

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the May 21, 1992, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, May 21, 1992, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:

Marv Teixeira	Mayor
Tom Fettic	Supervisor, Ward 2
Greg Smith	Supervisor, Ward 1
Tom Tatro	Supervisor, Ward 3
Kay Bennett	Supervisor, Ward 4

STAFF PRESENT:

John Berkich	City Manager
Kiyoshi Nishikawa	Clerk-Recorder
Paul McGrath	Sheriff
Steve Kastens	Parks and Recreation Director
Basil "Butch" Moreto	Purchasing Agent
Dorothy Timian-Palmer	Utility Manager
Paul Lipparelli	Deputy District Attorney
Katherine McLaughlin	Recording Secretary
Merlene Alt	Treasurer's Office Supervisor

(B.O.S. 5/21/92 Tape 1-0005)

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. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during the normal business hours.

Mayor Teixeira called the meeting to order at 9:05 a.m. Mr. Lipparelli lead the Pledge of Allegiance. St. Paul's Lutheran Family Church Pastor Stan Pesis gave the Invocation. Roll call was taken. The entire Board was present constituting a quorum.

**APPROVAL OF MINUTES** - None.

**CITIZENS COMMENTS ON NON-AGENDIZED ITEMS (1-0027)** - Tom Quigley explained his research indicated there had been paving done at the Corporate Yard two years ago and questioned the funding source. He then questioned the paving contract authorized three years ago which did not have a "cap", the final amount spent, and where the material was placed. He gave copies of the contracts to the City Manager.

(1-0060) May Ruth French expressed her feeling that the merit raises were not conducive for job performance.

**1. PARKS AND RECREATION DIRECTOR** - Steve Kastens - **PRESENTATION AND ACTION ON RESOLUTIONS OF COMMENDATION FOR:**

**A. BONNIE DIETRICH (1-0085)** - Mayor Teixeira commended her on her dedication and the City's appreciation for her hard work and efforts. Supervisor Tatro moved that the Board adopt Resolution No. 1992-R-29, RESOLUTION OF APPRECIATION FOR BONNIE DIETRICH, PARKS AND RECREATION COMMISSIONER, and read the entire Resolution into the record. Supervisor Smith seconded the motion. Motion carried 5-0.

**B. RENEE MAYO (1-0155)** - Mayor Teixeira commended her on her dedication and the City's appreciation for her hard work and efforts. Supervisor Smith moved that the Board adopt Resolution No. 1992-R-

30, RESOLUTION OF APPRECIATION FOR RENEE MAYO, ADULT SOFTBALL COMMISSIONER, and read the Resolution into the record. Supervisor Bennett seconded the motion. Motion carried 5-0.

**2. CARSON PRIDE AND REVITALIZATION PROGRAM - PRESENTATION AND ACTION ON RECOGNITION OF PARTICIPANTS IN THE 1992 CARSON PRIDE AND REVITALIZATION PROJECT (1-0212)** - Supervisor Bennett listed various programs the Committee had undertaken. She then introduced the Committee Members and presented each with a Certificate of Appreciation. Mayor Teixeira thanked all of the participants on their successful program.

**3. COMMUNITY COUNCIL ON YOUTH - PRESENTATION AND ACTION TO DESIGNATE ONE MEMBER OF THE BOARD OF SUPERVISORS TO BECOME A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMUNITY COUNCIL ON YOUTH (1-0310)** - Helaine Jessie explained the request. Supervisor Smith moved that the Board designate Supervisor Tom Tatro as the Board of Supervisors' representative and member of the Board of Directors to the Community Council on Youth. Supervisor Fettic seconded the motion. Motion carried 5-0.

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

**4. TREASURER** - Office Supervisor Merlene Alt

**A. ACTION ON AN ENTERTAINMENT PERMIT FOR THE CARSON CITY MAINSTREET GROUP FOR THEIR ANNUAL DOWNTOWN A-FAIR TO BE HELD 6/6/92 IN THE DOWNTOWN LEGISLATIVE AREA ALONG WITH A REQUEST FOR WAIVER OF THE APPLICATION AND PERMIT FEES (1-0351)** - Clarification for Maxine Nietz indicated Margueritas are included in the Permit. Flyers were given to the Board. Everyone was invited to the A-Fair. Member Bennett moved that the Board approve an Entertainment Permit for Carson City Mainstreet for the Annual Downtown A-Fair held June 6, 1992, in the Downtown Legislative area along with a waiver of the Application and Permit fees. Member McGrath seconded the motion. Motion carried 6-0.

**B. ACTION ON A SHORT-TERM PERMIT FOR THE CARSON CITY MAINSTREET GROUP FOR THEIR ANNUAL DOWNTOWN A-FAIR TO BE HELD 6/6/92 IN THE DOWNTOWN LEGISLATIVE AREA ALONG WITH A REQUEST FOR A WAIVER OF THE PROMOTION FEE (1-0409)** - Member Bennett moved that the Board approve the Short-Term Business Permit for the Carson City Mainstreet for their Annual Downtown A-Fair Concession Stands to be held June 6, 1992, in the Downtown Legislative area along with a waiver of the Promotion Fee. Member McGrath seconded the motion. Motion carried 6-0. Discussion ensued on the activities which would occur at the A-Fair.

**C. ACTION ON A BUSINESS SHORT-TERM PERMIT FOR THE CARSON CITY SEARCH AND RESCUE CIRCUS LOCATED AT CARSON JUNIOR HIGH SCHOOL FOOTBALL FIELD ON 6/11/92 (1-0450)** - Bob Maple outlined the request including a waiver of the fees. It was noted the waiver had not been included on the Agenda, therefore, action could not be taken. Member Fettic moved the Board approve a Business Short-Term Permit for Carson City Search and Rescue Circus located at Carson Junior High School Football Field on June 11, 1992, and waiver of the \$100 Application fee. Member Smith seconded the motion. Motion carried 6-0.

**D. ACTION ON A BUSINESS SHORT-TERM PERMIT FOR MAVERICK LIONS CLUB CIRCUS LOCATED BETWEEN DEPARTMENT OF MOTOR VEHICLES AND ALBERTSONS ON**

**6/1/92 ALONG WITH A REQUEST FOR WAIVER OF THE FINGERPRINTING FEES (1-0485)** - Bob Cross and Gene Bails outlined the reasons for requesting the fingerprint fee be waived. Member McGrath outlined a proposed ordinance modification which would eliminate some of the fingerprinting requirement. The item was continued to allow Mr. Lipparelli time to review the Code.

**E. ACTION ON A LIQUOR LICENSE FOR RUSSELL E. EPPEN, DOING BUSINESS AS BARTENDER EXPRESS LOCATED AT 1472 LINDSAY LANE (1-0570)** - Mr. Eppen responded to Board questions on his operation and stressed that the residence would only be used for storage of materials and equipment. Member Smith moved that the Board approve a Liquor License for Russell E. Eppen doing business as Bartender Express located at 1472 Lindsay Lane with the added condition that the business activities occurring at that location be restricted to over the telephone. Member Fettic seconded the motion. Motion carried 6-0.

RECESS: At 9:26 a.m. a four minute recess was declared. When the meeting reconvened at 9:30 a.m., the entire Liquor and Entertainment Board was present constituting a quorum.

**D. ACTION ON A BUSINESS SHORT-TERM PERMIT FOR MAVERICK LIONS CLUB CIRCUS LOCATED BETWEEN DEPARTMENT OF MOTOR VEHICLES AND ALBERTSONS ON 6/1/92 ALONG WITH A REQUEST FOR WAIVER OF THE FINGERPRINTING FEES - CONTINUED (1-0632)** - Mr. Cross withdrew the waiver request. Member Smith moved that the Board approve a Business Short-Term Permit for the Maverick Lions Club Circus located between the Department of Motor Vehicles and Albertsons on June 1, 1992, along with a waiver of the \$100 fee. Member Fettic seconded the motion. Motion carried 6-0.

**F. ACTION ON AN ENTERTAINMENT PERMIT FOR LARRY J. BURTON FOR AN OUTDOOR MUSIC CONCERT TO BE HELD AT THE SILVER STATE RACEWAY LOCATED AT 1210 RACETRACK ROAD ON JULY 4, 1992, ALONG WITH A REQUEST TO WAIVE THE 60-DAY APPLICATION WAITING PERIOD (1-0629)** - Following Ms. Alt's introduction, Attorney Mike Pavlakis, representing Mr. Burton, explained his feeling that Mr. Burton had not been aware of all of the requirements and forms. Purportedly he had been under the impression that if he submitted his application 90 days before the event, he was meeting the requirements. The contracting requirements for entertainers would not allow him to meet the requirement that the event be approved 90 days before the program date. Mr. Pavlakis did not feel that a two week waiver was unreasonable. Community Development Director Walt Sullivan explained the Code requirements and reasons for requiring the 60 day waiting period. He explained the special consideration given to Mr. Burton when the Judd concert was approved which required the Special Use Permit be reviewed 90 days prior to the event and Board review of the Entertainment Permit 60 days prior to the event. Clarification indicated the Special Use Permit would be reviewed only once by the Planning Commission. This review should occur 90 days before the next event. The Entertainment Permit would be reviewed 60 days prior to each event. Discussion noted Mr. Burton had requested a similar waiver of the waiting period one year ago with the same rationale for waiving the requirement. Mr. Sullivan then elaborated on the lack of plans which are required before the Entertainment Permit is issued, i.e., traffic, security, and parking. Staff had reviewed with Mr. Burton its concerns and had been working with him since December. Member Bennett expressed her concern that the procedure was an attempt to circumvent the Planning Commission and the Special Use Permit process. She cited his apparent lack of a "good neighbor policy" and the resulting traffic complaints to support her concerns. She felt that staff had been working with him and that he was well aware of the requirements. Mr. Pavlakis responded by explaining that the event which she had referred to was not conducted at the Speedway on Thursday evening. He then expounded on his reasons for feeling that Mr. Burton had met all of the Entertainment Permit requirements. If less than 4,000 tickets are sold, the Board would not have to consider the Entertainment Permit. The Planning Commission does not consider Entertainment Permits and should not be used as a reason for denial. Mr. Burton had purportedly discussed his security plans with a private contractor and Undersheriff Freeman. One week before the event a

written traffic, parking, and security plan will be evaluated by the Sheriff's Department. Sanitation requirements have been addressed. Health Director Jack Fralinger had indicated that subject to the location and numbers of "Port-A-Potties", his office had no problem with the proposal. The same is true of the trash and litter control plans. Medical assistance will be provided by Warren Engine Company No. 1. Adequate parking would be provided either on his property or on Mr. O'Day's adjacent eleven acres. The adjacent property will be graded and leveled for this purpose. Dirt parking areas will be treated for dust control. The Fire Department's access concerns have been discussed and addressed with Division Chief Berrum. No overnight camping will be allowed. Liquor sales will be limited to beer in cups only. No glass or cans will be sold. Hours will be from 6 p.m. until 10 p.m. Outdoor lighting was explained. Security will have a communication system. Mr. Burton also has a \$1 million liability insurance policy on which the City could be named as an additional insured. Unless the District Attorney's office could indicate otherwise, Mr. Pavlakis did not feel that Mr. Burton's operation constituted a public nuisance. The only justifiable reason the application could be denied was if his operation was a public nuisance. A previous event was cited to support the request. The Special Use Permit was continuing through the normal chain and should have no bearing on this request. Mr. Lipparelli elaborated on the reason the Board was considering the request. Chairperson Teixeira suggested the Entertainment Permit be approved conditioned upon having all of the Department concerns addressed prior to June 25. Mr. Lipparelli felt that the Board could condition approval upon completion of all Departmental requirements for public safety and welfare. If these conditions have not been meant, the Board could make an appropriate finding that the Application failed to meet the conditions of health, fire, and safety concerns. Mr. Pavlakis felt that Mr. Burton should be advised of all the requirements today and not seven days before the event. Chairperson Teixeira felt that if Mr. Pavlakis has not finalized all of the Departmental requirements, the Permit should be pulled. Clarification between Mr. Pavlakis and Chairperson Teixeira indicated the suggestion was that if Mr. Burton complies with all of the items contained in his March 13 letter by June 25, he would have a conditional approval. Discussion ensued on the Special Use Permit, its hearing on Tuesday, the time needed to contract known entertainers, the purpose of a Special Use Permit, the Entertainment Permit requirements, and reasons for requiring a Special Use Permit be obtained for the site.

(1-1605) Planning Commissioner Maxine Nietz explained the Planning Commission's conditions and approval for the Judd concert. The Applicant was advised at that hearing that a Special Use Permit be obtained due to the plans for an expanded, nonconforming, continual use. Both Commissioner Nietz and Mr. Sullivan felt that the Board should not consider the Entertainment Permit until after the Special Use Permit issue has been resolved.

Discussion ensued between Mr. Pavlakis and Member Tatro on Mr. Burton's rough layout plans. Mr. Pavlakis continued to stress his opinion that the zoning Special Use Permit was not required prior to receiving an Entertainment Permit. Mr. Lipparelli then acknowledged that approval of the Entertainment Permit did not require previous resolution of the zoning issue, however, community planning concerns mandate the Special Use Permit be obtained if the use is to be continued in a nonconforming area. Mr. Pavlakis stressed that the Board consider only the Entertainment Permit process for July 4th at this time. He also expressed Mr. Burton's agreement to comply with all of the conditions spelled out in his March 13th letter to the Planning Commission and Board Members. Further, Mr. Burton was willing to accept a review of those conditions at any time.

Member Bennett elaborated on her concern about issuance of an Entertainment Permit in an area which currently has a grandfathered, nonconforming use. The request would impact the area which should be considered. The last concert had created additional concerns. Member Smith had attended this concert and welcomed comment from the individuals who had been impacted by it. Chairperson Teixeira reviewed his recommended conditional approval with Mr. Lipparelli. He also expressed his feeling that the community both supported and opposed the event. Mr. Lipparelli then explained that Entertainment Permits would also be required for future concerts.

Mr. Sullivan then noted the written Health, Public Works, and Fire Departments concerns which were in his Planning Commission report. He then outlined staff's confusion created by Mr. Burton's April 21 letter from Mr.

Burton on the Use Permit requirements and read a May 11 letter requesting the matter be held in abeyance into the record. On May 20 another letter was received requesting the matter be reinstated. He reiterated his feeling that the Special Use Permit should be considered before the Entertainment Permit is approved. Chairperson Teixeira felt it was a one-day Entertainment Permit and not an ongoing use which was based upon a performance occurring one year ago and with additional mitigation requested by the Applicant. The long-term issue could not be considered at this time. Mr. Sullivan felt that future concerts should also be considered at this time.

(1-2214) Les Kynett, Silver State property owner, explained his acquisition of the property and the seller's assurances that the property had been given grandfathered uses. On October 21, 1986, Community Development had been requested to provide a letter assuring these grandfathered uses. He read this letter into the record which confirmed that the T-Car property was grandfathered. The property had purportedly been used for a racetrack as well as concerts which had been promoted by Bob Meyer in 1962. Two weeks ago he had met with Mr. Meyer who had advised him that there had been ten concert during the 60's and six during the 70's. Mr. Kynett felt the last concert was held in 1982 which could have been the one that "broke the camel's back" and was out of control. During his meeting with the Board in January 1987 his Business License had included racetrack, auto, motocross, concessions, concerts, and other. In 1989 he had added flea market, which had occurred, however, Mr. Kevin McCoy had advised that this use was not included in the Business License and should be added. He was unaware of a fee for this addition. Flea markets were held on four or five weekends in 1989. When Mr. Burton acquired the track under a lease option purchase, he was given copies of these documents indicating the uses were grandfathered with the property and should not be controlled regarding its days and hours of operation as well as the number of participants. He felt that he had been, as well as Mr. Burton, is a "good neighbor". Parking improvements were made when more than 6,000 people began attending the racing activities. A special meeting was held between City Manager Hamilton and former Chairperson Flammer to consider off-site parking. He felt that aerial photographs could prove that the current site only utilizes 25 percent of the parking potential. This meeting had required parking be contained on the 30 acre site. Mr. Kynett felt that Planning Commission's requirements may not be necessary due to the speedway's 20 or 30 year history of concert and music events. The auto racing activities were no different than an outdoor music concert. Ted Walker had held two boxing matches at the site. Based on the City's letter, the use was grandfathered. Mr. Burton's desire to provide major entertainers to the area was a benefit to the community.

Mr. Sullivan referred to the October 3, 1991, Minutes indicating the grandfathered concert ability had been lost as a concert had not occurred in the preceding twelve month period. At the time Mr. Burton's Business License was being processed he had been advised of this expiration. He did not wish to add this use to the License. This was the reason the Use Permit was precipitated. Chairperson Teixeira stated that if Mr. Burton had had a concert annually, the request would not be before them. Mr. Sullivan explained that if the use is continual or on the Business License, it would carry through. Mr. Kynett explained that he had not been aware of this as the property owner. He felt the Board's records would substantiate his claim that concerts were planned for the property and would be ones desired by the community's environment--top named Country and Western stars. At that time the Board had requested that when concerts are planned, he notify the Board.

(1-2592) Utility Director Dorothy Timian-Palmer explained the business' lack of water rights. The Division of Water Resources was working with the Applicants to resolve this matter. She pointed out the Cavallero waterline extension plans which will run the waterline in front of the racetrack property and suggested that they would connect to the system. Clarification indicated this concern is part of the Special Use requirements. She had been working on this issue with the Applicant for approximately one month.

(1-2715) Sheriff Paul McGrath explained his Department's concerns about inadequate security and need for a completed traffic plan. These concerns were based on the last concert held at this site. The traffic plan is to be submitted to his office 30 days before the event occurs.

Discussion ensued between the Board and Mr. Pavlakis on the grounds on which the Permit could be denied. Member Fettic explained the purpose of the 60 day waiting period. Last year the same request had been made. He could not understand this request and the delay based on the March 13 letter of intent. Mr. Pavlakis felt that the delay in submitting the request was based on the inability to determine whether Mr. Burton had a contract with the entertainer as he could not make a commitment without Board approval. Mr. Pavlakis felt that the staff was prejudicing the request due to its lack of preparation in submitting the request to the Board. He and Mr. Burton had represented that Mr. Burton would work with the Sheriff's Department to resolve the concerns created by the last concert. Even though Mr. Burton has been working with staff, he was not prepared to resolve the water issue and water permit requirements. Member Fettic felt this was not an issue. Member Tatro then expressed his feeling that the application may have been prepared on March 13, however, a received date was not indicated. He questioned the staff's responsibility to get the matter agendized. He felt that the two issues had funnelled all of the responses to the Special Use Permit. He suggested that the application be approved subject to the conditions of a Special Use Permit. Mr. Pavlakis felt that this delegated the final authorization to staff or the Planning Commission and that the Board was failing to meet its obligations under CCMC 4.28. He further stated his feeling that they had met all of the requirements under 4.28. Member Fettic again questioned the delay in getting the application to the Board as it was dated March 13 and indicated that Mr. Gill would be performing on July 4th. He felt this was the same type of a request considered by the Board last year. Mr. Pavlakis indicated he was mistaken about his comments on the contract date with Mr. Gill. Mr. Pavlakis felt that it was staff's responsibility to agendize the request. Ms. Alt explained the requirements stipulating that detailed plans be attached to the application, which had not occurred. Member Fettic felt that the 60 day period allowed staff time to critique these plans and take corrective measures, if necessary. Ms. Alt felt the application had been submitted with adequate time for presentation, however, had not been completed so that it could be processed appropriately. Member Bennett felt that this indicated a lack of planning on the Applicant's part and questioned the need for an emergency Board consideration.

(2-0085) Robert W. Shultz explained his attendance at the Planning Commission hearing held at the Legislative Council Building which had also been attended by Mr. Jim Hennsley. Mr. Hennsley could not attend this meeting and had asked Mr. Shultz to state his opposition to the request. Mr. Hennsley had planned a development for his parcel and had written a letter opposing the request to the Board. Mr. Shultz then explained his family ownership of other parcels in the immediate vicinity. He opposed the waiver as well as the permit based on problems created by the last concert, which he detailed. He requested the record reflect his cousin Joe Goni's, his sisters and brothers, and Mr. Hennsley's opposition to the request. He felt the concerts would negatively affect future development of their properties. He then responded to Member Fettic's question that the opposition was based on the lack of planning and knowledge of activities. Mr. Kynett responded by explaining that the Shultz family had sold eighty acres to Mr. Meyer for development of the racetrack and mobile homes. Mr. Shultz responded by explaining that the Shultz who had sold the property was an uncle and the family had not participated in this sale.

Member Smith moved that the Board approve an Entertainment Permit for Larry J. Burton for an outdoor music concert to be held at the Silver State Raceway located at 1210 Racetrack Road on July 4, 1992, waiving the 60 day application waiting period and subject to meeting the conditions contained in the March 13 letter from Larry Burton and all conditions contained in the CCMC 4.28.070 to this Board's satisfaction no later than June 25, 1992. Member Tatro seconded the motion. Comments were solicited but none made. The motion was voted by roll call with the following result: McGrath - Yes; Fettic - No; Bennett - No; Tatro - Yes; Smith - Yes; and Chairperson Teixeira - Expressed the hope that Mr. Burton would work with his neighbors and correct any damage, Yes. Motion carried 4-2. Member Fettic explained that his vote was due to his feeling that the request should have been made within the established time frames and was an attempt to relay a message. Member Bennett supported his position.

Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors session. The entire Board was present constituting a quorum.

**BREAK:** A five minute recess was declared at 10:45 a.m. When the meeting was reconvened at 10:50 a.m. the entire Board was present constituting a quorum.

**5. REDEVELOPMENT AUTHORITY (2-0335)** - Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Chairperson Tom Tatro. For Minutes of the Redevelopment Authority, see its folder. Following adjournment of the Redevelopment Authority, Chairperson Tatro passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present as noted.

**6. TREASURER - ACTION ON A RESOLUTION SPECIFYING TERMS OF SHORT-TERM FINANCING (2-0415)** - Bond Counsel Jennifer Stern outlined the resolution, the loan, and its financing. Supervisor Smith moved that the Board adopt Resolution No. 1992-R-31, A RESOLUTION CONCERNING SHORT-TERM FINANCING; SPECIFYING THE DETAILS FOR A CARSON CITY, NEVADA, SHORT-TERM NOTE IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$757,200; SPECIFYING THE INTEREST RATE ON AND OTHER TERMS AND CONDITIONS OF SUCH SHORT-TERM NOTE, THE METHOD OF PAYING IT AND ITS FORM; AND PROVIDING THE EFFECTIVE DATE HEREOF, fiscal impact \$757,200, funding source is Redevelopment and Golf Course funds. Supervisor Fettic seconded the motion. Motion was voted by roll call with the following result: Ayes - Bennett, Tatro, Fettic, Smith, and Mayor Teixeira. Nays - None. Motion carried 5-0. Clarification indicated the interest was 6.5 percent.

**7. TREASURER - Office Supervisor Merlene Alt**

**A. ACTION ON RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS FROM THE TREASURER'S OFFICE (2-0474)** - Supervisor Tatro moved that the Board adopt Resolution No. 1992-R-32, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS. Supervisor Bennett seconded the motion. Discussion emphasized that these records had not been microfilmed and would required a correction to the Resolution. Supervisor Tatro amended his motion to delete reference to the records having been microfilmed in the Resolution. Supervisor Bennett continued her second. Motion carried 5-0.

**B. ACTION ON REFUND AND PARTIAL REMOVAL FROM 1991-92 REAL PROPERTY TAXES DUE TO PARTIAL PROPERTY ACQUISITION OF APN 8-151-02 BY THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION (2-0512)** - Supervisor Bennett moved that the Board approve a refund and removal of partial 1991-92 Real Property Taxes on APN 8-151-02 due to the State of Nevada Department of Transportation acquisition of property for the 395 By-Pass resulting in a loss of revenue in the amount \$399.85. Supervisor Smith seconded the motion. Clarification explained the original parcel number and the two new numbers. The motion to approve the refund and removal for a portion of the property acquired by the State Department of Transportation for the 395 By-Pass was voted and carried 5-0.

**8. TREASURER/DISTRICT ATTORNEY** - Deputy District Attorney Paul Lipparelli and Treasurer Office Supervisor Merlene Alt - **ACTION ON AUTHORIZATION TO EMPLOY OUTSIDE COUNSEL IN A BANKRUPTCY CLAIM (2-0548)** - Discussion ensued justifying the employment of outside counsel to represent the City's interest in the Ormsby House bankruptcy. Supervisor Smith moved that the Board approve and authorize the Treasurer to employ outside counsel, Frank Thompson of Erwin-Thompson and Hascheff, in bankruptcy claim, Loftin Associates, Inc.; funding source to be determined at a later date. Supervisor Bennett seconded the motion. Following a request for an amendment, Supervisor Smith amended his motion to include the hourly rate is at a not to exceed rate of \$125 per hour. Supervisor Bennett continued her second. Motion carried 5-0.

**9. PURCHASING AGENT - Basil "Butch" Moreto**

**A. ACTION ON AWARD OF CONTRACT 9192-257 - STREETS/WATER TRUCK BARN (2-0668)**

- Discussion noted future contracts would include the name of the funding source. Supervisor Bennett moved that the Board accept the Purchasing Agent's recommendation and award Contract No. 9192-257 to Bidder No. 1, Central Sierra Commercial Construction, 2838 Heybourne Road, Minden, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, 624 for a contract amount of \$127,950 and a contingency amount of \$12,795; funding source is forty percent Account No. 520-3505, Water Facility, and sixty percent Account No. 210-0000, Capital Projects. Supervisor Tatro seconded the motion. Motion carried 5-0.

**B. ACTION ON AWARD OF CONTRACT 9192-254 - LIBRARY ASBESTOS ABATEMENT (2-0766)**

- Parks and Recreation Director Steve Kastens responded to Board questions on advance public notice of the Library closure dates and the funding source. May Ruth French questioned why the asbestos could not be sealed rather than removed. Mr. Kastens explained the research and reasons for its removal. Supervisor Smith moved that the Board accept the Purchasing Agent's recommendation and award this Contract to Bidder No. 1, Advanced Installations, P. O. Box 2163, Sparks, Nevada 89423 as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$31,566 and a contingency amount of \$3,156.60; funding source is Account 210-0000 which includes augmentation from the Contingency Account in the amount of \$11,526. Supervisor Fettic seconded the motion. Motion carried 5-0.

**C. ACTION ON CONTRACT 9192-216.1 AS FOLLOWS: (i) REQUEST FOR 1976 MOBILE STREET SWEEPER, FIXED ASSET NO. 900569 TO BE DECLARED AS SURPLUS PROPERTY, AND, (ii) REQUEST FOR AUTHORIZATION FOR SALE OF 1976 MOBILE STREET SWEEPER TO NORTHSTAR COMMUNITY SERVICE DISTRICT (2-0925)** - Discussion noted the Board will soon receive a proposal to utilize these funds for acquisition of other vehicles. Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and declare the 1976 mobile street sweeper, fixed asset no. 900569, as surplus property. Supervisor Smith seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board award the sale of said property, fixed asset 900569, to Bidder No. 4 to Northstar Community Services District, P. O. Box 34030, Truckee, California, as the highest responsive and responsible bidder for \$12,004 with the funds to increase Account Funding Source 210-0000, Capital Projects. Supervisor Smith seconded the motion. Motion carried 5-0.

**10. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON FUNDING NORTHGATE COMPLEX INSULATION FIRE VIOLATION FROM THE GENERAL FUND CONTINGENCY ACCOUNT (2-1025)** - Discussion ensued between Mr. Kastens and the Board on the violation and corrective measures. Supervisor Smith moved that the Board approve the funding of the Northgate insulation fire violation from the General Fund Contingency Account in a not-to-exceed amount of \$7,700; Funding Source is the General Fund Contingency Account. Supervisor Tatro seconded the motion. Motion carried 5-0.

**11. ADMINISTRATIVE SERVICES DIRECTOR - City Manager John Berkich - ACTION ON CARSON CITY AND REDEVELOPMENT AUTHORITY FISCAL YEAR 1991-92 THIRD QUARTER FINANCIAL REPORT (2-1110)** - Discussion among the Board and Mr. Berkich included the Ambulance Fund, the proposed Ambulance rate increase, the fourth quarter sales statistics, and percentage increase over the third quarter 1990 sales tax. Supervisor Bennett requested a report reflecting the total of General Funds received from sales tax. Supervisor Bennett moved that the Board of Supervisors accept the third quarter financial report for Carson City and Redevelopment Authority budgets. Supervisor Smith seconded the motion. Motion carried 5-0.

**12. UTILITY DIRECTOR - Dorothy Timian-Palmer**

**D. ADDITIONAL ITEMS**

**ii. ACTION ON REQUEST TO WAIVE MUNICIPAL CODE 12.01.130**

**REQUIREMENTS, LIMITATIONS ON IRRIGATION (2-1295)** - Ms. Timian-Palmer's introduction included the Code requirements and School District Director of Operations Frank Brunetti. Mr. Brunetti explained the landscaping plans. Supervisor Smith moved that the Board approve the request for Carson City School District to waive Municipal Code 12.01.130, Limitations on Irrigation for a period of fourteen days during the month of July 1992 for turf installation, and for 30 days total during the months of July and August 1992 for seeding installation. Supervisor Tatro seconded the motion. Motion carried 5-0.

Mr. Brunetti then gave a verbal status report on the School Bond projects. He then explained the cooperation he had received from staff on these projects which he appreciated. Mayor Teixeira noted that the same cooperative efforts had been received from the School District particularly with joint funding.

**A. ACTION ON LINE EXTENSION AGREEMENT BETWEEN CARSON CITY AND**

**SIERRA PACIFIC POWER COMPANY (2-1601)** - Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the Electric Service Contract No. 91-8122-5 between Carson City and Sierra Pacific Power Company. Supervisor Fettic seconded the motion. Discussion ensued on the fiscal impact which noted that the City may in the future be liable for the cost if the revenue generated is not adequate. The motion to approve the contract was voted and carried 5-0.

**B. ACTION ON BUREAU OF LAND MANAGEMENT RIGHT-OF-WAY GRANT NO. N-**

**55457 (2-1695)** - Supervisor Smith explained his experience at the landfill operation and impression of the thoroughness of the operation. Ms. Timian-Palmer then explained the recycling efforts and reduction in dumping at the landfill. The life of the site is now estimated to be 23 years. If the recycling efforts continue, the life could be extended 30 years. She is now working to acquire or extend the current lease, which expires in 1994. Discussion also noted the recycling committee's work. Supervisor Bennett explained the progress on Western Nevada Development District's Overall Economic Development Plan and its regional landfill project. Supervisor Smith then moved that the Board approve and authorize the Mayor to sign Bureau of Land Management Right-of-Way Grant No. N-55457. Supervisor Tatro seconded the motion. Motion carried 5-0.

**C. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, SECTIONS 12.02.010, 12.03.020, AND 12.03.025 RELATING TO SEWER UTILITY DEFINITIONS, SCHEDULE OF RATES, CALCULATIONS, AND REVIEW OF RATES RESPECTIVELY (2-1877)** - Discussion ensued on the modifications, specifically retaining the high sewer usage month in the calculations and the periods which should be utilized for billing. Supervisor Fettic moved that the Board introduce on first reading Bill No. 128, AN ORDINANCE AMENDING CHAPTER 12.03 OF THE CARSON CITY MUNICIPAL CODE REGARDING SEWER CONNECTION CHARGES AND USE RATES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.

**D. i. ACTION ON CHANGE ORDER NO. 1 TO CONTRACT NO. 9192-174 BETWEEN**

**CARSON CITY AND NIMBUS ENGINEERS (2-2128)** - Copies of the photographs were displayed and usage was explained. Comments indicated the need for a "good master plan". Supervisor Fettic moved that the Board approve and authorize the Mayor to sign Change Order No. 1 to Contract 9192-174 between Carson City and Nimbus Engineers in the amount of \$6,125; fifty percent funding source is 270-3027-432-0309 and fifty percent funding source is 515-0000-434-7250. Supervisor Bennett seconded the motion. Supervisor Fettic continued his motion to include Funding Sources are Landfill Budget and Sewer Utility Budget. Supervisor Bennett continued

her second. Motion carried 5-0.

**BREAK:** A lunch recess was declared at 11:50 a.m. When the meeting reconvened at 1:30 p.m. a quorum of the Board was present although Supervisor Smith was absent.

**13. STATE OF NEVADA DEPARTMENT OF TRANSPORTATION - PRESENTATION AND POSSIBLE ACTION ON THE ANNUAL WORK PROGRAM FOR CARSON CITY (2-2438)** - Director Garth Dull responded to Board questions on the total improvements planned for Carson City. (Supervisor Smith arrived at 1:34 p.m. A quorum of the Board was present as noted previously.) Comments noted the changing formula for Federal funding, the need for a Board appointee to serve on the program's committee, and projects planned for Carson City. Clarification indicated the Board had received the plan before the meeting. (The Clerk did not receive a copy.) Supervisor Fettic expressed his appreciation for Mr. Dull and his staff's assistance with the Regional Transportation Commission and its functions. Supervisor Bennett then solicited his assistance with TRPA's regional transportation program. Mr. Dull explained "ICETEA's" population restriction and feeling that unless this restriction is lifted, the Tahoe Basin could not be included in the Federal funding. He also felt that Washoe and Clark Counties would oppose lifting this restriction and outlined reasons the transit population is not included in the population figures. Other programs were also noted which may assist with this endeavor. Railroad grade crossing requirements were detailed. Mayor Teixeira again thanked him and his staff for their cooperation and assistance.

**14. PUBLIC WORKS DIRECTOR** - City Engineer Tim Homann

**A. ACTION ON A RESOLUTION ESTABLISHING TIMED PARKING ZONES ON CURRY STREET, MUSSER STREET, AND NEVADA STREET WITHIN WHICH THE PARKING OF VEHICLES SHALL BE CONTROLLED AND REGULATED (3-0070)** - Discussion ensued among the Board, Mr. Homann, Mr. Nishikawa, and Mr. Berkich on the proposed timed parking areas, reasons other sites were not included in the timed zones, the unregulated super parking lot, proposed angled parking on Curry, and width of Curry Street between Musser and Telegraph and between Second and Musser. Supervisor Tatro moved to direct the District Attorney to draft a Resolution to eliminate timed parking zones in Carson City. Supervisor Smith seconded the motion. Discussion noted this issue had not been agendized; therefore, Supervisor Tatro withdrew his motion. Supervisor Smith withdrew his second. Supervisor Bennett then moved that the Board adopt Resolution No. 1992-R-33, A RESOLUTION ESTABLISHING TIMED PARKING ZONES ON THE EAST SIDE OF CURRY STREET BETWEEN SECOND AND MUSSER STREETS; THE SOUTH SIDE OF MUSSER STREET BETWEEN NEVADA AND DIVISION STREETS; AND THE WEST SIDE OF NEVADA STREET BETWEEN MUSSER AND KING STREETS WITHIN WHICH THE PARKING OF VEHICLES SHALL BE CONTROLLED AND REGULATED. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Tatro - No; Bennett - Yes; Fettic - No; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 3-2. Discussion indicated Supervisors Fettic and Tatro's desires to agendize the elimination of timed parking regulations.

**B. ACTION ON CONVERTING PLAZA STREET BETWEEN ROBINSON AND WASHINGTON STREETS FROM ONE-WY TO TWO-WAY TRAFFIC (3-0366)** - Discussion ensued on the Federal parking lot and justification of the request to have two-way traffic flow. Supervisor Fettic moved that the Board direct the Public Works Director to convert Plaza Street to two-way traffic; fiscal impact will be under \$500; funding source will be 101-3012. Supervisor Bennett seconded the motion. Motion carried 5-0.

**C. ACTION TO ACCEPT THE OFFER OF DEDICATION OF STREET RIGHTS-OF-WAYS FOR PORTIONS OF GONI ROAD AND GRAVES LANE (3-0458)** - Following Mr. Homann's introduction, comments were solicited but none made. Supervisor Bennett moved that the Board accept and authorize the

Mayor to sign the offer of dedication from Ronald O. Boulter of street rights-of-ways of portions of proposed Goni Road and Graves Lane consisting of the east 30 feet and the south 40 feet of Parcel 3 of Parcel Map 670 and containing 49,586 square feet of property more or less. Supervisor Fettic seconded the motion. Motion carried 5-0.

**D. ACTION TO ACCEPT THE OFFER OF DEDICATION OF SANITARY SEWER EASEMENT NEAR THE INTERSECTION OF MINA WAY AND GALENA WAY (3-0521)** - Supervisor Fettic moved that the Board accept and authorize the Mayor to sign the offer of dedication of a sanitary sewer easement from Gary Liebhard consisting of 1,449 square feet of property more or less located on APN 2-536-04 and APN 2-536-05. Supervisor Bennett seconded the motion. Motion carried 5-0.

**E. ACTION TO ACCEPT THE OFFER OF DEDICATION OF ACCESS, DRAINAGE, AND WATER LINE EASEMENTS ON CLEAR CREEK AVENUE EAST OF CALIFORNIA STREET (3-0570)** - Discussion ensued among the Board and Mr. Homann on the location of California Street. Supervisor Bennett moved that the Board accept and authorize the Mayor to sign the offers of dedication of a water line easement from Lisa and Joseph Jensen consisting of the south 30 feet of APN 9-238-06. Supervisor Tatro seconded the motion. Motion carried 5-0.

Supervisor Bennett moved that the Board accept and authorize the Mayor to sign the offers of dedication of a water line and a public utility easement from James and Cindy Fitzgerald consisting of the south 30 feet of APN 9-238-05. Supervisor Fettic seconded the motion. Motion carried 5-0.

**F. ACTION TO ACCEPT THE OFFER OF DEDICATION OF ACCESS, DRAINAGE, AND PUBLIC UTILITY EASEMENT ON CARMINE STREET EXTENDED 630 FEET WEST OF LOMPA LANE (3-0642)** - Supervisor Bennett moved that the Board accept and authorize the Mayor to sign the offer of dedication from the Steinheimer Trust of an access, drainage and public utility easement consisting of a 60 foot wide curvi-linear piece of property approximately 970 feet long beginning approximately 630 feet west of Lompa Lane on Carmine Street extended. Supervisor Fettic seconded the motion. Motion carried 5-0.

## **H. ORDINANCES - SECOND READING**

**i. ACTION ON BILL NO. 121, AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR MICHAEL HOHL MOTORS LOCATED AT 3700 CARSON STREET (3-0705)** - Discussion noted this work had already been accomplished and commended all on the improvements. Supervisor Bennett moved that the Board adopt on second reading Ordinance No. 1992-21, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND MICHAEL HOHL MOTORS REGARDING ASSESSOR'S PARCEL NOS. 9-151-20 AND 9-151-21 LOCATED AT 3700 SOUTH CARSON STREET, CARSON CITY, NEVADA. Supervisor Fettic seconded the motion. Supervisor Bennett continued her motion to include fiscal impact of \$8700. Supervisor Fettic continued his second. Motion carried 5-0.

**ii. ACTION ON BILL NO. 122, AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR CARSON DETOXIFICATION CENTER AT 105 NORTH ROOP STREET (3-0765)** - Supervisor Tatro moved the Board adopt Ordinance No. 1992-22 on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CARSON DETOXIFICATION CENTER REGARDING ASSESSOR'S PARCEL NUMBERS 4-174-01 AND 4-174-05, LOCATED AT 105 NORTH ROOP STREET, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

**iii. ACTION ON BILL NO. 123, AN ORDINANCE AND DEVELOPMENT**

**AGREEMENT FOR GRANITE CONSTRUCTION COMPANY AT 5855 SHEEP DRIVE (3-0785) -**  
Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1992-23, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND GRANITE CONSTRUCTION COMPANY REGARDING ASSESSOR'S PARCEL NO. 8-521-68, LOCATED AT 5855 SHEEP DRIVE, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

**G. ORDINANCES - FIRST READING - ACTION ON AN ORDINANCE TO AMEND CARSON CITY MUNICIPAL CODE SECTION 12.04.030 (REBATE), SECTION 12.04.040 (FILING CLAIMS) AND, SECTION 12.04.060 (APPEALS) TO INCREASE HOUSEHOLD INCOME THAT IS SUBJECT TO THE SEWER REBATE PROGRAM FOR SENIOR CITIZENS TO CORRECT TERMINOLOGY AND OTHER MATTERS PROPERLY RELATED THERETO (3-0810) -**  
Supervisor Fettic moved that the Board introduce on first reading Bill No. 129, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 12.04.030 - TO INCREASE HOUSEHOLD INCOME THAT IS SUBJECT TO THE SEWER REBATE PROGRAM FOR SENIOR CITIZENS; SECTION 12.04.040 - FILING CLAIMS; AND SECTION 12.04.060 - APPEALS, TO CORRECT TERMINOLOGY, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Discussion among Mr. Homann, Ms. Robinson, Mr. Berkich, and the Board indicated the procedure for filing for the rebate, State criteria, number of individuals who had filed for the rebate last year, and the notification process. Ms. Robinson indicated a potential funding shortage of \$1,000 may occur which may require augmentation. (3-1035) Ms. Robinson explained in depth for Mary Albrig the filing procedures although she was not certain of the age restriction for filing. Clarification also noted that the water and sewer rebates must be in the individual's name. Tenants meeting this criteria could receive the rebates. The motion to introduce Bill 129 on first reading was voted and carried 5-0.

**15. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan**

**A. PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL ITEMS**

**i. ACTION ON S-91/92-4 REGARDING A TENTATIVE SUBDIVISION MAP APPLICATION FROM STANTON PARK DEVELOPMENT (PROPERTY OWNER: STEINHEIMER TRUST) TO DEVELOP A 78-LOT SUBDIVISION (MOUNTAIN PARK PHASE II) ON APPROXIMATELY 15 ACRES OF LAND ZONED SINGLE FAMILY 6000 (SF6000) LOCATED AT THE NORTHERLY TERMINUS OF BEVERLY AND MARIAN DRIVES ON APN 8-151-18 AND 8-151-33 - PLANNING COMMISSION APPROVED 4-3-0-0 (3-1071) -**  
Supervisor Bennett moved that the Board of Supervisors uphold the Planning Commission recommendation to approve S-91/92-4, Stanton Park Development, Property Owner: Steinheimer Trust, to develop a 78-lot subdivision, Mountain Park Phase II, on approximately 15 acres of land zoned Single Family 6000 located at the northerly terminus of Beverly and Marian Drives, APN 8-151-18 and 8-151-33. Supervisor Fettic seconded the motion. Motion carried 4-0-1 with Supervisor Tatro abstaining.

**ii. ACTION ON M-91/92-16 REGARDING AN ABANDONMENT REQUEST FROM STEINHEIMER TRUST TO ABANDON ACCESS, DRAINAGE, AND PUBLIC UTILITY EASEMENTS BETWEEN APN'S 2-101-02 AND 8-151-18 AND BETWEEN APN'S 8-151-32 AND 8-151-33 ON PROPERTY LOCATED EAST OF NORTH ROOP STREET, NORTH OF THE NEW MARK TWAIN ELEMENTARY SCHOOL ON CARRIAGE CREST DRIVE - PLANNING COMMISSION APPROVED 7-0-0-0 (3-1160) -**  
Supervisor Bennett moved that the Board uphold the Planning Commission recommendation on M-91/92-16 regarding an abandonment request from the Steinheimer Trust to abandon access, drainage, and public utility easements between APN 2-101-02 and 8-151-18, between 8-151-32 and 8-151-33, and between 8-151-18 and 8-151-32 and 33 on property located east of North Roop Street, north of the new Mark Twain Elementary

School on Carriage Crest Drive. Supervisor Fettic seconded the motion. Motion carried 5-0.

**B. ORDINANCES FIRST READING**

**i. ACTION ON A-91/92-15 REGARDING A REQUEST FROM CARSON CITY TO AMEND CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY 18.03.580 RELATIVE TO DEFINITION OF "STORY" AND OTHER MATTERS PROPERLY RELATED THERETO (3-1216)** - Supervisor Fettic moved that the Board introduce on first reading Bill No. 130, AN ORDINANCE AMENDING SECTION 18.03.580 OF THE CARSON CITY MUNICIPAL CODE RELATING TO THE DEFINITION OF STORY AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.

**ii. ACTION ON A-91/92-16 REGARDING A REQUEST FROM CARSON CITY TO AMEND CARSON CITY MUNICIPAL CODE TITLE 18 (ZONING), SPECIFICALLY 18.03.030 RELATIVE TO SIZE OF ACCESSORY STRUCTURES AND OTHER MATTERS PROPERLY RELATED THERETO - PLANNING COMMISSION APPROVED 7-0-0-0 (3-1260)** - Justification for the structure restriction was discussed at length among the Board and Mr. Sullivan. Mr. Lipparelli reviewed modifications the Planning Commission had made in the proposed ordinance which had not been corrected and needed to be included in the motion. Mr. Sullivan clarified for May Ruth French that the proposal would restrict an accessory building to half the size of the primary structure to a maximum of five bays. Ms. French felt that the building structure itself should be included in the restrictions. Supervisor Smith moved that the Board introduce on first reading Bill 131, AN ORDINANCE AMENDING SECTION 18.03.030 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM SIZE OF AN ACCESSORY STRUCTURE AN OTHER MATTERS PROPERLY RELATED THERETO, with the following changes: Line 13 the word accumulative be changed to cumulative, Line 15 after the word to remove "maximum of five parking bays and is limited to" and insert this language on Line 16 after the word building, which will make that sentence read: percent of the total square footage of the primary building and maximum of five parking bays. Supervisor Tatro seconded the motion. Motion carried 5-0.

**C. ORDINANCES - SECOND READING**

**i. ACTION ON BILL NO. 124 (A-91/92-19), AN ORDINANCE AMENDING SECTIONS 18.05.031 AND 18.06.167 OF THE CARSON CITY MUNICIPAL CODE AFFECTING THE USE OF TRAILERS, RECREATIONAL VEHICLES IN CERTAIN ZONES, AND OTHER MATTERS PROPERLY RELATED THERETO (3-1565)** - Supervisor Fettic moved to adopt Ordinance No. 1992-24, AN ORDINANCE AMENDING SECTIONS 18.05.031 AND 18.06.167 OF THE CARSON CITY MUNICIPAL CODE AFFECTING THE USE OF TRAILERS, RECREATIONAL VEHICLES IN CERTAIN ZONES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

**ii. ACTION ON BILL NO. 125 (A-91/92-20), AN ORDINANCE AMENDING SECTION 18.06.055 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO (3-1605)** - Supervisor Bennett moved to adopt Ordinance 1992-25 on second reading, AN ORDINANCE AMENDING SECTION 18.06.055 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.

**iii. ACTION ON BILL NO. 126 (A-91/92-20), AN ORDINANCE AMENDING SECTION**

**18.08.065 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO (3-1655)** - Supervisor Tatro moved that the Board adopt on second reading Ordinance No. 1992-26, AN ORDINANCE AMENDING SECTION 18.06.065 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

**iv. ACTION ON BILL NO. 127 (A-91/92-20), AN ORDINANCE AMENDING SECTION 18.06.085 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO (3-1662)** - Supervisor Tatro moved that the Board adopt on second reading Ordinance No. 1992-27, AN ORDINANCE AMENDING SECTION 18.06.085 OF THE CARSON CITY MUNICIPAL CODE RELATING TO MAXIMUM BUILDING HEIGHT RELATING TO REAR YARD SETBACKS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

**D. MISCELLANEOUS ITEMS**

**ii. ACTION ON M-91/92-25 REGARDING AN ADMINISTRATIVE APPEAL BY MERLIN LENOX TO REFUND APPLICATION FEES IN THE AMOUNT OF \$250.00 FOR SPECIAL USE PERMIT APPLICATION NO. U-91/92-38 (3-1698)** - Discussion ensued on the reasons for having Board consider the refund. Supervisor Bennett moved that the Board of Supervisors approve the request by Mr. Merlin Lenox to refund application fees in the amount of \$250 for a special use permit application U-91/92-38. Supervisor Fettic seconded the motion. Motion carried 5-0.

**i. ACTION ON M-91/92-20 REGARDING A REQUEST FROM THE CARSON CITY CHILDREN'S MUSEUM (PROPERTY OWNER: CARSON CITY) TO MODIFY SPECIFIC OFF-STREET PARKING REQUIREMENTS FOR A CHILDREN'S MUSEUM PURSUANT TO CARSON CITY MUNICIPAL CODE 18.05.023(4) (3-1775)** - Principal Planner Rob Joiner, Mr. Sullivan, and Architect Art Sullivan reviewed the parking agreements, the modified street parking plans, responded to Board questions on the access/egress, and clarified the request. **Supervisor Tatro moved that the Board approve Request M-91/92-20 from the Carson City Children's Museum, property owner: Carson City, to modify specific off-street parking requirements for the Children's Museum pursuant to Municipal Code 18.05.023(4) by reducing the required parking to 18 spaces.** Following Mr. Sullivan's request for an amendment, **Supervisor Tatro continued his motion to contain: based on the facts as indicated in the record including that a large percentage of the people visiting the site will be arriving by bus, the fact that the building is owned by the City as is the adjoining street, and the fact that the building occupies the entire site. Supervisor Fettic seconded the motion.** Clarification of the number of required spaces ensued. Mr. Sullivan explained the request to convert Ann Street to one-way would be considered in the future and reviewed the parking agreements. Supervisor Smith explained his support for the request based on the use of school buses, however, felt that the City should not be considered any different than other downtown businesses.

93-2300) Terry Anderson expressed his feeling that the procedures were incorrect. His request on grandfathered parking had been denied within the last 30 days and was the same as being considered now. Mr. Sullivan responded by explaining that the parking spaces were not grandfathered and the criteria used to establish the parking requirements. Supervisor Tatro explained that his motion had reduced the parking requirement based on a specific defined use for a specific defined facility. Mr. Anderson felt that the issue should have been considered by the Planning Commission. Mr. Sullivan then outlined the Code requirements which allowed the Board to

consider parking modifications. Mr. Anderson continued to stress his concern with grandfathering the parking and questioned the legality of the procedure.

Ms. McLaughlin then read the motion. Supervisor Tatro then amended his motion to remove the portion related to the City's ownership of the building and the adjacent street as it was superfluous to the motion. Supervisor Fettic continued his second. **The motion to approve the request to reduce the number of off-street parking spaces to 18 based on the facts as modified was voted and carried 5-0.**

**BREAK:** A ten minute recess was declared at 3 p.m. When the meeting reconvened at 3:10 p.m. the entire Board was present constituting a quorum.

## **16. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (3-2512)**

**A. DEPUTY CITY MANAGER - Pat Sorenson - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE TO AMEND CHAPTERS 10.24 AND 10.33 OF THE CARSON CITY MUNICIPAL CODE TO DECRIMINALIZE CERTAIN PARKING VIOLATIONS, REMOVE REFERENCES TO PARKING METERS, AND PROVIDE FOR COLLECTION AGENCIES TO COLLECT UNPAID TICKETS (3-2522) -** Discussion ensued among the Board, Mr. Sorenson and Justice of the Peace Robey Willis on the fine, notification procedures, collection procedures, financial condition of the parking fund, a proposed legislative change which would suspend driver's licenses if parking fees are not paid, the potential reduction in impact on the Justice Court, and Mr. Sorenson's assignment as the referee. (4-0214) Chamber of Commerce Executive Vice President Larry Osborne supported the proposal. May Ruth French expressed her feeling that three notices were excessive. Mr. Sorenson explained the reasons for three notices and computerization of the letters. Mr. Lipparelli explained the notification requirements. Mr. Lipparelli then outlined the amendment procedure and staff's desire to decriminalize all of the parking issues. Due to this desire, he requested the Board accept the proposal in concept and allow his Department time to prepare an Ordinance eliminating Section 10.33 and placing all of parking under Section 10.24. Supervisor Tatro then moved that the Board introducing Bill 130 on first reading, an Ordinance amending Chapter 10.24 of the Carson City Municipal Code as outlined in the Staff Report on pages 1, 2, and 3 and the top paragraph on page 4, and by deleting Section 10.33 of the Carson City Municipal Code in its entirety. Motion died for lack of a second. Mayor Teixeira directed Mr. Lipparelli to prepare an ordinance as requested for consideration at the June 4 meeting. Mr. Sorenson requested direction on whether the Public Works Department could proceed with the concept and order new parking tickets. Mayor Teixeira directed him to proceed.

**B. STATUS REPORTS REGARDING: FRANCHISE WITH T.C.I. OF NEVADA, INC: HISPANIC COUNCIL AND NEIGHBORHOOD YOUTH ISSUES; CHANGEMASTERS; MAINTENANCE OF CLEAR CREEK ROAD (4-0495) -** None.

**C. DETERMINATION/ANNOUNCEMENT OF FUTURE MEETING DATES AND TIMES (4-0501) -** Meetings had been scheduled for Tuesday at Noon and Thursday at 5:15 p.m. Discussion noted the Hospital Board was meeting on Friday evening.

## **17. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-0546)**

**A. ACTION TO APPOINT MEMBER TO THE BUILDING AND FIRE CODE BOARD OF APPEALS TO FILL ELECTRICAL ENGINEER POSITION -** Mayor Teixeira explained that the individual selected for this position had resigned. The other applicant had been interviewed by the Board. Supervisor Smith moved that the Board appoint Gary G. Barrett to the Board of Appeals in the Electrical Engineer Field. Supervisor Fettic seconded the motion. Motion carried 5-0.

**B. ACTION ON RESOLUTION FORMALLY ESTABLISHING THE CAPITAL PROJECTS**

**ADVISORY COMMITTEE (4-0568)** - Mayor Teixeira explained his changes to the original draft. Discussion ensued among the Board on the composition of the committee and its scope of work. Mr. Nishikawa pointed out the recording requirements. Mayor Teixeira expressed a willingness to consider the impact based on the ability to use Capital Projects Funding to meet this cost. Mr. Sullivan requested the same opportunity for his Division. Mayor Teixeira felt that he should utilize contract services should the impact be substantial. Supervisor Fettic moved that the Board approve 1992-R-32, A RESOLUTION FORMALLY ESTABLISHING A CAPITAL PROJECTS ADVISORY COMMITTEE. Supervisor Smith seconded the motion. Motion carried 5-0.

**F. SUPERVISOR TATRO (4-0757)** - None.

**G. SUPERVISOR BENNETT (4-0761)** - Indicated a presentation on TEAM TAHOE would be given to the Board in the near future. This program was briefly outlined as well as a convention of the Tahoe Collation of Recreational Providers.

**D. SUPERVISOR SMITH (4-0810)** - Explained a teen program proposed by Recreation Superintendent Barbara Singer, its need for a van, Douglas County Sheriff's donation of a van, and the Douglas County Commissioner's refusal to grant the donation. He solicited another van for the program.

**E. SUPERVISOR FETTIC (4-0891)** - Explained his reasons for being absent this evening due to the Carson River Subconservancy District budget meeting.

**C. MAYOR TEIXEIRA (4-0908)** - None.

**CITIZENS COMMENTS (4-0910)** - Carl Neathammer displayed a copy of the Sheriff's Citizens for Peaceful Neighborhoods Plan and polled the Board to determine if they had received a copy. Mr. Berkich indicated the Board had not received a copy as it was a memo from the District Attorney's office to the Sheriff's Office. A meeting had been scheduled and the proposal would be analyzed by staff. He would provide the results of this meeting to the Board. Mr. Neathammer requested he be agendized for a Board discussion on the program. Mr. Neathammer commended the Board and other involved parties on the alternative sentencing program. He then expressed his feeling that the Nevada Appeal should have taken a more active role in resolving the gang problem than by finding fault with the alternative sentencing program by questioning its agendizing procedure.

Additional comments were solicited, but none made.

**BREAK:** At 4:15 p.m. a recess was called. When the meeting reconvened at 6 p.m. the entire Board was present constituting a quorum. Staff members present included: City Manager Berkich, Clerk-Recorder Nishikawa, Deputy District Attorney Lipparelli, City Engineer Homann, Fire Division Chief Berrum, Recording Secretary McLaughlin, Deputy Sheriff Schutte.

**18. PUBLIC WORKS DIRECTOR** - City Engineer Tim Homann - **ACTION ON UNIVERSITY HEIGHTS HOMEOWNERS ASSOCIATION'S REQUEST FOR THE CLOSURE OF FOOTHILL ROAD BETWEEN COMBS CANYON ROAD AND EAGLE VALLEY RANCH ROAD (4-1035)** - Mr. Homann explained that the Harootunian's attorney had not responded to the District Attorney's office correspondence. Division Fire Chief Ted Berrum explained the Fire Department's position that the closure would not be detrimental as long as a key is provided. Discussion ensued among the Board and staff on the type of gates, locations, and control over access/egress. Nevada Western Region Division of Forestry Fire Management Officer Jim Rhinehart explained his boundary, his safety concerns for the clientele at Eagle Valley Children's Home, the type of gate

normally used, encouraged the City's Fire Department to have training sessions with the Children's Home, the staffing at Station 4, and his concern if the Station was responsible for unlocking the gate after hours. Discussion indicated the potential of having the Sheriff's Office unlock the gate as this Deputy would also be able to control traffic in that area. Sgt. Steve Schutte explained the documented calls received concerning Foothill. Normal calls are related to speed and dust problems. Patrolling the road is not a major concern to the Sheriff's Office. He requested that keys be provided for each Shift Commander, the Emergency Response Team, and the Critical Incident Team.

(4-1485) Richard Sheldrew read his 1988 letter to City Manager Hamilton and gave a photograph of the dust problem to the Board which illustrated his concern. (The photograph was taken back at the conclusion of his remarks.) He then expressed his feeling that the City had ignored the situation and failed to manage its funds properly. Purportedly, NDOT owns Eagle Valley Ranch Road and should install undulations in the road to slow traffic. He then expounded on the questions contained in his letter concerning whether Carson City felt there was a problem, the developers' impact study(ies), and when corrective action would be taken. The new AM-PM Station at 395 and Eagle Valley Ranch Road, the College's expansion plans, as well as the Children's Home expansion project only increased the traffic volume. His comments continually expressed his frustration at the City for failing to address the problem. He urged the Board to take affirmative action now and not wait for the property's development to occur. (4-1815) May Ruth French urged the installation of undulations in Foothill Road. Purportedly the property adjacent to Radcliff has an easement which Developer Garth Richards had given to the City. She suggested that the area west of Foothill to Radcliff be fenced as well as rock fences to prohibit trespassing. (4-1904) Bill Fletcher urged the Board to take affirmative action to control speeding in the area. (4-1960) Homeowner's Association President Jonas Sipaila reiterated the Association's request for the road to be closed due to safety concerns, dust problems, and the Association's liability related to the road's trespassing 1600 feet of the Association's open space. The Association is questioning the legality of the easement referred to by Ms. French. He was willing to accept a compromise of a locked/controlled access for the benefit of the Children's Home. (4-2030) Wilbur Stodieck questioned how the Subdivision could utilize other private property for the closure and the wisdom of closing a road which was experiencing increased traffic. Larry Cantel read a letter from Kimberly and Les Dale and expressed his feeling that the petition supporting closure was proper due to safety concerns. (A copy was not given to the Board or Clerk.) (4-2217) Eagle Valley Children's Home Board Chairperson George Allison expressed his concern about the safety of the Home's clientele should an emergency arise. He did not feel that the proposal for three gates and keys was an acceptable, long-range solution. He was willing to research the potential sharing of costs for paving Eagle Valley Road with the City. Discussion ensued among the Board and Mr. Homann on the justification for three gates and the proposal to post signs at one end. Mr. Homann noted legal concerns about placing the gates on private property without authorization. The City does, however, have a legal right-of-way at the Eagle Valley Road access and could gate that side. Mr. Lipparelli had written a letter requesting the Harootunian's attorney advise their position on the proposed closure. He had not responded. The Board could recommend closure. Mr. Homann noted for the record that Mr. O'Brien did not have a "hidden agenda" based on the fact that he resides in University Heights. Mr. O'Brien was not part of the Homeowners Association and had not joined in their request for the closure. Mr. Sipaila was willing to accept the one gate on a trial basis but felt it would only work if installed at the north edge of the Association's common area or at Eagle Valley Ranch Road. Supervisor Fettic felt that signs at Radcliff would only increase the traffic. If permission is obtained from the Harootunian's, he felt gates should be installed at Combs as well as Radcliff. The sign should be placed at Eagle Valley Road. He requested the City discuss the feasibility of paving with Eagle Valley Children's Home. Mr. Sheldrew responded to Mr. Homann's comments regarding Mr. O'Brien's 'hidden agenda" that this was a feeling based on the lack of action by the City. His comments about money were merely his feeling that the City had funds for other projects and questioned the wisdom of the expenditures when health and safety concerns were being ignored. Mayor Teixeira noted that funding has restrictions and cannot be used for other items. Mr. Sheldrow's response was that government establishes the criteria. Mr. Berrum expressed a willingness to continue to work with the Children's Home and have fire drills as is the standard practice. **Supervisor Fettic then moved that the Board approve University Heights Homeowner's Association request**

to close Foothill Road and direct the City Manager or his designee to meet with the Harootunians' representatives to see if an agreement can be worked out to close Foothill Road at Combs Canyon, we don't need that permission at Radcliff, and to have the gates installed be vandal and trespass resistant and to post signs at the other end. Supervisor Bennett seconded the motion. Supervisor Smith explained his support for the motion and his feeling that people attempting to utilize the road would create two times the problem. The motion to authorize closure of the road and direct the City Manager or his designee to attempt to work out an agreement to close the road at Combs Canyon, install vandal and trespass resistant gates, and post signs was voted by roll call with the following result: Smith - Yes; Tatro - I think Supervisor Smith is right and vote No; Bennett - Yes; Fettic - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

**OTHER MATTERS (4-2778)** - Supervisor Fettic iterated his need to attend the Water Subconservancy District Budget Hearing and left the meeting. A quorum was still present.

**BREAK:** A five minute recess was taken at 6:50 p.m. When the meeting reconvened at 6:55 p.m. a quorum was present although Supervisor Fettic was absent.

**19. COMMUNITY DEVELOPMENT DIRECTOR** - Principal Planner Rob Joiner and Senior Planner Juan Guzman

**A. PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL ITEMS**

**ii. ACTION ON S-91/92-2 REGARDING A FINAL SUBDIVISION MAP APPLICATION FROM RICHARD N. SCOTT TO DEVELOP A 5-UNIT SUBDIVISION EMPIRE TERRACE SUBDIVISION) ON PROPERTY ZONED GENERAL COMMERCIAL LOCATED APPROXIMATELY 185 FEET EAST OF THE INTERSECTION OF SHERMAN LANE AND PANAMINT DRIVE ON APN 8-759-19 - PLANNING COMMISSION APPROVED 7-0-0-0 (4-2805) -** Following Mr. Joiner's introduction comments were solicited but none made. Supervisor Tatro then moved that the Board uphold the Planning Commission recommendation to approve S-91/92-2, Final Subdivision Map Application from Richard N. Scott to develop a five unit subdivision, Empire Terrace Subdivision, on property zoned General Commercial located approximately 185 feet east of the intersection of Sherman Lane and Panamint Drive on Assessor's Parcel No. 8-759-19, in accordance with the findings and recommendations recommended by the Planning Commission and included in the staff report. Supervisor Smith seconded the motion. Motion carried 4-0.

**i. ACTION ON S-90/91-3 REGARDING A TENTATIVE SUBDIVISION MAP APPLICATION FROM RICHARD SCOTT OF IRON MOUNTAIN ACQUISITION COMPANY (PROPERTY OWNER: AUDREY BELL-VINCENT) TO CONSTRUCT 72 DWELLING UNITS (VALLEY VIEW ESTATES) CONSISTING OF TWELVE FOUR-PLEX UNITS AND THREE EIGHT-PLEX UNITS ON APPROXIMATELY 3.6 ACRES OF LAND ZONED MULTI-FAMILY APARTMENT (MFA) AND SINGLE FAMILY 21000 (SF21000) ON APN 10-032-24 LOCATED SOUTH OF PHEASANT DRIVE, EAST OF NORTH EDMONDS DRIVE, AND NORTH OF LEPIRE DRIVE ON THE EASTERN PORTION OF APN 10-032-24 - PLANNING COMMISSION DENIED 5-1-0-1 (4-2912) -** Supervisor Smith disclosed his ownership of property in the area under discussion, however, it would not present a conflict in his objectivity to judge the issue fairly. Mr. Guzman reviewed the Application, its zoning, previous Board and Planning Commission consideration of the property, surrounding development and zoning, soil conditions and concerns, concerns expressed by the School District about the ability of the junior high to handle the impact the development would create, Mr. Scott's CC&R's, which had been available at the Planning Commission meeting, and the Planning Commission's recommendation. (2-0075) Mr. Joiner reviewed the Planning Commission's findings and conditions. Mr. Guzman then outlined alternatives. He then presented a copy of the topography map

and a proposed building design. Discussion ensued among the staff and Board on the amount of impervious surface in the proposed plan, the site topography, the area covered by this proposal, plans for the remaining portion, and stressed that the development under consideration was only a concept. The final results could be entirely different. Mr. Scott had purportedly expressed a willingness to use the CC&Rs to stipulate that the results would be the same.

(5-0326) Richard Scott introduced Attorney Bill Shaw and Civil Engineer Paul Lumos. He urged the Board to remember the apartment complex across the street from his parcel, its density, zoning, and master plan designation. These apartments were not required to be constructed by a sole owner under PUD requirements. He then outlined his feeling that his impervious surface was the same as the apartment complex. Mayor Teixeira pointed out that Mr. Scott had the same option as the apartment complex developer. He could develop the entire piece as apartments rather than as 17 individual PUD's as requested. The single developer concept would not have required Commission or Board review. (5-0410) Mr. Shaw then iterated his feeling that the Commission had erred in its use of the master plan objectives to deny the project. The master plan determines future land uses and patterns, e.g., zoning. The project does not amend the master plan as it has been zoned multi-family apartment since 1974. He felt that the amount of paving proposed had little bearing on Master Plan Objective 1.1. By using a basic schematic of the layout, he explained his reasons for feeling that the proposal was identical to Eagle Highland in that it allowed for alleyways, which could be utilized for additional parking, as well as front driveways. The Eagle Highlands complex is of a similar character and quality. Mayor Teixeira pointed out the main differences between the proposal and Eagle Highlands were contiguous ownership, single builder, and garages for vehicle parking. Mr. Shaw admitted there would be different builders and no homeowners association but that CC&R's could control these concerns. There would not be a common area maintained by a maintenance plan. Mr. Shaw continued to iterate his reasons for feeling the project did meet all of the master plan objectives which had been used to deny the project. The project would provide diversity in an area with conflicting land uses. The homeowners association dues charged at Eagle Highlands, if utilized for Mr. Shaw's project, would allegedly increase the rental rates 20 to 25 percent. Mayor Teixeira objected to his use of the term "we" as it implied that a single developer would construct and manage the facility. Mr. Shaw agreed that the proposal was to have a tentative map, provide for lot sales, and development of three, four, or eight-plex apartment dwellings. As the zoning allowed multi-family apartment to be constructed on the site, a conflict with Objective 10.2 was not valid. The master plan had resolved this issue as the property was surrounded by apartments. A PUD should not be required at the tentative map stage. Objective 3.5 allows the use of alternative schemes to meet the needs of the area, which could be the PUD, however, does not justify compelling the utilization of a PUD. The proposal would utilize alternative development procedures and styles. He then indicated that the design layout, elevation, and CC&R's were more than required by law. He then noted the hearings conducted on the property and feeling that the Board was considering issues outside of its purview and considering only the interest of the residents on "one side". Mr. Shaw distributed copies of NRS 278.349 to the Board and Clerk. He then explained his feeling that staff had encouraged Mr. Scott to submit a master plan amendment which had not been necessary. He then read the Statute and emphasized those issues which he felt applicable to the request, the issues which the Board "shall" consider, and his feeling that these issues had been addressed as indicated by the 15 conditions spelled out in the staff report. He then responded to Board questions on the proposed buildout date and CC&R's enforcement. Mr. Joiner acknowledged the point that the City would lose control over enforcement unless specifically contained in the Code particularly after the project is constructed. He also noted that the City had never considered a tentative map for four-plexes which would be constructed under the PUD process during his tenure with the City.

(5-1280) Eagle Highlands Attorney Ed Bernard expressed his feeling that the Developer had not presented any new facts to support his position. The Planning Commission had heard the evidence and based its recommendation on those facts. The Board's policy of having all the evidence presented to the Commission should be upheld as an additional reason to deny the request as Mr. Shaw and the schematics were not at the Commission meeting. He then used 278.349 to support reasons for denying the request. Police and school concerns are included in this listing and the letters from these agencies supported the denial. The master plan and the

Association's concerns related to it were valid and must be considered. He then spelled out his reasons for feeling that the Commission's denial had been valid based on the proposed amount of impervious surface, the density, character and compatibility of the surrounding neighborhood. He urged the Board to maintain its policy requiring new evidence to be returned to the Planning Commission. He stressed the pointed that Mr. Scott did not plan to build the apartment but would sell the lots to individuals who would contract for their construction. There were several individuals present who could testify, however, all the information they would give would be repetitive as all their testimony had been given to the Commission. He then expounded on his feeling that Mr. Scott had not been candid in his statements to the Planning Department about the acquisition of the property. It was his understanding that Mr. Scott only has an agreement to purchase the property if he is approved this evening. Mrs. Bell owns the property and not Mr. Scott.

(5-2030) Gene Lepire stated for the record his ownership of an industrial subdivision which had been approved in 1977 and requested that the decision not affect or downgrade his property.

(2-2065) Jon Springmeyer polled the audience to determine the numbers for and against the proposal. He felt that their statements were on the record and they would not repeat them. (Supervisor Fettic returned at this point--8:10 p.m. A quorum was present as noted previously.)

(5-2080) Mr. Shaw gave Supervisor Fettic a copy of NRS 278.349. Supervisor Fettic expressed a desire to abstain as he had not heard the presentation. Mr. Shaw then explained his feeling that he had not presented any new facts. He felt that the Commission had not made a finding based on the school, police, or other related matters, therefore, these elements should be eliminated. Purportedly the plans will exceed the 200 square feet per unit requirement for recreational areas. The two year buildout will be maintained even if Mr. Scott has to construct it. He requested this stipulation be considered part of the conditions on the project. Mayor Teixeira questioned his reasons for making this statement at this point when he had originally stated Mr. Scott would not build the units. Discussion ensued on his reasons for feeling that under the original proposal the units would not be built out for 15 years and the sudden desire to have them constructed. The proposal was compared with apartment units in another portion of Carson City. The difference was the ownership, number being proposed, surrounding areas, and the problems which occurred at the other side which needed to be corrected before construction.

Supervisor Smith noted the complexity of his motion which follows. Supervisor Smith then moved that the Board of Supervisors uphold the Planning Commission decision to deny Tentative Map Application S-91/92-3 from Richard Scott on Assessor's Parcel Number 10-032-024 split-zoned, totaling 15.4 acres Conservation Reserve and Multi-Family Apartment containing 3.6 acres of land zoned Multi-Family apartment after taking into consideration the recommendation from the Carson City Regional Planning Commission and the testimony presented at today's public hearing--referring to the same piece of paper Mr. Shaw had distributed to the Board--1. In accordance with Section 278.349(d), the governing body may consider the availability and accessibility of public services such as schools and police--in this case it has been stated by the School District that Eagle Valley Junior High School is operating at capacity and administrative measures such as year-round schools will be necessary to accommodate the student growth; in addition, this Board is fully aware of the problems with the crossing of students at Edmonds Drive and the safety problems encountered in the past; the subdivision will add to the aggregate problem without being able to present solutions at this time to the safe crossing of those students; in accordance with testimony received from the Sheriff's Department, the Sheriff voiced his objection to the Board approving additional subdivisions until adequate considerations has been given to public safety; 2. In accordance with the provisions of 278.349(3h), this Board shall consider physical characteristics of the land such as flood plains, slope, and soils; our packets contain information from the Soil Conservation Service explaining the limitations of the soils for construction; in that it is inferred from this information that the area will probably be best suited for development at lesser densities and not at increased densities as proposed by this project; at this point it should also be noted that the Applicant's engineer has established in the preliminary geotechnical report that additional site specific trenching information is needed in order to design foundations for buildings and structures within this site; that

information is not available at this time when we are considering approval of the subdivision; 3. In accordance with NRS.278.349(i), this Board is to consider the recommendations and comments of those entities reviewing the tentative map; accordingly, the Planning Commissioners have considered the project on more than one occasion; it has been the recommendation of the Planning Commission by a substantial majority of its membership that the Board deny this project; this recommendation has been based upon the finding of nonconformity with the objectives of recommendations of the Master Plan as required by NRS 278.349(e), more specifically, under deliberations the Planning Commission determined that the project is not in compliance with Objective I, Recommendation 1, of the Master Plan due primarily to the proposed design of the Tentative Map calling for a whole system of alleyways to access parking areas in addition to road frontage by cul-de-sac providing for an increase of impervious paved surface; Objective II, Recommendation 1 is not furthered by the project because the design calls for a rigid and monotonous organization of buildings contrary and not in conformance with the development of surrounding properties to the north and without the availability of any recreational facilities as those presently existing to the north; this evening we have received testimony in which further augments the statement that the project is not compatible to the immediate surrounding uses; the proposal fails to satisfy Objective III, Recommendation No. 5 since the Applicant has not decided to use the provisions of the planned unit development ordinance that would be more suitable for the development of this parcel due to the differences in topography and surrounding industrial and residential zoning; Objective II, Recommendation No. 10 requires to the maximum extent possible resolving potential conflicts which exist between adjacent land uses; the testimony received tonight convinces me that this project has been the subject of ample periods of time to resolve potential conflicts between properties to the north and to the south and to this date those conflicts have not been alleviated; it has also been clearly demonstrated that those conflicts will be easier to resolve through the utilization of a planned unit development and not the typical subdivision proposal. Supervisor Bennett seconded the motion. Mayor Teixeira then suggested an amendment to the motion to include that the proposed tentative map presents a substantial rental complex with no enforceable CC&R controls, landscaping design and construction, and presents a potential loss in value to the adjacent landowners. Supervisor Smith amended his motion to include "that the proposed tentative map presents a substantial rental complex with no enforceable CC&R controls, landscaping design and construction, and presents a potential loss in value to the adjacent landowners. Supervisor Bennett continued her second. Supervisor Tatro expressed his objection to both the proposal and the motion. Supervisor Smith withdrew from the motion the following portion: "In accordance with the testimony received from the Sheriff's Department, the Sheriff voices his objection to the Board approving additional subdivisions until adequate consideration has been given to public safety" based on his feeling that there was an adequate amount of other information included in the motion. Supervisor Tatro then expressed his opposition to including the school in the motion based on information provided by the School District and Sheriff indicating they did not wish for the Board to disapprove future subdivisions. The motion may be interpreted as placing a moratorium on future growth in the City. Supervisor Bennett supported his position based on the School Board's written communication as contained in the packet. Supervisor Smith expressed his feeling that there was adequate reason to deny the project without these points and withdrew the entire paragraph numbered 1 beginning with "In accordance with Section 278.349(3d)". Supervisor Bennett concurred and continued her second. Supervisor Smith acknowledged that it had never been the Sheriff's or School District's position to be against growth but had indicated a concern about the ability to meet the demands of an increased volume of people. Supervisor Tatro then expressed his feeling that as the majority of the motion as stated appeared to have been written and his desire to read the motion in its entirety. A five minute recess was declared for this purpose at 8:25 p.m. When the meeting reconvened at 8:30 p.m., a quorum of the Board was present although Supervisor Fettic was absent. Mayor Teixeira explained that Supervisor Smith's motion was complete with the exception of the comments regarding the School District and Sheriff's Office. Supervisor Bennett concurred and requested an additional modification to exclude reference to the flood plain, slope, and soil. Reasons for her recommendation were outlined. Supervisor Smith felt that these points were necessary and supported by the packet of information. Supervisor Bennett then withdrew her second. Mayor Teixeira then passed the gavel to Supervisor Bennett and seconded the motion. Mayor Pro-Tem Bennett then called for additional discussion. On hearing none the motion as amended was voted by roll call with the following result: Tatro - No; Smith - Yes; Teixeira - Yes; and Mayor Pro-Tem Bennett - Yes. Motion carried 3-1-

1 with Supervisor Tatro voting Naye and Supervisor Fettic absent.

**BREAK:** At 8:35 p.m. a five minute recess was called. When the meeting reconvened a quorum was present although Supervisor Fettic was absent as noted previously. Mayor Teixeira explained Supervisor Fettic's absence was due to an emergency.

**20. DISCUSSION OF ROAD CONDITIONS WITH RESIDENTS OF THE PINION HILLS AND DEER RUN ROAD AREA (6-0038)** - Mr. Homann reviewed the history of Deer Run Road commencing with 1969. Discussion ensued among the Board and Mr. Homann on the 1987 traffic study, today's estimated traffic flow, the lack of a program for paving dirt roads, Federal Aide Urban Funds, roads paved with these funds, and the conflict between rural areas and developers who may discover the area if the road is paved. Mayor Teixeira pointed out that Deer Run Road represents only ten percent of the City's 18 miles of dirt roads. Mr. Homann displayed a map illustrating the areas with dirt roads. (6-0485) Tom Quigley gave the Board a packet of information. (A copy was not given to the Clerk.) Mr. Quigley explained each of the documents beginning with a 1969 letter from Public Works to the Nevada Department of Transportation. He felt that the City had intended to pave Deer Run Road on several different occasions, however, the funding/paving never materialized. He then reviewed the State's accident rate report and reasons for each accident. He felt the report supported his contention that the accident rate for Deer Run Road was four times greater than any other road in the State. He gave photographs to the Board of seven of accidents which he felt had not been included in the report. The Sheriff's Office had issued seven speeding tickets on the road last week. A complaint from the Health Department due to the dust created by speeding was explained. He questioned the reasons the City had a dust control ordinance which did not address street dust and why the City watered Bertagnolli's road two times daily for dust control but not his street. After he had complained about the dust, the City had watered the street for two days. Today, however, it is back to its original condition. He then explained his concern about the height of the guard rails on the bridge in Brunswick Canyon. He questioned the reasons the street maintenance hours had decreased while building had increased in the Pinion Hills area. He questioned the Public Works' Special Project funding, justification for additional Corporate Yard paving, and daily maintenance costs of Deer Run Road. Discussion ensued between Mr. Quigley and Supervisor Bennett on the causes for the accidents and whether paving would reduce the number. Mr. Quigley continually urged the Board to maintain or pave Deer Run as authorized in 1970.

(6-1001) Harry Bufkin felt that there had been more than 27 residences built in the area during the last four or five years. There are now currently over 100 homes there. He expressed his feeling that the Sheriff's Office would not patrol the area and that traffic was increasing. He felt that additional directional and stop signs were needed particularly at Laurel and Deer Run. He also questioned the price to pave the road as he felt that it would only take \$150,000. He then elaborated on his knowledge of the history of Deer Run Road. Mayor Teixeira acknowledged the need for signage. He requested information on the cost for current maintenance and research of RTC funding. He suggested it be phased if necessary. Mr. Bufkin contended that the City could have prepared the hot batch for paving the Corporate Yard as well as for Deer Run Road. Supervisor Bennett supported Mayor Teixeira's requests for research of the RTC funding potential. Mayor Teixeira also requested the signage be addressed and that current maintenance funding well as paving costs be given to RTC. Mr. Homann stressed the need for a program to address all unpaved City roads. Mayor Teixeira felt that the criteria was different for Deer Run Road than the other roads as it is a "feeder" from 50 to 395 which would cause the usage to increase over time. He also suggested enforcement be encouraged to slow the drivers.

(6-1505) Debbie Fighter felt that the road maintenance and speeding issues were not necessarily connected. She requested daily watering to reduce the dust and allow the drivers to see hazards before an accident occurs. She also felt that the traffic volume would justify paving Deer Run Road before the remaining 18 miles of Carson City's unpaved roads. Supervisor Tatro expressed his feeling that several other areas have alternatives not available to the residents along Deer Run Road. Ms. Fighter also expressed her feeling that calls to the City should

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be received with a better attitude. She requested daily watering.

City Manager Berkich expressed his feeling that staff should be able to compile a report by the second meeting in June. Mayor Teixeira directed the signage be addressed by then and that the report include alternatives. He then thanked all the participants. Mr. Homann agreed to attempt to have the watering done as frequently as possible and to talk to the Street Division on signage.

There being no other matters for consideration/discussion, Supervisor Bennett moved to adjourn. Supervisor Tatro seconded the motion. Motion carried 4-0. Mayor Teixeira adjourned the meeting at 9:40 p.m.

The Minutes of the May 21, 1992, Carson City Board of Supervisors meeting

ARE SO APPROVED ON August 6, 1992.

/s/  
Marv Teixeira, Mayor

ATTEST:

/s/  
Kiyoshi Nishikawa, Clerk-Recorder