

# **CARSON CITY BOARD OF SUPERVISORS**

## **Minutes of the November 1, 2012 Meeting**

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, November 1, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell  
Supervisor Karen Abowd, Ward 1  
Supervisor Shelly Aldean, Ward 2  
Supervisor John McKenna, Ward 3  
Supervisor Molly Walt, Ward 4

**STAFF:** Larry Werner, City Manager  
Randal Munn, Chief Deputy District Attorney  
Kathleen King, Deputy Clerk / Recording Secretary

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

**1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** (8:33:38) - Mayor Crowell called the meeting to order at 8:33 a.m. Roll was called; a quorum was present. First United Methodist Church Retired Pastor Bill McCord commemorated the 237<sup>th</sup> anniversary of the U.S. Marine Corps on November 10<sup>th</sup> as well as Veteran's Day on November 11<sup>th</sup>. He provided the invocation and, at Mayor Crowell's request, led the pledge of allegiance.

**5. PUBLIC COMMENTS AND DISCUSSION** (8:35:57) - Mayor Crowell entertained public comment. (8:36:27) Reba Montrose discussed her objections to illegal aliens in the community and to the freeway landscaping project. Mayor Crowell entertained additional public comment. (8:41:33) In reference to the Moss-Adams, LLP audit report on the Eagle Valley Golf Course, Tom Leahy inquired as to the Board's intent to take action. Mayor Crowell advised that the report had been presented to the Audit Committee, and that their recommendations will be presented to the Board. In response to a question, Supervisor McKenna advised of having read the audit report, as a member of the Audit Committee. Mr. Leahy reviewed various figures included in the audit report, and expressed concern that the financial situation at the Eagle Valley Golf Course will continue to worsen. He inquired as to the non-financial nature of the audit. Supervisor McKenna explained the intent of the performance audit "to get suggestions to help the City ..." He suggested that Mr. Werner could provide more detailed information, and reiterated that the audit report had not yet been presented to the Board of Supervisors. In reference to his career experience, Mr. Leahy expressed confusion over "why the bleeding is going to continue." Supervisor Aldean inquired as to Mr. Leahy's suggestions for action, and reviewed the "logical and systematic manner" in which the performance audit was proposed and conducted. She expressed a preference that the audit report be presented to the Board in consideration of taking definitive action relative to the future of the golf course. She emphasized the importance of protecting the sizeable investment in golf course infrastructure. She assured Mr. Leahy the Board is well aware of the situation, but reiterated the importance of continuing in a logical and systematic manner. Mr. Leahy suggested the other Board members review the recommendations included in the audit report. In response to a question, Mr. Werner advised that the draft audit report was posted to the City's website as part of the Audit Committee agenda materials. "It's being vetted now. There were some issues ... on some of the numbers. Moss-Adams has it now. They're doing the review of that now. It will be re-presented to the Audit Committee for adoption

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and a recommendation ... to this Board. It's going through due diligence at this point. It's not a finished document." In response to a question, Mr. Werner advised that the next Audit Committee meeting is scheduled for Tuesday, November 20<sup>th</sup>, at which time the revised draft audit report will be reviewed. He anticipates that the report will be presented to the Board at the first meeting in January. Mr. Werner acknowledged that, aside from golf course operations, there are no ongoing infrastructure improvements at the golf course.

Mr. Leahy noted that no information on the golf course employees' compensation was included in the audit report. In response to a question, Mr. Werner advised that, as a private corporation, the City has no legal right to require the compensation information. He clarified that discussion has taken place with regard to revising the operating agreement. In response to a question, he further clarified that compensation information was provided as a lump-sum figure. "That was one of the areas that we're still trying to refine. They did not get the specific information from the golf corporation as to what individuals got paid." Supervisor Aldean expressed the opinion "that's an important component." Mr. Werner acknowledged that the information was requested and the Carson City Municipal Golf Corporation representatives were reluctant to provide it. Mr. Leahy strongly recommended that the Board members review the draft audit report. Mayor Crowell entertained additional public comment; however, none was forthcoming.

**6. POSSIBLE ACTION ON APPROVAL OF MINUTES - May 21, 2012; June 18, 2012; and October 4, 2012 (8:51:02)** - Mayor Crowell entertained revisions to the minutes. **Supervisor Aldean** noted a clarifying revision to the May 21<sup>st</sup> minutes, and **moved to approve the minutes, as amended. Supervisor Abowd seconded the motion. Motion carried 5-0.** Mayor Crowell entertained revisions to the minutes of June 18, 2012 and, when none were forthcoming, a motion. **Supervisor Aldean moved to approve the minutes of June 18, 2012, as presented. Supervisor Abowd seconded the motion. Motion carried 5-0.** Mayor Crowell entertained revisions to the October 4, 2012 minutes. **Supervisor Aldean** advised of a clerical change to the October 4<sup>th</sup> minutes, and **moved to approve the October 4, 2012 meeting minutes, as amended. Supervisor Walt seconded the motion. Motion carried 5-0.**

**7. POSSIBLE ACTION ON ADOPTION OF THE AGENDA (8:52:19)** - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, a motion to adopt it as published. **Supervisor Aldean so moved. Supervisor Walt seconded the motion. Motion carried 5-0.** (9:17:16) Mayor Crowell modified the agenda to address item 9-1(A) prior to item 10. (9:45:42) Liquor and Entertainment Board Chairperson Crowell deferred items 12(C) and 12(D) to a future meeting. (10:06:24) Mayor Crowell modified the agenda to address item 21 prior to item 18. (12:49:19) Mayor *Pro Tem* Aldean modified the agenda to defer item 20 to a future meeting.

**8. SPECIAL PRESENTATION AND RECOGNITIONS**

**8(A) PRESENTATION OF PROCLAMATION FOR "PANCREATIC CANCER AWARENESS MONTH," NOVEMBER 2012 (8:52:44)** - Mayor Crowell introduced this item, and invited Ruth Pintar, Virginia Jed, and Stuart Jed to the podium. Mayor Crowell read into the record the language of the Proclamation included in the agenda materials, and presented the same to Stuart Jed. (8:56:15) Virginia Jed thanked the Mayor and the Board of Supervisors, and reviewed statistical information relative to pancreatic cancer. She introduced her husband, Stuart Jed, a pancreatic cancer survivor and the Board members, City staff, and citizens present applauded. Mrs. Jed introduced Ruth Pintar. (8:57:45) Mrs. Pintar reviewed background information on her husband, Mike, who was born and raised around McGill, Nevada. She advised that "McGill and that whole area is filled with cancer. ... as

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many as eight out of a family of 10 have had all kinds of cancer. Two in Mike's family, besides himself, have died of pancreatic cancer. ... some people call it the down winders because of the bombs that were being tested in the desert in the '40s." Mrs. Pintar advised that her husband was diagnosed in 2009, and discussed his experience fighting pancreatic cancer. Mayor Crowell expressed appreciation for Mrs. Pintar's personal commitment to the community and remembered Mike Pintar for his contributions.

(8:59:58) Stuart Jed thanked the Board for the Proclamation and provided an overview of his experience with pancreatic cancer. He reviewed a list of names who had not survived, and advised anyone with symptoms of ill-health to visit their health care professional.

**8(B) RECOGNITION OF SARA JONES, WHO WAS RECENTLY NAMED THE 2012 NEVADA LIBRARY ASSOCIATION'S LIBRARIAN OF THE YEAR** (9:05:08) - Mayor Crowell introduced this item, and Human Resources Department Director Melanie Bruketta reviewed the agenda materials. (9:05:38) Library Director Sara Jones expressed appreciation for the award and provided background information on her 25<sup>th</sup> year of attendance at the Nevada Library Association's annual conference. She expressed appreciation for the opportunity to serve the community as the Library Director. In reference to the letters of recommendation included in the agenda materials, Mayor Crowell discussed the changing nature of libraries and expressed appreciation for Ms. Jones' forward-thinking approach. He congratulated Ms. Jones and the Board members, City staff, and citizens present applauded. Mayor Crowell entertained public comment; however, none was forthcoming.

**8(C) RECOGNITION OF DAN ALBEE, MICAH HORTON, AND CHRIS MASON FOR THEIR OUTSTANDING PERFORMANCE DURING THE MUSTANG COMPLEX FIRE** (9:07:34) - Mayor Crowell introduced this item, and Ms. Bruketta reviewed the agenda materials. Fire Chief Stacey Giomi provided background information on the mutual aid agreement which gave rise to the three firefighters' involvement in the Mustang Complex fire. He provided an overview of this year's fire season and the involvement of the Carson City Fire Department in "over fifty fire assignments this calendar year [in] Nevada, Utah, Wyoming, Colorado, Idaho, and California. ... This Mustang Complex Fire that these gentlemen were on was a representative fire. What they did at this fire is what we do at all of the fires we're on. I just happened to have gotten a letter of thanks from an individual that these guys spent about 17 days helping and that was the nexus for bringing this forward." Chief Giomi read into the record a "summation" of John Molloy's letter, a copy of which was included in the agenda materials. Chief Giomi described the letter as "easily the longest letter of thanks" he had ever received. He thanked the three firefighters and the Board for allowing the City's Fire Department "to be part of this out-of-area response." He reminded the Board that the City is reimbursed for associated expenses. He advised of having seen a photograph of Mr. Molloy's property in Idaho, and described it as "a gorgeous ... area ... It's still standing today thanks to their efforts and others." Chief Giomi invited the three firefighters to the podium, and provided a brief overview of their years with the City.

Mayor Crowell commended the gentlemen on "epitomiz[ing] what's ... good about our community and humanity and professionalism about which we go about doing our jobs to protect people in times of distress." He expressed heartfelt thanks for the firefighters' efforts in Idaho as well as in our own community. (9:14:37) On behalf of the crew, Captain Dan Albee thanked the Mayor, the Board members, and Mr. Werner "for supporting our department which gives us the ability to go and do these things." The Board members, City staff, and citizens present applauded. Supervisor McKenna thanked the families of the firemen for their support.

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**9. CONSENT AGENDA (9:15:54)** - Mayor Crowell entertained requests to hear items separate from the consent agenda. On behalf of Betty Brinson, Assessor Dave Dawley requested to have item 9-1(A) heard separately. Mayor Crowell entertained additional requests and, when none were forthcoming, a motion to approve the remainder of the consent agenda. **Supervisor Aldean moved to approve the consent agenda, consisting of one item from the Assessor's Office, one item from Finance, three items from Purchasing and Contracts, one item from Public Works, and one item from Public Works Environmental. Supervisor Walt seconded the motion. Motion carried 5-0.**

#### **9-1. ASSESSOR**

**9-1(A) POSSIBLE ACTION TO APPROVE THE CORRECTION / INCREASE OF TAXES FOR THE 2009 / 2010, 2010 / 2011, 2011 / 2012, AND 2012 / 2013 TAX YEARS FOR PARCEL NUMBERS 001-201-03 (920 NORTH MINNESOTA STREET), 008-541-86 (3030 NORTH DEER RUN ROAD), AND 010-061-60 (2044 SOUTH LOMPA LANE), PURSUANT TO NRS 361.765, IN THE AMOUNT OF \$1,635.93 (9:17:30)** - Mayor Crowell introduced this item. Assessor Dave Dawley provided background information, reviewed the agenda materials, and responded to questions of clarification.

(9:20:26) Betty Brinson introduced herself for the record and provided background information on her ownership of the 920 North Minnesota Street property. She advised that there is no ongoing commercial operation at "950 North Minnesota Street ..." She advised of having given the 916 and 920 North Minnesota Street properties to her son "over a year ago ..." In response to a question, she advised that the commercial operation at 920 North Minnesota Street ceased approximately five months ago. She explained the reason for keeping her daycare operator license current. In response to a question, she advised of having "been there 45 years and never had a problem with this. And, all of a sudden, there's a problem." She requested to have the Board defer action until such time as "it can be figured out."

Mr. Dawley advised that Ms. Brinson declared owner occupation for her Combs Canyon Road property "and has been since 2005. So that's been the primary residence." In reference to earlier comments, he explained that Resource Concepts, Inc. applied for a map in 2006. "The ... Planning Department kicked back a letter to Resource Concepts with items that needed to be fixed on this particular map before they could move forward. ... The Planning Department didn't notify anybody, either Ms. Brinson or her son, that these items needed to be taken care of. So, in 2009, that map expired. And so, Resource Concepts just put in another map. And so even though Ms. Brinson gave her son the property, you can't give two ... houses that are on one parcel to somebody without having that map split and without actually deeding the ... two houses to somebody. That has not been completed. So the three percent cap, we're saying that those two buildings that were given to her son did qualify for the three percent because they provided us with an affidavit stating that the rents charged were under what was considered fair market rents. We're also saying the top portion of the building itself is three percent. ... We're only arguing the bottom portion of the building which was commercial, as of July 1<sup>st</sup>, because it was being used as a daycare."

Ms. Brinson disputed that the bottom portion of the building is being used as a daycare. Mr. Dawley acknowledged that the \$54.24 is relative to the 2012 / 2013 tax year, commencing July 1. Ms. Brinson responded to questions of clarification regarding the date on which the daycare operation ceased. Mr. Dawley responded to questions of clarification regarding the method by which the conversion from commercial to residential is made. He acknowledged that the building would continue to be assessed based on its "commercial potential." Additional discussion ensued.

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Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Aldean expressed understanding for Ms. Brinson's position, but noted the importance of treating every taxpayer fairly. **Supervisor Aldean moved to approve the correction / increase of the taxes for 2009 / 2010, 2010 / 2011, 2011 / 2012, and 2012 / 2013 tax years for parcel numbers 001-201-03, 920 North Minnesota Street; 008-541-86, 3030 North Deer Run Road; and 010-061-60, 2044 South Lompa Lane, pursuant to NRS 361.765, in the amount of \$1,635.93. Supervisor McKenna seconded the motion. Motion carried 5-0.**

**9-1(B) POSSIBLE ACTION TO APPROVE THE CORRECTION/INCREASE OF TAXES FOR THE 2009 / 2010, 2010 / 2011, 2011 / 2012, AND 2012 / 2013 TAX YEARS FOR PARCEL NUMBERS 007-081-30 (3300 KINGS CANYON ROAD), 009-012-02 (1800 KINGS CANYON ROAD), AND 010-032-23 (5000 HELLS BELLS ROAD), PURSUANT TO NRS 361.765, IN THE AMOUNT OF \$548.28**

**9-2. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES THROUGH OCTOBER 23, 2012, PURSUANT TO NRS 251.030 AND NRS 354.290**

**9-3. PURCHASING AND CONTRACTS**

**9-3(A) POSSIBLE ACTION TO ACCEPT THE QUARTERLY SUMMARY REPORT OF ALL ACTIVE GRANTS MADE TO CARSON CITY, AS WELL AS A LISTING OF ALL PENDING GRANTS**

**9-3(B) POSSIBLE ACTION TO DETERMINE THAT PURCHASE ORDER NO. 2013-059 IS A PURCHASE REQUEST FOR HARDWARE AND ASSOCIATED PERIPHERAL EQUIPMENT AND DEVICES FOR COMPUTERS AND / OR SOFTWARE FOR COMPUTERS AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE PURCHASE ORDER NO. 2013-059, A REQUEST FOR RFID SYSTEM, ASSOCIATED EQUIPMENT, MATERIALS AND TRAINING NEEDED TO / FOR THE CONVERSION TO BE PROVIDED BY ENVISION WARE, INC., FOR A NOT-TO-EXCEED COST OF \$93,715.00, TO BE FUNDED FROM THE LIBRARY GRANT SERVICE / MACHINERY AND EQUIPMENT / 2012 - 07 EXPAND SERVICE RFID, LIBRARY SERVICES PROFESSIONAL SERVICES, AND THE LIBRARY GIFT FUNDS, AS PROVIDED IN FY 2012 / 2013, FILE NO. 1213-109**

**9-3(C) POSSIBLE ACTION TO ACCEPT THE WORK AS COMPLETED, TO ACCEPT THE CONTRACT SUMMARY AS PRESENTED, AND TO APPROVE THE RELEASE OF FINAL PAYMENT, IN THE AMOUNT OF \$13,044.84, FOR CONTRACT NO. 1112-196, NORTH / SOUTH WATER TRANSMISSION MAIN PROJECT - PHASE II, MULTI-USE PATHWAY, TO ADVANCED ASPHALT**

**9-4. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO APPROVE AN AGREEMENT BETWEEN CARSON CITY AND JOOST LAND AND CATTLE COMPANY FOR THE PURPOSE OF LAND EXCHANGE AT THE WEST TERMINUS OF ASH CANYON ROAD**

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**9-5. PUBLIC WORKS DEPARTMENT - ENVIRONMENTAL DIVISION - POSSIBLE ACTION TO ADOPT AN AMENDMENT TO THE STEWART PONDS RECLAIMED WATER AGREEMENT NORTHERN NEVADA CORRECTIONAL CENTER ENTERED INTO, BETWEEN THE STATE OF NEVADA AND CARSON CITY, TO EXTEND THE AGREEMENT FOR AN ADDITIONAL 30 YEARS FOR THE CONTINUED IRRIGATION OF PRISON LANDS**

**10. RECESS BOARD OF SUPERVISORS (9:38:55)** - Mayor Crowell recessed the Board of Supervisors at 9:38 a.m.

**LIQUOR AND ENTERTAINMENT BOARD**

**11. CALL TO ORDER AND ROLL CALL (9:38:58)** - Chairperson Crowell called the Liquor and Entertainment Board to order at 9:38 a.m., noting the presence of a quorum, including Member Ken Furlong.

**12. PUBLIC WORKS DEPARTMENT, BUSINESS LICENSE DIVISION**

**12(A) POSSIBLE ACTION TO APPROVE RONALD HOGARTH AS THE LIQUOR MANAGER FOR THE CARSON NUGGET, LIQUOR LICENSE NO. 13-27165, LOCATED AT 507 NORTH CARSON STREET, CARSON CITY (9:39:18)** - Chairperson Crowell introduced this item, and Business License Technician Lena Reseck reviewed the agenda materials. (9:39:47) Chairperson Crowell welcomed Ronald Hogarth to the podium. In response to a question, Mr. Hogarth advised that the liquor license was held by a previous manager. In response to a question, Ms. Reseck advised of an “ongoing process, over the last ... two years, of changing liquor managers.” She acknowledged there will now be one liquor manager: Mr. Hogarth.

In response to a question, Member Furlong commended the Carson Nugget as “one of our up front, primary partners in preventing alcohol sales to minors.” Member McKenna suggested violence prevention training in addition to the alcohol server training. Member Furlong agreed to look into the possibility. Member McKenna encouraged Mr. Hogarth to continue the good work.

Chairperson Crowell entertained a motion. **Member Abowd moved to approve Ronald Hogarth as the liquor manager for the Carson Nugget, liquor license no. 13-27165, located at 507 North Carson Street, Carson City. Member Walt seconded the motion. Motion carried 6-0.**

**12(B) POSSIBLE ACTION TO APPROVE RAMNEEK SINGH AS THE LIQUOR MANAGER FOR EZ MARKET, LIQUOR LICENSE NO. 13-29371, LOCATED AT 262 WEST WINNIE LANE, CARSON CITY (9:42:58)** - Chairperson Crowell introduced this item, and Ms. Reseck reviewed the agenda materials. Chairperson Crowell welcomed Mr. Singh to the podium. In response to a question, Mr. Singh advised that he will not be selling alcohol to minors. In response to a further question, he advised of having completed the alcohol server training program.

Chairperson Crowell entertained public comment and, when none was forthcoming, a motion. **Member Abowd moved to approve Ramneek Singh as the liquor manager for EZ Market, liquor license no. 13-29371, located at 262 West Winnie Lane in Carson City. Member Aldean seconded the motion. Motion carried 6-0.** Chairperson Crowell thanked Mr. Singh for investing in Carson City and wished him good luck.

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**12(C) POSSIBLE ACTION TO APPROVE DEAN SIRACUSA AS THE LIQUOR MANAGER FOR WINGSTOP RESTAURANTS, LIQUOR LICENSE NO. 13-29375, LOCATED AT 3965 SOUTH CARSON STREET, CARSON CITY (9:44:43)** - Chairperson Crowell introduced this item, and Ms. Reseck expressed uncertainty that the next two applicants were present in the meeting room. In response to a question, Ms. Reseck advised of having notified Mr. Siracusa of this meeting by certified mail, but had not yet received the return receipt. Member Aldean expressed the understanding that Mr. Siracusa was out of town.

**12(D) POSSIBLE ACTION TO APPROVE KATHY PHELAN AS THE LIQUOR MANAGER FOR WHISKEY TAVERN, LIQUOR LICENSE NO. 13-29378, LOCATED AT 3481 HIGHWAY 50 EAST, CARSON CITY (9:45:37)** - In response to a question, Member Walt advised that Kathy Phelan was not present in the meeting room.

Chairperson Crowell deferred items 12(C) and 12(D) to the next liquor and entertainment board meeting. Discussion took place regarding the liquor license hearing process and notification procedures.

**13. PUBLIC COMMENTS (9:48:31)** - Chairperson Crowell entertained public comment; however, none was forthcoming.

**14. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD (9:48:37)** - Chairperson Crowell entertained a motion to adjourn. **Member Aldean so moved. The motion was seconded and carried 6-0.**

**15. RECONVENE BOARD OF SUPERVISORS (9:48:45)** - Mayor Crowell reconvened the Board of Supervisors at 9:48 a.m. He thanked Sheriff Furlong and his staff “for the Nevada Day work.”

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

**16. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:17:31)** - Please see the minutes for item 9-1(A). (9:49:10) Mayor Crowell noted that no further items had been pulled from the consent agenda.

**17. SHERIFF - POSSIBLE ACTION TO ACCEPT THE FY 2013 NEVADA DEPARTMENT OF PUBLIC SAFETY, OFFICE OF TRAFFIC SAFETY JOINING FORCES GRANT 23-JF-1.02, IN THE AMOUNT OF \$39,000 (9:49:15)** - Mayor Crowell introduced this item, and Sheriff Ken Furlong reviewed the agenda materials. Sheriff Furlong advised that Carson City was recognized for “most improved program over the past 12 months.” Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to accept the FY2013 Nevada Department of Public Safety, Office of Traffic Safety Joining Forces Grant 23-JF-1.02, in the amount of \$39,000. Supervisor McKenna seconded the motion. Motion carried 5-0.** Mayor Crowell recessed the meeting at 9:51 a.m. and reconvened at 10:06 a.m.

**18. HEALTH AND HUMAN SERVICES DEPARTMENT - POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 7, ANIMALS, CHAPTER 7.13, LICENSING AND REGULATIONS, BY AMENDING THE CHAPTER TO CHANGE THE NAME FROM ANIMAL CONTROL**

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CENTER TO ANIMAL CONTROL SERVICES, AND FROM ANIMAL DIRECTOR TO ANIMAL SERVICES MANAGER, AND BY UPDATING THE CHAPTER REGARDING THE ANIMAL SERVICES DEPARTMENT'S AND OFFICER'S DUTIES, AND TO REVISE AND ELIMINATE CERTAIN PROVISIONS, AND BY AMENDING SECTION 7.13.010, DEFINITIONS, TO ALPHABETIZE AND AMEND AND ADD NEW DEFINITIONS, AND BY UPDATING SECTION 7.13.020, CARSON CITY ANIMAL CONTROL USE, TO UPDATE THE POWERS AND DUTIES OF ANIMAL SERVICES AND TO RELOCATING SOME EXISTING PROVISIONS, AND BY AMENDING SECTION 7.13.030, ANIMAL SERVICES DIRECTOR - ANIMAL SERVICES OFFICERS - POWERS AND DUTIES, TO CHANGE THE SECTION NAME AND DUTIES OF THE ANIMAL SERVICES OFFICERS AND SHERIFF REGARDING ANIMAL CALLS, AND BY AMENDING SECTION 7.13.040, CARSON CITY SHERIFF AND DEPUTIES, TO CHANGE THE SECTION NAME AND TO PROVIDE FOR A COLLECTIONS, DISBURSEMENT, AND FEE SCHEDULE, AND BY AMENDING SECTION 7.13.050, COLLECTIONS AND DISBURSEMENTS, TO CHANGE THE SECTION NAME AND DUTIES, AND BY AMENDING SECTION 7.13.060, USE OF TRANQUILIZER GUN, OTHER DEVICES, IN CONTROLLING ANIMALS, TO CHANGE THE SECTION NAME AND DUTIES, AND BY AMENDING SECTION 7.13.070, SEARCH AND SEIZURES, TO CHANGE THE NAME AND DUTIES REGARDING THE IMPOUNDING AND RECLAIMING OF ANIMALS, AND BY AMENDING SECTION 7.13.080, RESISTING OR OBSTRUCTING ANIMAL SERVICES OFFICERS, HEALTH OFFICER, OR SHERIFF OR DEPUTIES, UNLAWFUL, TO CHANGE THE SECTION NAME AND RESPONSIBILITY OF OWNER, AND BY AMENDING SECTION 7.13.090, RABIES VACCINATION OF DOGS, CATS, AND FERRETS REQUIRED - REVACCINATION REQUIRED - EXCEPTIONS, TO CHANGE THE NAME AND AMEND SECTION 7.13.100, ANIMAL SERVICE TAGS, PERMITS, AND FEES TO RENAME IT AS DANGEROUS ANIMALS, TO EXPAND THE DEFINITION OF VICIOUS DOG AND CLARIFYING THE PROCESS THAT MUST OCCUR FOLLOWING A DOG BITE INCIDENT, AND REQUIRE THE OWNER OF A DOG THAT HAS BEEN DETERMINED TO BE VICIOUS TO OBTAIN A PERMIT TO HAVE A VICIOUS DOG, AND TO REQUIRE THAT ANY DANGEROUS OR VICIOUS DOG BE IMMEDIATELY IMPOUNDED BY ANIMAL CONTROL UPON CERTAIN CONDITIONS BEING MET, AND OTHER MATTERS PREVIOUSLY IN SECTIONS 7.1.200 AND 7.13.220, AND BY AMENDING SECTION 7.13.110, RESTRAINING ANIMALS - SANITATION, TO CHANGE THE SECTION NAME AND TO INCLUDE THE PROVISIONS PREVIOUSLY INCLUDED IN SECTION 7.13.210, TO FURTHER CLARIFY THE PROCESS ANIMAL SERVICES WILL FOLLOW AFTER AN ANIMAL BITE, AND BY AMENDING SECTION 7.13.120, DOGS RUNNING AT LARGE - IMPOUNDS, TO CHANGE THE CHAPTER NAME AND DUTIES TO PROHIBITED ACTIVITIES, WHICH INCLUDES THE PROVISIONS PREVIOUSLY CONTAINED IN SECTIONS 7.13.520 THROUGH 7.13.540 AND 7.13.570, AND TO INCLUDE THE CRIMINAL OFFENSE FOR ANY PERSON WHO REFUSES TO RELINQUISH ANY DOMESTIC ANIMAL TO ANIMAL SERVICES AFTER FINDING SUCH ANIMAL, AND BY ADDING THE CRIMINAL OFFENSE THAT IT SHALL BE UNLAWFUL FOR ANY PERSON TO STEAL, RELOCATE, OR DISPOSE OF ANY ANIMAL BELONGING TO ANOTHER PERSON, AND BY AMENDING SECTION 7.13.130, RESERVED, TO CHANGE THE SECTION NAME AND INCLUDE THE PENALTY PROVISIONS PREVIOUSLY IN SECTION 7.13.610, AND EXPAND THE ALLOWABLE FINE AMOUNT FROM \$500.00 TO \$1,000.00 AND ADD THE PROVISION THAT A CRIMINAL PENALTY MUST BE IMPOSED FOR ANY OFFENSE WHICH PERTAINS TO THE BITES OF ANIMALS, VICIOUS OR DANGEROUS DOGS, OR

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**CRUELTY TO ANIMALS AND PERMIT A JUDGE, IN ADDITION TO OTHER PENALTIES, TO HAVE THE DISCRETION TO ORDER THE DOG HUMANELY DESTROYED, AND BY AMENDING SECTION 7.13.140, CONDITIONS FOR RELEASE OF IMPOUNDED DOG, TO CHANGE THE SECTION TITLE AND INCLUDING THE PROVISION PREVIOUSLY CONTAINED IN SECTION 7.13.620, AND BY DELETING SECTIONS 7.13.145 THROUGH 7.13.620, BUT RESERVING SUCH SECTIONS FOR FUTURE USE, AND OTHER MATTERS PROPERLY RELATED THERETO** (10:09:13) - Mayor Crowell introduced this item. Health and Human Services Director Marena Works read the title of the agenda item into the record, provided background information, and reviewed the agenda materials. Ms. Works acknowledged that the ordinance, as drafted, is enforceable by City staff. She expressed the opinion that the proposed changes will benefit the code enforcement officers in consideration of better clarity for “how they can proceed in situations.” (10:24:04) Animal Services Manager Gail Radtke expressed agreement, and advised that the clarification provided by the proposed ordinance “will help our entire department with enforcement, charging fees ...”

Ms. Works, Ms. Radtke, and Senior Deputy District Attorney Tina Russom responded to questions of clarification regarding the provisions of the proposed ordinance, and extensive discussion ensued.

Mayor Crowell entertained public comment, and provided direction with regard to the same. (11:05:16) Marcie and Justin Ryba introduced themselves for the record. Ms. Ryba thanked the Board members for their prompt responses to recent e-mail correspondence. In reference to Section 7.13.100, Ms. Ryba related a recent personal experience being “attacked by a dog,” and her subsequent meeting with Animal Services representatives. She requested further clarification of the definitions of “dangerous” and “vicious.” Mr. Ryba provided additional explanation of the request. In response to a question, Ms. Radtke advised of having changed the policy “to read that any substantial bodily harm to a person or animal, the animal services officer shall impound that dog immediately.” Ms. Works noted the addition of paragraph 7 to Section 7.13.100. Discussion followed. In response to a question, Ms. Works explained the reason for not including breed identification in the provisions of the ordinance. Additional discussion took place regarding the proposed provisions of the ordinance.

Mayor Crowell entertained additional public comment. (11:31:20) In reference to the Ryba family’s experience, Bruce Kittess advised of having received inquiries relative to the CC&Rs for the Lakeview subdivision. He further advised of having studied the current ordinance in connection with the Rybas’ experience and pending court case. In reference to the discussion which had taken place, he provided an overview of proposed revisions to certain definitions contained in the proposed ordinance. He discussed the provisions of the current ordinance relative to the number of dogs allowed per residence. He discussed concerns that no misdemeanor charge had been issued relative to the “fourth dog” involved in the attack experienced by the Ryba family. In response to a comment, Mr. Kittess advised that if the City “enforced what’s in your zoning code today, ... it’s three dogs and ... there’s a conflict. It simply says they can issue the permit if it’s in compliance with the zoning code. It’s not in compliance and you shouldn’t even accept an application for a fourth dog if it’s in a residential neighborhood.” Mr. Kittess expressed opposition to “living next door to a dog that has killed ... another dog.” He suggested posting information on the City’s website regarding neighborhood disclosure relative to a dog which has killed another dog.

Mayor Crowell entertained additional public comment. (11:46:27) Margy Urnberg advised of having lived in Carson City for the past eight years, “next door to six dogs.” She further advised that “this incident happened on [her] property,” and that her 8-year-old granddaughter had witnessed it. She further advised

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that “Mr. Baker refused to come and meet with [her] when this incident happened.” She listed the number of dogs regularly on the next door property. She emphasized “this was four dogs that ripped [the Rybas’] little dog to shreds.” She described the various wildlife which she has encountered on her property over the years, and advised that she is afraid of her neighbor’s dogs. She related details of her discussion with Code Enforcement Officer Tony Baker when he visited her following the Ryba family’s incident. Ms. Urnberg related details of recent interactions with Shadow Kelly, of the Animal Services Division, and with her neighbors. She assured the Board that she will pursue justice in this situation. She expressed appreciation for the Board members’ and Sheriff Furlong’s responses to her concerns. She expressed uncertainty as to the reason the owners of the dogs which perpetrated the attack have not suffered any consequence. She commended the City for proposing the revisions to the animal services ordinance, and Mayor Crowell assured her that the Board would address the enforcement issue.

(12:00:30) Bruce Kittess expressed regret that “one moment becomes a neighborhood issue and the saddest part is, from a builder’s standpoint, both parties just bought their house. Each one of them just moved in this spring. So, here you have two homeowners happy to be in a beautiful community and, within six months, you have an incident like this.” Mr. Kittess expressed confidence that the matter will be resolved.

Supervisor Aldean expressed appreciation for Ms. Urnberg’s articulate testimony, and suggested considering pack mentality relative to the number of dogs allowed on a residential property. She noted the quality of life issue associated with “people ... terrified to step outside their front door because some irresponsible person next door has created a situation that’s ... placing their animals at risk [and] placing them at risk.” She suggested “there has to be a way to address this ... in a way that is respectful of the rights of people to own personal property ... [and] the rights of people to feel that they have rights that are being equally protected and that they are not denied the right to peacefully enjoy their property.” She suggested including a provision to limit the number of animals allowed for residential property. Supervisor Abowd expressed the opinion that immediate impound in a situation such as was described by the Rybas and Ms. Urnberg is “definitely warranted.” Ms. Russom explained that this was the reason for reviewing the policy and Ms. Radtke acknowledged that similar situations in the future will require impounding the animal. In response to Supervisor Aldean’s comments, Ms. Russom reiterated a conflict between Title 7 and Title 18. “... we’re ... welcoming input in regard to whether that provision should even exist in Title 7 since we are redoing Title 7 right now.”

In response to a question, Planning Division Director Lee Plemel reviewed the definition for “kennel” in the current zoning ordinance. Supervisor Aldean reiterated the suggestion to include a provision in Title 7 “because this is where people are going to look if they’re curious about what the rules and regulations are. They’re not going to go to zoning.” She reiterated the opinion “we need to enforce, not retroactively, ... a limitation of three canines over the age of six months and there should be no permit offered unless it is a permitted kennel facility in which case they have to comply with the zoning laws.” Ms. Russom reviewed the statutory definition of “kennel,” and extensive discussion ensued. Ms. Radtke acknowledged that Animal Services Division staff would have the time to conduct the preliminary investigation necessary for issuing a permit to keep more than three dogs. She noted the associated fee schedule in consideration that “it takes a little more time than the standard call.” She reviewed the associated neighborhood notification process and assured the Board that “if one of those neighbors is not okay with it, we do not issue the permit.” She acknowledged that the permit process is applicable to every citizen. Following discussion, Mayor Crowell cautioned against further discussion of the incident giving rise to the court case involving the Ryba family and Ms. Urnberg.

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(12:18:12) Justin Ryba discussed the importance of the incident resulting in improvements to Title 7 and to the Animal Services Division. He reviewed various suggestions for publicizing services available at the Animal Services Division.

(12:20:16) Margy Urnberg advised of having visited the Animal Services Division on August 14<sup>th</sup>, and of having viewed the log sheet which her neighbor had signed. She requested Animal Services Division staff to check into whether her neighbor has licensed all four dogs. She emphasized that there were four dogs involved in the previously-described attack.

In response to a question, Ms. Radtke reviewed the process by which barking dog complaints are handled by the Animal Services Division. Ms. Russom and Mr. Werner provided additional clarification. Supervisor McKenna requested to have the subject item reagendized for first reading, and for staff to correlate the zoning code provisions with those in the proposed ordinance. At Ms. Russom's request, Mayor Crowell clarified the Board's direction, and discussion followed. In response to a question, Supervisor Abowd suggested that the number of animals allowed on a residential property should be governed by lot size. Extensive discussion took place to clarify the Board's direction, and Supervisor McKenna discussed the importance of receiving sufficient public comment prior to passing the ordinance. In response to a question, Ms. Works assured the Board of the Animal Services Division policy regarding impounding dangerous and / or vicious animals.

Mayor Crowell requested the involved staff to refine the proposed ordinance based on the discussion which took place at this meeting. Ms. Works offered to schedule a workshop to receive public input on the ordinance and to return to the Board with the same. Consensus of the Board was that no action was necessary. Mayor Crowell recessed the meeting at 12:36 p.m. Mayor *Pro Tem* Aldean reconvened the meeting at 12:48 p.m., noting that Mayor Crowell had left the meeting during the recess due to a previously scheduled appointment.

**19. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION - POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, TO ADD DIVISION 22, STREET NAMING AND ADDRESS ASSIGNMENT REGULATIONS, ZCA-12-034 (12:49:33)** - Mayor *Pro Tem* Aldean introduced this item. Fire Chief Stacey Giomi provided background information and reviewed the agenda materials, including revisions made since the meeting at which this item was originally agendized.

Mayor *Pro Tem* Aldean thanked Chief Giomi and entertained public comment. When none was forthcoming, Mayor *Pro Tem* Aldean entertained a motion. **Supervisor Abowd moved to introduce, on first reading, Bill No. 114, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, to add Division 22, Street Naming and Address Assignment Regulations, as amended. Supervisor McKenna seconded the motion. Motion carried 4-0.**

**20. PARKS AND RECREATION DEPARTMENT, OPEN SPACE PROGRAM - PRESENTATION AND DISCUSSION OF THE PROPOSED CARSON VALLEY DISCOVERY TRAIL BY THE BUREAU OF LAND MANAGEMENT, CARSON VALLEY TRAILS ASSOCIATION, AND STAFF, AND INTRODUCTION OF THE SCOPING PROCESS FOR THE NON-MOTORIZED 45-MILE LONG TRAIL SYSTEM - Deferred.**

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**21. CITY MANAGER - POSSIBLE ACTION TO APPOINT TWO MEMBERS TO THE 9-1-1 SURCHARGE ADVISORY COMMITTEE, EACH FOR A TERM THAT WILL EXPIRE ON DECEMBER 31, 2014** (10:06:34) - Mayor Crowell introduced this item, and provided background information on the Board's advisory board, commission, and committee policies and procedures. (10:06:59) In response to a question, Bernard Sease discussed his interest in being reappointed to the 911 Surcharge Advisory Committee. At Mayor Crowell's request, Marjorie Knowles discussed her interest in being reappointed. Mayor Crowell commended Ms. Knowles' professionalism as a dispatcher.

Mayor Crowell entertained Board member comments and, when none were forthcoming, a motion. **Supervisor Aldean moved to appoint Bernie Sease and Marj Knowles to the 911 Surcharge Advisory Committee, each for a term that will expire on December 31, 2014. The motion was seconded and carried 5-0.** Mayor Crowell thanked Mr. Sease and Ms. Knowles for making Carson City "a better place to live, work, and play."

**22. BOARD OF SUPERVISORS NON-ACTION ITEMS:**

**STATUS REVIEW OF PROJECTS** (12:55:00) - Mayor *Pro Tem* Aldean introduced this item, and Mr. Werner advised of nothing new to report.

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** (12:55:09) - In response to a question, Mr. Werner advised that the Open Space Advisory Committee recently heard public testimony regarding OHV trails at Prison Hill. He acknowledged that no change was made to the current trail system at Prison Hill. Mayor *Pro Tem* Aldean advised of having requested a memo from Open Space Property Manager Juan Guzman, and that she would forward it to the other Board members.

### **CORRESPONDENCE TO THE BOARD OF SUPERVISORS**

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS** (12:56:45) - Supervisor Walt reported that Carson City Convention and Visitors Bureau Executive Director Candace Duncan has announced her retirement, effective January 1<sup>st</sup>. Supervisor Walt advised of a CCCVB meeting scheduled for 4:00 p.m., and reviewed the agenda. She further advised of a strategic planning meeting scheduled for Monday, November 19<sup>th</sup>. She wished good luck to the participants of the Kit Carson Soccer Tournament, scheduled for Saturday and Sunday, November 3 and 4. She wished good luck to the Carson High School girls and boys soccer teams in their upcoming regional tournaments. Mayor *Pro Tem* Aldean reported on the most recent Tahoe Regional Planning Agency Board of Governors meeting. Supervisor Walt announced the League of Cities summit scheduled for Friday, November 16<sup>th</sup>, and requested the Board members to advise Mr. Werner of their intentions relative to attending.

### **STAFF COMMENTS AND STATUS REPORTS**

**23. PUBLIC COMMENT** (1:03:19) - Mayor *Pro Tem* Aldean entertained public comment; however, none was forthcoming.

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**24. ACTION TO ADJOURN** (1:03:23) - Supervisor Walt moved to adjourn the meeting at 1:03 p.m. Supervisor Abowd seconded the motion. Motion carried 5-0.

The Minutes of the November 1, 2012 Carson City Board of Supervisors meeting are so approved this 20th day of December, 2012.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder