of \$291,763.02; the budgeted allocation is \$296,155; funding source is Boiler and Machinery for \$6,800 and Insurance Premiums for \$289,355 as provided for in 9697. Supervisor Tatro seconded the motion. Discussion indicated Mr. Mayes will continue to look at the self-insurance costs. The motion was voted and carried 5-0. Mr. Mayes indicated that his ability to do a good job is due to the support given by the Board and Mr. Berkich.

Supervisor Tatro moved to accept the Purchasing Department's recommendation on Contract No. 9596-048 and authorize the Risk Management Department to issue quarterly Claim Forms for payment to CDS of Nevada, 3700 Grant Drive, Reno, for a base fee of \$16,200 for the first 85 claims and an additional \$190 for each claim over the initial 85; budgeted allocation is \$46,330; funding source is Workmen's Compensation as provided for in FY 9697. Supervisor Bennett seconded the motion. Motion carried 5-0.

7. FIRE CHIEF - Louis Buckley and Division Fire Chief Steve Mihelic - **ORDINANCE - SECOND READING - ACTION ON BILL NO. 144, AN ORDINANCE AMENDING TITLE 14 (FIRE) OF THE**

CARSON CITY MUNICIPAL CODE TO ADD CHAPTER 14.10 (WILDLAND INTERFACE) REGULATING THE ACCUMULATION OF FUELS, REQUIRING THE MAINTENANCE OF ACCESS, REQUIRING WATER SUPPLY FOR FIRE SUPPRESSION, REQUIRING FIRE RESISTANT CONSTRUCTION, REGULATING THE STORAGE OF CERTAIN MATERIALS, AND OTHER MATTERS PROPERLY RELATED THERETO (1-0668.5) - Division Chief Mihelic's introduction indicated there had been three workshops which were attended by three individuals. The Nevada Cooperative Extension Service will assist the residents with developing the defensible space design. The Department has been providing this information on an advisory basis. The intent is to work with the residents and provide the same service. Public comments were solicited but none given. Mayor Teixeira expressed his surprise at the lack of response from the public. The defensible space issue includes property rights issues and may be a headache for the future. He acknowledged that the sprinklers would not be required retroactively and the cost per square foot would be involved in the mitigation factors. He agreed that the proposal is pro-active.

Discussion between Division Chief Mihelic and Supervisor Smith on Page 4, Section 6, Paragraph 3, clarified the required deck enclosure to mean that any first or second level deck encroaching into a wildland surface would be enclosed. This will keep fires from coming up under the deck. Page 5, Section C, Paragraph 2, regarding trees within 15 feet of the building - if the tree is part of the defensible space, it will not contribute to the hazard and spread of the fire. The Department will not require the removal of such trees. Page 7, Paragraph 3 relates to firewood, lumber stacks, and other combustible materials which are very susceptible during wildland fires. They are difficult to extinguish. If these items are 20 to 30 feet from the house, the stack may be lost but the building may be saved. Supervisor Ayres expressed the feeling that the Department was not trying to mandate safety but to be pro-active, help the residents, save lives and property. The program will also assist neighbors with problems created by other uncaring neighbors. The workshops and input would help educate the residents. The use of Cooperative Extension was pointed out to illustrate the desire to work with the residents. Supervisor Bennett indicated her support for the program which was based on a personal experience. She commended the Fire Department on its quick, thorough response to that fire. She, too, felt that the ordinance is addressing health and safety needs for the residents. Discussion between Mayor Teixeira and Division Chief Mihelic indicated that the sprinkler requirements, the closure of eaves with half-inch material, and Class A roofing are for new construction only. Mayor Teixeira then questioned the feasibility of the requirement that one or two unit residences must provide a water supply of 1,000 gallon per minute. He did not feel that 90 percent of the wells within Carson City could meet this standard. Division Chief Mihelic indicated that this is a storage standard and not a well standard. Mayor Teixeira elaborated on his feeling that this requirement would be a "show stopper" at the Planning Commission as it would require a 30,000 gallon tank. Chief Buckley indicated this is an option as is the sprinkler system. Supervisor Tatro moved that the Board adopt on second reading Bill No. 144, Ordinance No. 1996-44, **AN ORDINANCE AMENDING TITLE 14 (FIRE) OF THE CARSON CITY MUNICIPAL CODE TO ADD CHAPTER 14.10 (WILDLAND INTERFACE) REGULATING THE ACCUMULATION OF FUELS, REQUIRING THE MAINTENANCE OF ACCESS, REQUIRING WATER SUPPLY FOR FIRE SUPPRESSION, REQUIRING FIRE RESISTANT CONSTRUCTION, REGULATING THE STORAGE OF CERTAIN MATERIALS, AND OTHER MATTERS PROPERLY RELATED THERETO.** Supervisors Bennett and Ayres seconded the motion. Motion carried 4-1 with Mayor Teixeira voting Naye due to his feeling that the water supply is too tough.

8. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON AGREEMENT BETWEEN CARSON CITY AND METCALF FAMILY TRUST FOR ACCESS EASEMENT THROUGH EXISTING COMMUNITY CENTER PARKING LOT; UTILITY EASEMENT FOR SEWER CONNECTION AND VALLEY GUTTER INSTALLATION ON SOUTHERN PROPERTY LINE; CITY USE OF METCALF FAMILY TRUST PARKING LOT AND MAINTENANCE OF IMPROVEMENTS (1-0939.5) - Discussion noted the agreement was not in the packet and Mr. Kastens recommended approval in concept only unless there are any issues related to the proposal. The Parks and Recreation Commission had considered the proposal and approved it with landscaping requirements. Mr. Kastens explained the City's attempts to acquire the site, the need for additional parking at the Community Center, and benefits of the proposal. Supervisor Tatro moved that the Board approve the concept of the joint use and access agreement with the Metcalf

Family Trust and the City for the existing Community Center parking lot and the parcel to the immediate south of that parking lot and the utility easements for sewer and connection of valley gutter installations on the southern property line and City use of the Metcalf Family Trust parking lot and maintenance of improvement and direct the District Attorney to prepare an agreement to be brought to the Board of Supervisors on an upcoming Consent Agenda to formalize the agreement. Supervisors Bennett and Ayres seconded the motion. Motion carried 5-0.

9. UTILITY DIRECTOR - Deputy Director Jay Ahrens - ORDINANCE - SECOND READING - ACTION ON BILL NO. 145 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ROGER W. SWENINGSEN REGARDING ASSESSOR'S PARCEL NO. 3-101-02 LOCATED AT 504/506 SOUTH MINNESOTA STREET, CARSON CITY, NEVADA, FOR SEWER AND WATER MAIN REPLACEMENT (1-1055.5) - Supervisor Smith moved to adopt on Ordinance No. 1996-45, an ordinance on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ROGER W. SWENINGSEN REGARDING ASSESSOR'S PARCEL NO. 3-101-02 LOCATED AT 504/506 SOUTH MINNESOTA STREET, CARSON CITY, NEVADA, FOR SEWER AND WATER MAIN REPLACEMENT. Supervisor Ayres seconded the motion. Motion carried 5-0.

BREAK: A ten minute recess was declared at 11:05 a.m. Mayor Teixeira reconvened the meeting at 11:15 a.m. The entire Board was present constituting a quorum.

10. COMMUNITY DEVELOPMENT DIRECTOR - Senior Planner Juan Guzman

A. PLANNING COMMISSION REVIEW AND APPEAL MATTERS

i. ACTION ON A-96/97-1 - A REQUEST FROM HELEN TAPPERO AND TERESE REID TO AMEND CARSON CITY MUNICIPAL CODE SECTION 18.06.257 BY ADDING CHILDREN'S MERCHANDISE AS A CONDITIONAL USE IN THE RETAIL COMMERCIAL DISTRICT (PLANNING COMMISSION APPROVED DENIAL REQUEST RECOMMENDATION 5-1-0-1) (1-1079.5) - Associate Planner Tara Hullinger, Senior Planner Sandra Danforth, Deputy District Attorney Paul Lipparelli, Helen Tappero, Rhonda Price - Supervisor Smith began the discussion by expressing his desire to make the request happen. He opposed using a Special Use Permit and felt that the quality issues could be defined. Mrs. Danforth explained that the 1995 ordinance modification eliminating the ability to sell used merchandise in the Retail Commercial District had included several other modifications. She felt that there had been a lot of discussion on the ordinance amendments. Discussion explained that the applicants had had a special use permit for the store on Curry Street. The stores in the downtown zoning district which have used merchandise are grandfathered. Supervisor Bennett voiced her opposition to being told that approving the request would establish a policy for the entire City. She felt that the Board could review all requests of this nature on a case-by-case basis. Ms. Hullinger explained that her comment had been related to the quality of merchandise restriction. Such issues are subjective and will not hold up in court. Mr. Guzman explained that the ordinances do not at this time allow the Special Use Permit process in the Retail Commercial zoning. Supervisor Ayres explained her knowledge of the reasons for changing the Code originally which had been based on the complaints received in the downtown district. This had restrict the retail sales to new merchandise. The applicant's store purportedly has upscale, high quality used items. These terms are subjective. She questioned whether another applicant could be denied if the applicant wished to sell used merchandise. Mr. Lipparelli indicated that the Code establishes a standard which staff could enforce. He felt that it would be challenging to articulate the difference between one store selling previously owned children's clothing, toys, and furniture and another selling adult's clothing, toys, and furniture. He felt that such an ordinance would ultimately open the door for other previously owned merchandise stores. Supervisor Ayres felt that the ordinance intent had been to protect a district by restricting retail sales to new items. An ordinance change at this point would break the trust established with the businesses who had located in that area. Supervisor Ayres also voiced her concern about the applicants having signed a lease and went into business without checking the ordinances. After the business was opened they applied for a business license. She felt that they should have applied for the business license before signing the lease and opening the business. She also felt that the lessors' shared the

responsibility when leasing the building(s). She felt this request was similar to the request from Mr. Vicich in the Industrial Air Park. Supervisor Smith then voiced his objection to allowing the Downtown District to dictate standards for the entire City. He then questioned how the business had been allowed to operate originally and expressed his feeling that the business provided a necessary service for the community. The argument that the applicants should relocate to the appropriate zoning district was inappropriate as the rent for such buildings were too exorbitant for this type of operation. He urged staff to find a way to make it happen at the present location. (1-1442.5) Mr. Lipparelli explained the history of the business. The original store had had a Special Use Permit which was allowed under the former Code. During the time between that application and today, the Code had changed and this process is no longer permitted. The request is to modify the Code to allow used merchandise in the Retail Commercial district as a conditional use. If the Board wished to modify the Code and allow the operation, this is the process. Staff was attempting to indicate that used merchandise is a category and that "high quality" is a term which is subjective. He felt that if the request is approved, all used merchandise would be allowed. Supervisor Smith stressed his feeling that staff needed to "close the ordinance book and think about common sense and what is good for the community". This is what the Board is here to do and should do. He felt that the applicant had not felt that this option was available to them as indicated by the "50 percent off sale" and their "failure to continue to buy additional merchandise". It was unfortunate that the applicant felt it was a "done deal" and a "futile exercise". Discussion indicated that if the Board approved this business under an "on a case-by-case" basis, it would be in violation of the City's ordinances. Mr. Lipparelli explained that the Code would not allow the issuance of a Special Use Permit in the Retail Commercial District for a business selling used merchandise. Supervisor Bennett cited several "gorgeous" examples of previously owned merchandise stores in Indian Wells, California, to support her feeling that the business should be allowed. She felt that the market dictated there is a need and justification for the business in Carson City. The quality of merchandise and prices will be dictated by the clientele. She agreed that "junk" stores should be discouraged and had been. Two examples in the Downtown District were cited to support her position--"Encore" and "Reflections". She recommended reconsidering the ordinance to allow such requests on a "case-by-case basis". Supervisor Ayres reiterated the statements that the Board of Supervisors had changed the ordinance to prohibit the sale of used merchandise in the Retail Commercial district. Staff is only following the Board's rules. She felt that reviewing each application on a "case-by-case" basis would open the process to legal problems. She recommended denying the request and directing staff to modify the ordinance to allow the sale of used merchandise in the Retail Commercial district.

(1-15592.5) Ms. Tappero indicated they had been naive when the business was relocated. They had assumed that the landlord would know the rules. They had been on Curry Street for two years. They had not discussed the question with the new landlord prior to opening the business. They had felt that the Business License transfer would be handled under a change of address. When they submitted the change of address they were notified that the business would not be allowed in the new district. Discussion between Mayor Teixeira and Ms. Tappero indicated that the clientele had increased with the relocation. The clientele is from the neighborhood which is comprised of middle income families although there are several lower income families. The merchandise is obtained from garage sales and walk-ins. They have more merchandise than they can handle. No consignments are accepted. They purchase everything and resell it. They sell new wooden toys and costumes for different holidays, i.e., Halloween costumes. Used merchandise comprises more than 80 percent of the items available for sale. The business caters to children ranging in age from infants to 10 or 12 years. Approximately 75 percent of the merchandise is toys. There are cribs, high chairs, and walkers also for sale. These items draw the clientele who purchase other items. She explained the feeling that the business provides a needed service for the community. All of the merchandise is cleaned. None of it is broken. Some may be repaired. It all looks new when it leaves the business. The price is at least half that charged for new merchandise. She felt that her business fit in the Retail Commercial district although she could understand the reasons for feeling that all used merchandise should not be allowed in the Retail Commercial district. General Commercial sites are too expensive for the operation. The areas along Highway 50 which would allow the business do not provide the proper traffic mix required. The location should be safe and convenient for mothers with small children.

(1-1784.5) Mayor Teixeira then commended staff on its research and pointed out that the common sense issues are matters which the Board must consider. There are often changes made which later must be reconsidered. He felt

that the intent when the ordinance had been modified in 1995 was to keep thrift stores and used appliance/junk stores out of the Downtown District. Current ordinances would prohibit the toy shop at its previous location even though there are grandfathered pawn shops in the same area today. Antique and book stores are considered appropriate for that district. Antique stores are allowed in the Retail Commercial district but pawn shops are not. Mr. Guzman explained that there are three different commercial districts--Downtown, Retail, and General Commercial zones. The Board could modify the ordinance to allow used merchandise in one district either with or without a Special Use permit but not the others. Mayor Teixeira felt that the business illustrated there is a need for this type of operation. Another similar business found in Reno is "Play It Again Sports". Some stores of this type work well in a community. Thrift stores can be controlled to a degree by the rent. He felt that Saliman Street was a good location for the business. He had not been contacted by any retailers indicating that the business had an unfair advantage. He supported reconsidering the ordinance. Ms. Hullinger indicated that research of ordinances in other communities supported the fact that the market would drive the quality of merchandise and location. The landlord can control whether the building would be rented and the type of merchandise which would be sold. Mayor Teixeira explained the efforts undertaken by the Board to get the downtown area renovated including an establishment known as "Ribbons". Now even this type of operation is no longer allowed. He felt that "good capital, good business sense" will survive and be invited in if the proprietor's act is together. He felt that the proposed business made sense and works in the community. Problems with previous operations were also noted. Purportedly, he was not aware of the fact that the toy shop had used furniture. Supervisor Smith also indicated that he had not been aware of the fact that the business dealt in recycled merchandise.

(1-1968.5) Discussion indicated that the Code modifications are brought forward by either staff or a private citizen which is processed through a Department. This is the request before the Board. Staff had processed this application and recommended denial based on its understanding of the Board's action modifying the Code. The Planning Commission upheld staff's denial. Mr. Lipparelli recommended that the Board grant the applicant's appeal and overturn the Planning Commission's decision. This permits the Business License Division to allow the business to operate until the Code is amended which solves the problem. Until now the Business License Division has abated any enforcement of the licensing requirements pending the Board's decision on this application.

(1-2013.5) Rhonda Price supported the applicant by stressing her feeling that the business is needed by low and middle income families and specifically by single parents and one income families. Additional comments were solicited but none given.

Discussion resumed on the motion needed to modify the Code. Supervisor Smith felt that the Code amendment should be to allow only recycled children's merchandise and not used merchandise. He felt that to narrow the use beyond that would be arbitrary. This language would give staff something to work with which used merchandise would not grant. Mr. Lipparelli recommended that the applicant's request be granted and staff be allowed to work on the terminology through the Planning Commission. **Supervisor Bennett moved that the Board of Supervisors uphold the request from Helen Tappero and Terese Reid to amend Carson City Municipal Code Section 18.06.257 by adding recycled children's merchandise as a conditional use in the Retail Commercial district and that the Board direct staff to return to the Planning Commission and ultimately to this Board with the appropriate language which reflects the type of use within the Retail Commercial district. Supervisor Tatro seconded the motion.** Supervisor Smith indicated that his frustrations as reflected by his comments had not been directed at staff. Ms. Hullinger explained her concern with the definition for recycled merchandise which she felt was used merchandise. Mayor Teixeira indicated that it could be defined as previously owned and used. **Supervisor Smith agreed to modify his motion to previously owned rather than recycled merchandise. (Supervisor Bennett indicated by nodding that she agreed to the amendment.) Supervisor Tatro continued his second. The amended motion was voted and carried 5-0.** Mayor Teixeira thanked Ms. Price for her comments. Supervisor Ayres stressed that staff should not take "the heat" for the change in direction. Staff was only doing its job and should not be admonished for doing that job. Board mistakes should be acknowledged and corrected.

BREAK: A five minute recess was declared at 12:10 p.m. When the meeting break:was reconvened at 12:15 p.m.

the entire Board was present constituting a quorum.

B. ORDINANCES - FIRST READING

ii. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 18.05.051, ANIMALS AND FOWL AND OTHER MATTERS PROPERLY RELATED THERETO (1-2185.5) - Principal Planner Sandra Danforth, ad hoc committee spokesperson Fran Hull - Mayor Teixeira polled the audience for support for and against the ordinance. None opposed the modifications. Supervisor Ayres moved that the Board of Supervisors introduce Bill 148 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 18.05.051, ANIMALS AND FOWL AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

i. ACTION ON AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY .62 ACRES FROM SINGLE FAMILY ONE ACRE (SF1A) INTO RETAIL COMMERCIAL (RC) ON PROPERTY LOCATED NORTH OF ROVENTINI WAY, SOUTH OF CLEARVIEW DRIVE AND WEST OF COCHISE STREET, APN 9-261-03, AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION APPROVED 6-0-0-1) (1-2265.5) (1-2425.5) - Discussion indicated that the applicant was not present. Supervisor Smith explained the Regional Transportation Commission's concerns related to the Clearview and Highway 395 intersection. The applicant had been advised that the Board would consider the request today. Mayor Teixeira recommended continuing the item. Mr. Lipparelli indicated there would not be a time constraint problem due to the applicant's failure to appear. The Board could, if desired, deny the application and the applicant would have to reapply. The request was continued at Mayor Teixeira's direction. No formal action was taken.

A. ii. ACTION ON U-95/96-21A - A REQUEST FROM JOE HOPPER, SUPER KMART, (PROPERTY OWNER: FIRST SECURITY BANK OF UTAH) AND TIM MORSANI, TO AMEND A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO INCREASE THE AREAS FOR SALES PROMOTIONS IN PORTIONS OF THE PARKING LOT ON PROPERTY ZONED RETAIL COMMERCIAL-PLANNED UNIT DEVELOPMENT (RC-PUD), LOCATED AT 3456 NORTH CARSON STREET, APN 8-061-33 (PLANNING COMMISSION APPROVED 6-0-0-1) (1-2366.5) - Mr. Guzman - Public comments were solicited but none given. Discussion between staff and the Board indicated the application would give staff more control over the sales than had occurred when a similar car sales promotion had occurred in the previous Albertson's parking lot. Mayor Teixeira also pointed out that the proposal is from local car dealers. Supervisor Smith moved that the Board of Supervisors approve a request from Joe Hopper, Super Kmart, property owner: First Security Bank of Utah, and Tim Morsani to amend a previously approved special use permit to increase the area of sales promotions in portions of the parking lot on property zoned Retail Commercial-Planned Unit Development located at 3456 North Carson Street, APN 8-061-33, subject to the six findings and the 12 conditions of approval as contained (in the staff report). Supervisors Ayres and Tatro seconded the motion. Motion carried 5-0.

iii. ACTION ON U-93/94-6 AND 6A - A STATUS REPORT ON PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM JOE HOPPER/SUPER KMART (PROPERTY OWNER: FIRST SECURITY BANK OF UTAH), SPECIFICALLY CONDITION #26 REGARDING LANDSCAPING ON PROPERTY ZONED RETAIL COMMERCIAL-PLANNED UNIT DEVELOPMENT(RC-PUD), LOCATED AT 3456 NORTH CARSON STREET, APN 8-061-33 (PLANNING COMMISSION APPROVED 6-0-0-1) (1-2169.5) (1-2421.5) - Mayor Teixeira explained that the applicants had notified staff that they were trying to reach Carson City, however, were having airplane problems. A decision will be made later in the meeting on whether to continue the item or hear staff's report. (1-2421.5) Mayor Teixeira continued the item. No formal action was required on this Item.

11. CITY MANAGER - John Berkich - ACTION ON CONTRACT NO. 9697-009 - CITY HALL REMODELING, REJECTION OF ALL BIDS RECEIVED ON JULY 23, 1996, AND DIRECT STAFF AND ARCHITECT TO REVISE PLANS AND REBID THE PROJECT (1-2432.5) - Consultant John Ganther - Reasons for the high bids were noted. Mayor Teixeira voiced his disappointment in the estimates. The Board had made its decisions based upon the information available at the time. This information had been in error and now the Board must take steps to mitigate that error. Supervisor Ayres moved to reject all bids as submitted on the new City Complex. Supervisor Tatro seconded the motion. Motion carried 5-0.

Discussion ensued on estimated project costs and suggested items which could be eliminated without impacting the customer service features and relocation plans. The plan would still meet the City's short-term needs. The long-term needs will require adding a second floor. The cuts eliminated \$195,800. This figure allows the facade to be retained which will maintain the City's image, however, this figure is still approximately \$80,000 more than funding has been allocated. Mr. Berkich indicated that this amount could be addressed with financing. Mayor Teixeira felt that the necessary time for the bidders to evaluate the project should be taken even if it means a delay in relocating the Departments. This will put the project in the slow construction season and may mean better bids. Supervisor Bennett felt that rebidding during the slow season may put the price where desired and allow retention of all of the features. Mr. Ganther was unsure whether this would provide all of the necessary reduction. He agreed that delaying the bids and better advertising would help. Supervisor Ayres expressed astonishment at the bids. She did not wish to compromise the space in order to accomplish the project due to its need nor did she want to go through the process again.

(1-2837.5) Mr. Ganther then reviewed the list of revisions. His explanation included alternatives/options which could be used instead of the original material or without compromising the project. All of the items could be included as an alternate in the bid and, if funding is available at construction, added back into the project. Mayor Teixeira questioned whether the change in the carpet quality would reduce the life of the carpet. Mr. Ganther indicated that this is a question which would be determined by the traffic patterns. Some carpet may have to be replaced in six years while others may last 15 years. The original "cadillac" lighting features had been included in the plan due to appearance and computer needs. Mayor Teixeira noted that once the lighting is installed it would never be upgraded. He urged staff to have this item bid as an added alternate. ADA accessibility and the conference room security do not require having the southern stairway, therefore, it was eliminated. Access to the conference room after hours would not require keeping remainder of the building open. Supervisor Bennett requested the original acoustical ceiling tile be carried as an added alternate. Mayor Teixeira felt that was another savings which would never be changed and would cheapen the appearance. Mr. Ganther indicated that the brick facia on the rear of the building would have to be removed when and if additional floors are added to the building. This facia could be modified when the expansion occurs. The facia treatment for the front of the building could be modified to reduce the wall thickness without compromising the appearance, energy savings, or the window treatment. It is possible for the City to provide office space for the contractor. City staff could also perform the final cleaning. These two changes could save an additional \$5,000. Mayor Teixeira stressed that the estimated savings had been based upon the bids which had been received. He also noted that even if all of these items are modified, the bid would still be at least \$80,000 higher than available funding.

Discussion also explained that the low bidder had "lost" \$60,000 in his figures. This was the cost for the exterior plaster work. Therefore, the low bidder's price was too low. The bidder had indicated that he was still willing to take on the project which means there may have been an additional cushion elsewhere within the bid to cover this shortage. Mr. Ganther indicated that this is the reason his bid was adjusted to \$817,400. The modifications totaled \$195,800. This left a shortfall of \$141,600.

Discussion ensued on the proposal to reduce to the depth of the exterior wall. Mr. Ganther felt that the aesthetics would remain although not as pronounced as originally proposed.

Discussion ensued on additional facade modifications which would further reduce the costs. These modifications would eliminate all of the brick which is a \$71,500 savings. This would provide a plaster look rather than the

brick. The second option would eliminate any treatment of the plaster. Supervisor Smith supported elimination of the brick but felt it inappropriate to go all the way to "C". Mayor Teixeira supported his comments. Mayor Teixeira also requested these options be included as added alternates. Consensus supported rejection of Option C and having A and B bid as alternates.

Mr. Berkich then used the project for a cost comparison to a similar project in Springfield.

Supervisor Bennett expressed the hope that Mr. Ganther would be able to return with a project in budget which included the facade on all but the rear portion of the building. Mayor Teixeira felt that the issue was one of "how much more money can you afford to spend". He did not think that the Board could get the same bids for \$261,000. It should be rebid just once. He also questioned the wisdom of spending a million dollars for the redevelopment project and refusing to allocate an appropriate level of funding for the City complex.

(1-3368.5) Virginia Orcutt questioned the wisdom of putting brick on the building specifically in view of the earthquake potential found in this area. Brick cannot be insured. The City needs to have insurance. Mayor Teixeira pointed out that the City has a beautiful historical building which is made from brick--the old Federal Post Office Building. Ms. Orcutt questioned whether it is possible to get earthquake insurance on it.

Discussion ensued on the seismic requirements for a brick facade as compared to those required for a brick structure. Mr. Ganther indicated that the facade is only one-half inch thick. It is made from the same material as brick is.

Mr. Berkich indicated that the Options A and B--the brick facade and the plaster facade--would be put out to bid. This will take at least 60 days to complete and the completion date will be extended for that period. Discussion indicated the project would have to be rebid. The price could not be renegotiated with the low bidder. The bids should be back by the end of October/early November timeframe.

Additional comments were solicited but none given.

12. BOARD OF SUPERVISORS

A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-3442.5) - Supervisors Bennett and Tatro did not have a report. Supervisor Smith commended the Carson Capitol Baseball Team on its successful "World Series Tournament" and winning the title. Teams from across the country had participated in the tournament. Mayor Teixeira suggested a citizen's commendation award be given to the individuals who had undertaken this project. Supervisor Smith then expressed his concerns and disappointment with complaints he was receiving about City staff. He felt that there are two separate sets of tracks--one with the Board and maybe the City Manager and the other one which contained everyone else. He indicated he was developing a list so that he could discuss the items with Mr. Berkich. He also felt that the changes in customer service attitudes attempted previously were failing. (2-0001.5) Supervisor Ayres indicated that she had not received any complaints of this nature. She announced the next Tri-County Railway Commission meeting would be on August 22 at 6 p.m. in at the Virginia City Senior Center. A \$15 million grant will be finalized at this meeting. She then announced the RSVP/Senior Center senior fashion fundraiser for the Meals on Wheels and the Home Bound programs. The public was invited to attend. The Senior Summit was announced. Senator Harry Reid will attend. It will be in the Community Center Bob Boldrick Auditorium tomorrow beginning at 9 a.m. Participants should contact her office so that informational packets can be prepared. The public was again invited. Mayor Teixeira announced the annual breakfast with Senator Bryan at the Ormsby House on August 21 at 7:30 a.m. The public was invited and reservations were requested. Supervisor Bennett suggested the Regional Transportation Commission meeting started at 9:30 that morning. Mayor Teixeira indicated the breakfast would be noticed as a possible quorum for the Board.

B. STATUS REPORT ON THE PROPOSED SKATE BOARD PARK IN MILLS PARK (2-

0091.5) - Mayor Teixeira noted the funding shortage. Ms. Orcutt questioned the reasons she had not been told she would need to raise funds prior to this date. Mayor Teixeira responded by expressing his feeling that this was the original commitment four-and-a-half years ago.

C. STATUS REPORT ON THE FORMATION OF A NON-PROFIT CORPORATION FOR THE FUTURE MANAGEMENT OF EAGLE VALLEY GOLF COURSE (2-0089.5) - None.

13. CLOSED SESSION

A. ACTION TO RECESS INTO CLOSED SESSION PURSUANT TO NRS 288.220 TO MEET WITH MANAGEMENT REPRESENTATIVES (2-0102.5) - Supervisor Ayres moved that the Board go into closed session pursuant to NRS 288.220 to meet with management representatives. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira then recessed the meeting into closed session at 1:20 p.m.

B. RECONVENE INTO OPEN SESSION - Mayor Teixeira reconvened the open session at 2:02 p.m.

BREAK: There being no other matters for consideration until 6 p.m., Mayor Teixeira recessed the meeting. Mayor Teixeira reconvened the session at 6 p.m. The entire Board was present constituting a quorum. Staff members present included City Manager Berkich, Deputy District Attorney Lipparelli, and Recording Secretary McLaughlin.

14. MAYOR TEIXEIRA - Mayor Teixeira polled the audience to determine the number of individuals interested in Item 15. He then explained his reasons for agendaizing the following two issues. He also explained his desire to hear all of the comments and to allow the Board to make a decision.

A. ACTION ON A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS REQUESTING THE LEGISLATURE'S PUBLIC LAND COMMITTEE TO SEEK LEGISLATION ENHANCING STATE AND LOCAL MANAGEMENT OF PUBLIC LAND AND OTHER MATTERS RELATING THERETO (2-0108.5) - Mike Baughman, representing the Eureka County Commissioners, explained the reasons for requesting support, the resolution, and the action taken by several other Counties. He urged the Board to adopt the resolution. He acknowledged that Eureka County has 87 percent of its property under Federal ownership as compared to Carson City's 30 percent. He felt that a conclusive study had indicated that Counties and States could and do effectively and in a fiduciarly prudent manner manage large tracts of public lands. He acknowledged that Carson City had been able to become actively involved in the management of public lands within its boundaries as indicated by the Master Plan land use element. His comments illustrated advantages to having local and state control over the public lands as well as the Federal authority for such programs. There is a statute which would allow the Governor to obtain 30,000 acres of public land under a grant. He encourage the State Legislature to expand State Public Lands' authority to include control over Federal public lands. He emphasized the concern related to continual budget cutting activities which may limit the State and County communication process and consideration in development of Federal land management programs. Mr. Baughman then indicated that all of the "whereas" statements in the resolution may not fit Carson City and urged the Board to modify and approve any that fit the City. The proposal would seek to have the Legislature debate and adopt/modify any of the issues.

(1-0335.5) Mayor Teixeira then explained his reason for bringing the issues to the Board was due to the complexity and conflicts involved. He acknowledged the good working relationship currently experienced with BLM and problems with BIA. Problems encountered between other Counties and Federal Agencies are beyond comprehension. He felt that the concept had merit and deserved to be explored. Communications and a working relationship need to be established between the Federal, State, and local governments and residents. He supported opening the communication channels. Mr. Baughman indicated that this is the request and that the Board did not have to take formal action this evening. Mayor Teixeira pointed out the conflict in studies on the management of

public lands. He felt that the issues warranted discussion at the State Legislature and that the Feds should participate and not dictate. He pointed out the working relationship with BLM and problems encountered with the Forest Service. Carson City has requested management of all federal lands within Carson City under the Park and Recreational Public Purposes Act. He was certain that the public would oppose development of these lands.

Discussion indicated that Eureka County's Legislators are well-known and are respected. The request was to help support their proposal when presented at the Legislature. The broader the support base, the better the chance for adoption and approval by the other areas. Supervisor Bennett pointed out the Memo of Understanding for Parks and Recreational Public Purposes for management of Federal public land along the River. BLM has been very cooperative and easy to work with under this memorandum. She indicated that the 1995 Legislature's Interim Committee had established funding for a partnership approach to look at what may be a model of the kinds of dialogue which he was seeking for the Tahoe Regional Planning Agency and the Tahoe Basin. She felt this had clearly indicated the need for Federal, State, Local and private Agencies to communicate. She urged him to contact the Legislative Council Bureau on this legislation. She felt that the program was unique and is working.

B. ACTION ON A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS REQUESTING THE HOUSE AND SENATE APPROPRIATIONS COMMITTEES TO INCLUDE CERTAIN LANGUAGE IN THE REPORT TO ACCOMPANY THE FY97 INTERIOR APPROPRIATIONS BILLS (2-0475.5) - Mayor Teixeira reiterated his concern that Congress may not consider this Resolution. Due to the relationship of the two Resolutions, Mr. Baughman explained the resolution and encouraged the Board to adopt it. The proposal would include language in the appropriations bill to mandate an appropriate level of funding and prevent the Bureau from funding other projects. Mayor Teixeira pointed out the City's inability to control Federal actions. He then suggested a modified resolution which would support the premise of furthering the dialogue and communication in the 1997 Nevada Legislature regarding public land issues and encourage the Nevada State Legislature to work toward the concept of increased working relationships between the Federal, State, and County governments. Reasons for the recommendation were given including his feeling that this would provide a win-win situation for all.

(2-0575.5) Gale Dupree gave the Clerk a letter outlining his concerns. He then cited Item 6 of the letter which he felt would clearly indicate the impact of the proposal if the resolution is followed. This Item noted that if Nevada is made responsible for management of all public lands, it would also be responsible for the cost of doing so. Currently the cost for fire fighting is reimbursed by the Feds. He questioned whether Nevada could afford this cost. He urged the Board to not approve the resolution. He then noted the grazing fees which he felt currently do not pay their own way. The public subsidizes these management activities. He felt that the Feds were doing a good job. He supported Mayor Teixeira's recommended modification. Mayor Teixeira requested the funding allocation arena not be discussed at this time. Mr. Dupree indicated he was representing the Nevada Wildlife Federation which had members statewide.

(2-0630.5) Elsie Dupree explained that every state had received public lands when it became a state. Nevada's share had been managed its under the School Trust Lands. The State had sold that land to private individuals. Whenever the State acquires public land, it closes its public accesses. She felt that the public land should belong to the public and encouraged the Board to "not fix what ain't broke".

(2-0654.5) Charles Malone noted that the tension between the western residents and the Federal government is a cherished western tradition which should be encouraged and fostered at every opportunity. He pointed out the City's Growth Management restrictions which control growth in the interest of balancing natural resources and mutual benefits. These quality of life issues should continue to be managed for the benefit of future generations. Growth and development of the economy must not over the long term jeopardize the resources. The resources must be managed so that they will be renewed. He indicated that Mr. Baughman's presentation raised questions concerning the level of government which could best manage these resources. This is a critical long term issue. Society is currently undergoing a transition in how natural and renewable resources are managed for the benefit of future generations. Federal government has traditionally managed natural resources to the benefit of economic

interests rather than working with all the stake holders to achieve management by consensus. The current management concept provides for participation in the resource management decision-making process by those effected by the decisions. This program is consistent with Mr. Baughman's request.

Mayor Teixeira expressed his feeling that everyone should work together on the management of public lands. He then passed the gavel to Mayor Pro-Tem Smith. **Mayor Teixeira moved that the Carson City Board of Supervisors adopt a resolution reading that we, the Carson City Board of Supervisors, do support the premises of furthering the dialogue and communication with the 1997 Nevada Legislature regarding public land issues in Nevada and encourage the Nevada State Legislature to work toward the concept of increased working relationship between the Federal government, the State of Nevada, the local Counties and their residents which are being affected. Supervisor Ayres seconded the motion.**

(1-0715.5) Betty Kelly expressed her opposition to the motion due to her feeling that it was a "set up". She felt that the public lands should remain in the hands of the Federal government where she felt they would be "okay". She opposed turning the land over to counties, cities, and state governments, particularly in Nevada, which is very pro-cattle. Once the "pie" is nibbled at, the public lands will end up with a big "cow plop" on it and nothing else. The wild horses are the backbone of the country. Without them few people would be here today. She resented the proposal which lists the horses under the category of other with movie-making, advertisements, etc. She felt this shows the mentality of the people putting the proposal together. She urged the Board to not support county, city, or state control of public lands.

Mayor Teixeira indicated that the discussion would not get into those issues as discussion could go on all day without a resolution on them. There is a need to have input and to learn the concerns. The Legislature is the proper place for these hearings. He felt that we, as residents of the City of Carson City, should have some say in what the Federal government does in our community. This is the basic premises of his statement and the motion.

The motion that the Carson City Board of Supervisors adopt a resolution reading that we, the Carson City Board of Supervisors, do support the premises of furthering the dialogue and communication with the 1997 Nevada Legislature regarding public land issues in Nevada and encourage the Nevada State Legislature to work toward the concept of increased working relationship between the Federal government, the State of Nevada, the local Counties and their residents which are being affected was voted and carried 3-2 with Supervisors Tatro and Bennett voting Naye.

Mayor Teixeira then took back the gavel. Direction was then solicited on the request regarding Congressional appropriations. Supervisor Bennett moved that the Board postpone action on this until we have some sense of the direction of the 1997 Legislation. Mayor Teixeira noted that Congress would soon be going into conference. He explained that the request was to provide a method to protect the funding level. If BLM's funds are cut and services/responsibilities are delegated to the State, the funding will remain obligated to the projects. Mr. Baughman indicated that the intent is to be sure that the Bureau allocates its discretionary funding in a manner which would continue to provide the scientific information/studies necessary to support sound decisions. His explanation indicated that BLM's funding is being cut and the trend by BLM is to reduce its discretionary funding for field studies. This has created several examples of decisions which are based on incomplete information. His resolution was read into the record. The need for scientific data in making decisions was reiterated. Mayor Teixeira then requested a motion directing a letter be written to the City's Congressional Delegation including this portion of the resolution. Supervisor Bennett's motion died for lack of a second.

Supervisor Smith then expressed his feeling that the previous motion had only encouraged further dialogue. He did not feel that he was knowledgeable enough on the related issues at this time to make a decision on any other matter. If and when the dialogue is completed, he may agree with Ms. Kelly that the Federal government is the best one to manage those lands. Supervisor Ayres supported his comments and stressed her desire to open the dialogue. She questioned whether there was adequate information to support the resolution at this point. Supervisor Tatro also stressed the complexity of the issues and indicated that this is the reason for his vote against

the motion. He had not been involved with these issues and their relationship to Carson City's government. Therefore, he had not applied the necessary resources toward developing an understanding of them and could not vote on a motion on which he did not have an adequate understanding. Mayor Teixeira indicated that this was part of his reasoning behind bringing the issue to the Board. NACO had been dealing with these issues for some time. They are a serious concern to the rural counties. He felt that he should have support from the Board before he speaks as Carson City's voice. He felt that the Board had made its statement that the dialogue should be opened and this discussion should include all of the counties and residents. He thanked the Board for its decision and the audience for its participation.

15. SUPERVISOR AYRES - ACTION ON RECONSIDERATION OF RESOLUTION NO. 1996-R-33 PROHIBITING TRUCK TRAFFIC ON DEER RUN ROAD BETWEEN APPROXIMATELY 1,000 FEET SOUTH OF THE DEER RUN ROAD BRIDGE SOUTH TO THE TERMINUS OF THE ROAD (1-0875.5) -

Mr. Berkich distributed a copy of the report delineating staff's activities on this issue to the Board and Clerk. Supervisor Ayres expressed her feeling that the previous Board action on Resolution 1996-R-33 would reduce the truck traffic to an area only 1,000 feet long. Public Works Director Jay Aldean agreed that truck traffic would be allowed on 1,000 feet of Deer Run Road to a newly graded access route to an existing road along the ridge and powerline. This is not Sedge Road. Clarification indicated that this route tied into Sedge at some point. Supervisor Ayres outlined Tom Quigley's contact with her which represented that the residents were not happy with this decision. Mr. Berkich introduced Mike Phillips from BLM.

(1-0951.5) Tom Quigley indicated that life was better since truck traffic had been stopped on Deer Run Road. He then used a map to explain the area owned by BLM and reviewed the history of a parcel adjacent to that site. He expressed his concern that if the new road is punched through this property owner would be able to develop his property as another extraction site. BLM had purportedly denied an application for access to this site five years ago. In 1990 the Planning Commission had denied an extraction permit request for the same site. The Board's action will require the residents to come back next year and refight the battle on the potential extraction site as this road now will be developed. He felt that the residents had been trying since 1990 to maintain the area as recreational open space as designated in the Master Plan. The road has been paved and is enjoyed by joggers, bicyclists, hikers, etc. The shooting ordinance had provided additional security for those enjoying the area. The Joint Use Agreement with BLM was cited as providing another recreational area. With the recent land exchange, there is additional land for this use. The area may soon be designated for day use only. The Eagle Valley Trail Plan goes along the roadway. Community support and work on and the Carson River Master Plan were used to illustrate the desire to keep heavy truck traffic away from the area. Likewise, the truck traffic negatively impacts the social and economic development of the area which are required development considerations in the Master Plan Land Use Element. It also impacts the air and water qualities. He questioned the reasons Mr. Bertagnolli's Special Use Permit prohibits his use of Deer Run Road while other extraction operators can. Traffic Engineer Bill Madigian's 1989 memo on safety concerns with the proposed access route were noted to illustrate additional hazards. This memo also pointed out safety concerns with the Deer Run Road Bridge as the rails are inadequate to prohibit a vehicle from going over the side. Mr. Bertagnolli's conditions on his Special Use Permit were read to illustrate controls which BLM has not included on its pit. Mr. Bertagnolli had purportedly written a letter offering the City access to the pit over his property. The City Health Code mandates dust control measures which should be required on the pit. Mr. Quigley questioned whether there is in fact a plan for the road and its design. He felt that Mr. Aldean should not have used the pronoun "I" in his letter to Mr. Phillips as it is a "we" concern and that "we" represents the community. He also felt that Public Works is pushing for the pit and this access. He urged the Board to hold the line at the Bridge and to allow only recreational uses south of it. He questioned the reasons for the Board to change its mind from total prohibition south of the bridge to allowing access for 1,000 feet. He felt that the truck traffic would destroy the paving which had just been completed. It is time for the Board to hold the line and stop making the residents come to the meetings to fight against the trucks. A year is too long. He indicated that the residents felt intimidated by the process and for that reason had selected him as the spokesperson. Mayor Teixeira noted that Mr. Quigley was sincere and prepared with appropriate documentation when making his presentations. This is a democracy and everyone has a right to exercise it and should not feel intimidated by the process. Discussion indicated that the residents had tolerated the truck traffic for one year. The volume had increased to 80 trips or 40 trucks a day. When word went out that the City may close the pit there

were over 200 trucks the next day. He urged the Board to close the road and make everyone come in for a permit like Mr. Bertagnolli had had to do. Mr. Quigley then introduced his assistant--Megan Quigley.

(2-1218.5) Attorney Jon Wright questioned the reasons for reconsidering the issue. All of the statements should have been made at the last meeting. She felt that the Resolution had been a compromise which allowed both sides to win some. The trucks are using less than two-tenths of a mile to gain public access to public land for a commercial enterprise which benefits the community. She felt that the commercial enterprise should be allowed to enjoy its rights also. She felt that the commercial interests had given up the most to provide for this win-win situation. Once the road is constructed others could access the public areas. She again questioned the reasons for reconsidering the issue. Mayor Teixeira responded by explaining that the Charter allows a Board member to bring forward any item of concern or for reconsideration. Ms. Wright continued to stress her feeling that the Board had adopted a good resolution and should continue to honor it. It allows commercial enterprise to enjoy a resource which they are entitled to as well as other residents. She then expressed her feeling that Mr. Quigley was unreasonable and should not have been allowed to bring the matter back for reconsideration. She felt that he was unwilling to compromise or allow anyone to win other than himself. There should be a compromise and that the 1,000 feet was a small concession.

(2-1275.5) Tom Dotson compared the "tiny little" portion of the road to a "tiny little" bullet which can do a great deal of harm. He did not want the business interests to use the road due to his concerns about his child's safety on a school bus.

(2-1291.5) Bob Weaver felt that they had fought the battle long enough. The deal should be that the trucks could use everything on the north side of the Bridge. The problem will only grow if the trucks are allowed south of the Bridge. Mr. Bertagnolli does not use the road unless he is making a delivery. He urged the Board to stop other trucks on Deer Run Road at the Bridge even if it requires construction of another bridge.

(2-1331.5) Debbie Feyder thanked the Board for stopping the dust and paving the road. The issue had been discussed in 1990 and the request had been denied. She urged the Board to maintain that position and keep the area for recreational uses.

(2-1345.5) D. J. Gray explained the location of a mill site along the Carson River which was developed long before the residences were constructed and its importance. Nevada State maps have depicted Deer Run Road as a paved road and state route which makes it a thoroughfare. He felt the original plan had been for it to be a bypass. He also felt that this discussion is a prime example of residential uses usurping historical uses such as ranching, mining, farming, etc. He then noted the building moratorium which had slowed down the residential growth in the area. He emphasized the need to have input and public participation to fully evaluate all of the issues facing government.

(2-1412.5) Joan Dotson urged the Board to consider among the equal opportunity issues having one construction company bring big rigs into an area versus the Carson City citizens' need for access to the bike trail and the River for peaceful fishing and dog walking.

Mr. Berkich explained that Mr. Aldean's letter to BLM had not been based on Public Works or the City's interest in the issue. He had sent Mr. Quigley Mr. Barker's memo on the amount of resources used by the City and cost to use a different pit or material. The City currently uses approximately \$12 or \$15,000 worth of material annually. The most important factor is to develop a win-win for all interests. There is no personal interest in the issue. He then explained that the City and State had been invited by Mr. Bertagnolli to check the Brunswick Canyon Bridge. This bridge is not in a condition which could handle heavy trucks and would pose a liability issue if used. He also explained a telephone call he had received from Pastor Thayer of the Trinity Baptist Church who needed 200 yards of sand for the Church's childcare center. Rev. Thayer requested special dispensation to allow the Church to obtain the sand from this pit.

BLM Representative Mike Phillips indicated that BLM does not have a Special Use Permit requirement similar to

Carson City's. BLM uses a contract of sale which could include stipulations. He was not aware of BLM's having gone through the Special Use Permit process for the extraction site. Federal regulations do not provide for BLM's applying for a Special Use Permit. This is the reason behind the memorandum of understanding with local governmental agencies. Under the memorandum of understanding a written notice is submitted to the Counties/Cities before an extraction site is opened. This gives the Cities/Counties an opportunity to provide input on the proposal. This could include hours of operation, days of operation, and mitigation measures. These stipulations should be included in the contract. He was unsure whether this process had been followed on the pit. Mr. Berkich pointed out that BLM had been before Mr. Phillips came and is continuing to be very cooperative concerning the hours of operation and days of operation. They had also cooperated on the City's request to close the pit. Supervisor Bennett agreed that for the most part the City does enjoy a very good cooperative relationship with BLM. Examples of this cooperation were noted. Her point is that there is no formal agreement with BLM on this extraction pit which would parallel a private entity/City agreement for a similar operation. She expressed the hope and expectation that the City/BLM could move toward such an agreement. Mr. Phillips indicated that the memorandum of understanding should be reconsidered if this is her direction. The same memorandum of understanding allows the City to develop/construct roads without formal right-of-way transfers. Supervisor Bennett agreed.

Mayor Teixeira used a hypothetical construction company to explain his amazement at the sudden demand for the sand found at the site, specifically when one considers the fact that this community is surrounded by a desert. With Mr. Phillip's assistance, he then explored the BLM permit process for a community pit and a commercial pit. The sand is sold at market value. Mr. Phillips felt that the value of the pit was due to its location and the demand for paving in the vicinity. This would make the sand cheaper to use than hauling sand from Fernley, etc.

Discussion ensued between Supervisor Ayres and Mr. Aldean on the options. She felt that Mr. Quigley had felt that the residential concerns had not been included in the original discussion. Supervisor Ayres suggested that if the residents feel the area is environmentally sensitive, they should lobby for closure/elimination of the sand pit. Mr. Aldean indicated that this would require BLM to designate the area as recreational reserve. At this time the property is not designated such and is open to all for extraction uses. Public Works must provide legal access for anyone wishing to use the site. He, personally, supported the desire to have the property designated as a reserve, however, it is not at this time. Until BLM designates it a reserve, a new Board of Supervisors could reverse any action taken by a previous Board. He suggested pursuit of designating the area a reserve rather than the present proposal which would prohibit heavy trucks on Deer Run Road. He also expressed a willingness to locate a new source for the City's sand. In accordance with the Board's earlier decision, his staff was and will continue to attempt to find a win-win solution for all parties.

Discussion between Mayor Teixeira and Mr. Phillips indicated that the pit had opened in 1988. Mayor Teixeira then questioned whether there are any recreational uses at the pit. There is a lot of community use for the sand found at that pit. He then explained his concern about the bridge which was discussed in 1990 when the Special Use Permit had been considered for the private extraction operation. He questioned the wisdom of cutting a road at the top of the ridge which would access Deer Run Road at a school bus stop and the amount of dust which could be created by heavy truck traffic on such a road. He felt that this would create more community concerns due to the volume of dust and aesthetic impacts. He reiterated that it is all for "sand".

Mr. Berkich explained that City staff is working with NDOT's staff on the requirements to rehabilitate the Brunswick Canyon Bridge. This information should be available for Board consideration soon. This will leave the access issues to be resolved as the property on both sides of the Bridge is privately owned. Mayor Teixeira suggested that the City could abandon the bridge, then the users would do so at their own risk. Mr. Aldean explained NDOT had indicated that the Deer Run Road Bridge could handle what it had been given as well as ten times that amount of traffic and large trucks. The concern was with the height of the railing. Mayor Teixeira did not feel that the road to the pit was being used by anyone other than individuals wanting sand.

Supervisor Smith explained that he had listened to the discussion and had not changed his opinion since the last vote. His vote against the motion to allow trucks to use 1,000 feet of Deer Run Road had been to help facilitate the

creation of a road in which he was not sure whether or not there was a real interest in having. He felt that the proposal for the road should have been developed and brought back for discussion/action. **Supervisor Smith then moved that the Board prohibit truck truck traffic at any point south of Deer Run Road Bridge on Deer Run Road. Supervisor Bennett seconded the motion.** Mr. Lipparelli recommended the Board action reconsider the original resolution and direct staff to rewrite the resolution. **Supervisor Smith then moved that the Board formally reconsider the action previously taken on Resolution Number 1996-R-33 and direct staff to to prepare a resolution regarding this issue that prohibits truck traffic except for local deliveries only at any point south of the Deer Run Road Bridge and withdraw the original motion. Supervisor Bennett seconded the motion.** Supervisor Tatro noted that the necessary support for a revised resolution had been indicated by comments. He then suggested that revisions be made to Resolution 1996-R-33 deleting language "1,000 feet south of Deer Run Road Bridge to the terminus of Deer Run Road". Mr. Lipparelli indicated that the next resolution would accomplish the same thing. The agenda did not indicate that a new resolution would be adopted nor was there a new resolution in front of the Board. He also pointed out that at the present time a road 1,000 feet south of the bridge is not constructed nor usable. He felt that the item could be placed on the next Consent Agenda. He appreciated the Board's desire to close the item by acting tonight. Mayor Teixeira indicated he understood Supervisor Tatro's concern, noted Mr. Lipparelli's reputation on the Open Meeting Law, and supported his recommendation. **The motion to reconsider action previously taken on Resolution 1996-R-33 and direct staff to prepare a resolution prohibiting truck traffic south of Deer Run Road Bridge except for local deliveries and withdraw the original motion was voted by roll call with the following result: Ayes - Ayres; Smith, Tatro, Bennett, and Mayor Teixeira. Nays - None. Motion carried 5-0.**

Supervisor Bennett then requested an additional motion to direct staff to return to the Board with a report on the condition of Brunswick Bridge and related issues within 30 days. Mayor Teixeira noted that this issue was not agendized.

Supervisor Tatro moved to adjourn. Mayor Teixeira seconded the motion. Motion carried. Mayor Teixeira adjourned the meeting at 7:50 p.m.

The Minutes of the August 15, 1996, Carson City Board of Supervisors meeting

1996. ARE SO APPROVED ON__September_19__,

_____/s/_____

Marv Teixeira, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder