

CARSON CITY BOARD OF SUPERVISORS
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A regular session of the Carson City Board of Supervisors was held on Thursday, September 5, 1991 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
	Noel Waters	District Attorney
	Ted P. Thornton	Treasurer
	Charles P. Cockerill	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 9/5/91 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. Supervisor Fettic led the Pledge of Allegiance. Rev. David Camp of the First Presbyterian Church gave the Invocation. Roll call was taken. The entire Board was present constituting a quorum.

APPROVAL OF MINUTES - 7/11/91 Regular Session and 7/16 and 8/19/91 Special Sessions (1-0035) - Supervisor Tatro noted that he had not read the Minutes. Supervisor Fettic moved to approve the Minutes. Supervisor Bennett seconded the motion. Motion carried 4-1 with Supervisor Tatro voting Naye. Clarification noted that the June 20 minutes had been approved at the August 15 meeting.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0061) - None.

SPECIAL PRESENTATIONS

1. CARSON CITY SCHOOL DISTRICT BOARD OF TRUSTEES/ADMINISTRATION - PROGRESS REPORT REGARDING THE SCHOOL BOND MEASURE (INCLUDING QUESTION AND ANSWER PERIOD) (1-0063) - Carson City School District Director of Operations Frank Brunetti explained the enrollment projections, the current enrollment figures, economic factors affecting enrollment, the space crunch and busing required to house elementary students, status of the bond improvements, status of the State's proposal to procure Fremont School, the joint use agreement for proposed park and school development at Saliman and Firebox, the safety and asbestos problems at the high school, cost of the asbestos abatement, and the rapport which had been established with City Departments. He commended the Board and staff on its ability to meet the increased demand created by the magnitude of projects undertaken by the District. He then responded to Board questions concerning the number of local contractors utilized by the District, projected growth, growth factors involved in predictions, need to implement a multi-track school program, potential bond needs for another junior high school, and busing needs. Mayor Teixeira thanked him for his report.

LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-1020) - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the meeting as the Liquor and Entertainment Board. The entire Board was present including Sheriff McGrath which constitutes a quorum.

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2. TREASURER - Ted P. Thornton

A. ACTION ON LIQUOR LICENSE FOR DENNIS DAVID WALCH, DOING BUSINESS AS LEISURE SERVICES, INC., AT 3999 CENTENNIAL PARK DRIVE (1-1025) - Discussion ensued between Mr. Thornton and Chairperson Teixeira concerning the necessary Departmental inspections. The Fire Department had not completed its inspection. No problems were evident in the background investigation. Mr. Walch responded to Board questions on personnel, identification requirements and the TIPS training program. Mr. Walch agreed to give the Sheriff a copy of the program. Member Smith moved that the Board approve the Liquor License for Dennis David Walker for the business ARA Leisure Services, Inc., located at 3999 Centennial Park Drive, Carson City, Nevada. Member Tatro seconded the motion. Motion carried 6-0. Mr. Walch expressed his contentment with the operation and displayed the uniform which his employees would wear.

B. ACTION ON LIQUOR LICENSE FOR BRET ARTHUR BEACH, DOING BUSINESS AS NORTHSIDE SMOKE SHOP AT 1953 NORTH CARSON STREET (1-1160) - Background investigation was favorable. Member Fettic noted that Mr. Beach had been involved in the operation for several years. Member Fettic then moved that the Board approve the Liquor License for Bret Arthur Beach, a new partner for the business Northside Smoke Shop located at 1953 North Carson Street. Member Bennett seconded the motion. Motion carried 6-0.

C. ACTION ON AN ANNUAL LIQUOR SHORT-TERM PERMIT FOR THE CARSON CITY ELKS LODGE (1-1201) - Following Mr. Thornton's introduction, Bill Potts explained the request for the three-day permit and his knowledge of the TIPS Program. He agreed to attempt to obtain similar information for the Sheriff. Member Fettic moved that the Board approve an Annual Liquor Short-Term Permit for the Carson City Elks Lodge, each permit to cost \$20. Member Smith seconded the motion. Motion carried 6-0.

Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as noted.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS (1-1268)

3. TREASURER - Ted P. Thornton

A. ACTION TO ADJUST AND REMOVE PARTIAL 1991-92 REAL PROPERTY TAXES ON APN 10-484-06 LOCATED AT 1538 PANACA DRIVE DUE TO AN INCORRECT ASSESSMENT - Supervisor Smith moved that the Board approve adjustment and remove partial 1991-92 Real Property taxes on Assessor's Parcel No. 10-484-06. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON DIRECTION AND ORDER TO SELL DELINQUENT PROPERTY WHERE CARSON CITY HAS TAKEN A DEED (1-1315) - Discussion indicated the feeling that all of the properties would be redeemed before the process is completed. Supervisor Fettic moved that the Board proceed with the sale of delinquent properties as stated in the order drawn up by the Carson City Treasurer and District Attorney's Office, specifically parcels 2-092-10; 3-113-07, 4-332-25; 8-192-61; 8-251-25; and 8-422-03. Supervisor Bennett seconded the motion. Clarification indicated that the motion was in order. The motion was then voted and carried 5-0.

4. SHERIFF - Paul McGrath - ACTION ON R.A.I.S.E. (REDUCE ACCIDENTS AND INJURIES THROUGH STRICT ENFORCEMENT) PROGRAM FOR THE SHERIFF'S OFFICE (1-1405) - Sheriff McGrath explained the "Buckle Down Grant". District Attorney Noel Waters explained his feeling that the program would create a negative impact on his office and Justice Court. He supported the program

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based on his personal knowledge of the traffic violations occurring in the City. Discussion indicated that the program would be self-supporting and had included the two patrol officers, two dispatchers, one secretary for the District Attorney, and one clerical position at the Justice Court. Supervisor Fettic requested periodic status reports on the revenue generated and expenditures. Supervisor Tatro noted the public outcry generated whenever the road system is modified due to the traffic violations occurring in the related area. He had discussed the proposal with Judge Willis who supported the program as it would: 1. Reduce the traffic hazards in the community; 2. As a total package, it would not have an adverse impact on his operation as the additional personnel would be able to address the impact; and, 3. Revenue estimates were conservative and would support the program. The program would begin October 1. The Federal grant would not support the personnel costs as they are ongoing. It would, however, support the "Theme Car." One of the grants would provide funding for the seat belt usage program. Concern was expressed about the two patrol officers' abilities to generate \$200,000 in review and questioned the impact on the dispatchers. Mr. Berkich emphasized that personnel would be added only as needed. The program would have the officers on duty for 16 hours a day which would have an impact on dispatch. Irate public comments about traffic violations in the City were noted. Concern was expressed that the officers' presence would eventually reduce the number of violations which, in turn, would reduce the citations issued and ultimately the revenue source would drop. This could create an unrealistic demand for citations and result in implementation of a "speed trap" program. Sheriff McGrath did not feel that this would occur due to the constant growth experienced in the City; however, should it, he was willing to take appropriate corrective measures. He stressed that the program is designed to reduce the number of accidents and injuries. It is not a revenue generator. Previous traffic enforcement programs were cited to illustrate how the funds could be allocated. Mayor Teixeira felt that the comments he was receiving were primarily in the rural areas and that enforcement would be in those areas. Supervisor Fettic stressed his desire to have adequate funds generated by the program utilized to offset its costs. Sheriff McGrath then outlined the problems the program would attempt to address - DUI, traffic control devices, seat belt enforcement, speed, pedestrian in cross walks - and would utilize a "distinctly marked vehicle." Supervisor Smith moved that the Board of Supervisors approve the Traffic Safety Project "RAISE" and approve the employment of two Deputy Sheriffs plus support personnel which will include up to two positions of the Communications Center, one position within the District Attorney's office, and one position within the Justice Municipal Court, and that the revenue generated by this project be used solely for the support of this program. Supervisor Fettic seconded the motion. Motion carried 5-0. Mayor Teixeira noted that he was reluctantly going with the program.

5. CLERK-RECORDER (1-2304) - Continued to later in the meeting.

6. PARKS AND RECREATION DIRECTOR - Steve Kastens - ORDINANCE - SECOND READING - ACTION ON BILL NO. 146 - AN ORDINANCE AMENDING CHAPTER 2.16 OF THE CARSON CITY MUNICIPAL CODE RELATING TO THE PARKS AND RECREATION COMMISSION - Supervisor Tatro expressed his concern about the wording as it established four year terms and precluded a student. Supervisor Smith explained the Commission's intent to have Carson City electorates serve on the Commission with the exception of the minor. Supervisor Tatro then explained that if the term is for four years the student would be forced to resign unless he/she was a freshman which he felt would discourage students from participating. He urged the ordinance to be amended to establish one year terms for the student. Mr. Kastens felt that the one year limit may create a problem when students do not apply. A college student would be eligible. The Commission's goal had been to make it easier for the applicants. Supervisor Tatro moved that the Board of Supervisors direct the District Attorney to bring back on first reading an Ordinance amending Sections 2.16.010, 2.16.030, 2.16.040, 2.16.045, 2.16.050, and adding Section 2.16.060 of Chapter 2.16 of the Carson City Municipal Code (Parks and Recreation Commission) and other matters properly related thereto as passed in Bill No. 146 on first reading with the single amendment that on Page 2, Line 23, the phrase "except the term of the student appointed pursuant to the provisions of Section 2.16.010(3) of the Chapter shall be for one year." Supervisor Smith seconded the motion. Motion carried 5-0.

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7. PERSONNEL MANAGER - Judie Fisher - ACTION ON AMENDMENT OF THE CITY'S PERSONNEL RULES AND REGULATIONS RELATING TO OVERTIME HOURS (1-2676) - Discussion noted the City Manager and the Employees Association had approved the proposal. Discussion explained overtime as being anything over an eight hour day or more than 40 hours in a week and scheduled overtime. Supervisor Smith explained his opposition to the proposal. Supervisor Tatro explained his opposition to receiving late material and recommended the matter be delayed. Supervisor Tatro then moved to table discussion on amending the City's Personnel Rules and Regulations relating to overtime hours. Supervisor Fettic seconded the motion. Following Mr. Cockerill's request for an amendment, Supervisor Tatro continued his motion to include to the next Board meeting. Supervisor Fettic continued his second. Supervisor Fettic explained his reasons for supporting the motion. Board consensus directed that material not available on the Monday before a Board meeting be held. Mr. Berkich explained the delay in getting the material to the Board. Mayor Teixeira also expressed his feeling that the Board members should seek additional information should they find information is missing from the packets. The motion to continue the matter to the next meeting was voted and carried unanimously.

BREAK: At 10:30 a.m., five-minute recess was declared. When the meeting reconvened at 10:35 a.m., the entire Board was present constituting a quorum.

8. PURCHASING AGENT - Office Supervisor Cheryl Adams.

A. ACTION ON THE AWARD OF CONTRACT 9192-16 - STREET SWEEPER (2-0041) - Discussion noted the contract was under budget. Supervisor Tatro moved that the Board accept the Acting Purchasing Agent's recommendation and award Contract 9192-16 to American Equipment Company, Reno, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount of \$105,455.99, funding source 101-3032, Capital Outlay. Supervisor Fettic seconded the motion. Street Superintendent Bill Barker expressed contentment with the equipment. Motion carried 5-0.

B. ACTION ON FINAL PAYMENT OF CONTRACT 9091-254 - FIRE STATION III ROOF/REPAIR (2-0115) - Approval should be contingent on the final building inspection which is scheduled to be completed next week. Supervisor Bennett moved that the Board approve the request for final payment as presented by the Acting Purchasing Agent to D and D Contractors, Inc., P. O. Box 7290, Reno, Nevada, and accept the Contract Summary as presented, funding source is 101-5034 General Fund, fiscal impact \$3,490.38, subject to final inspection by the Building Department. Supervisor Tatro seconded the motion. Motion carried 5-0.

C. ACTION ON THE REJECTION OF ALL BIDS FOR CONTRACT 9091-256 - MILLS PARK CONSTRUCTION (2-0167) - Mr. Berkich explained the staff's recommendation that the bids be rejected and the project be phased. Discussion noted the uniqueness of the structure and the need to have a public hearing where a status report and a complete review of the records and commitments previously made would be given. Supervisor Bennett felt that the entire Mills Park project should be reviewed and not be restricted to the Events Center. She requested this be scheduled for the next meeting. Mr. Berkich suggested that the entire issue be reviewed by Parks and Recreation Commission, Tourism, etc., and finish at an evening Board session. Mayor Teixeira supported his recommendation. Supervisor Smith explained his contact with the public indicated a need for a review of the records and its concept. Discussion elaborated on the uniqueness of the structure, the confusion on the project, the funding source, and the pros and cons of having the Board review the project first rather than last.

(2-0664) Collette Sear expressed her daughter's support for seeing the project go forward. (2-0698) Maxine Nietz supported rejecting the bids and reviewing the entire project. She questioned the wisdom of the entire project, its proposed management, liability, marketing, and proposed usage. Mayor Teixeira expressed a willingness to review all of her questions, noting that they had all been addressed before. Supervisor Tatro

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noted Carson Station General Manager Clark Russell's letter about the "white elephant" and referred to a former Supervisor's comments which indicated the Community Center was a "white elephant."

Supervisor Fettic then moved that Board accept the Acting Purchasing Agent's recommendation and, pursuant to NRS 332.0075, reject all bids in the public interest and authorize the Acting Purchasing Agent and Project Consultants to proceed with the rebidding process. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Ayes - Tatro, Bennett, Smith, Fettic, and Mayor Teixeira. Nayes - None. Motion carried 5-0.

Supervisor Fettic then explained his concern about the agenda and his desire to make the following motion. Supervisor Fettic then moved that the Board direct the City Manager to resubmit the Events Center Project in its entirety through the appropriate chain of public entities that are involved, that being as I understand it - firstly, the Recreation Commission; secondly, the Board of Tourism (Carson City Convention and Visitors Bureau); and that this matter be brought back for final determination and hearings before the Board of Supervisors by the first meeting in November 1991. Supervisor Tatro seconded the motion. Motion was also voted by roll call with the following result: Ayes - Smith; Bennett - Reluctantly; Fettic; Tatro; and Mayor Teixeira. Nayes - None. Motion carried 5-0.

BREAK: A five minute recess was called at 11:05 a.m. When the meeting reconvened at 11:10 a.m., the entire Board was present, constituting a quorum.

9. PUBLIC WORKS DIRECTOR - Dan O'Brien and Utility Manager Dorothy Timian-Palmer.

A. UTILITY DIVISION MATTERS

ii. ACTION ON STOKES WATER RIGHTS PURCHASE (2-0865) - Ms. Timian-

Palmer's introduction included the Subconservancy District's willingness to have the City purchase the rights. She then distributed copies of her overhead slides and a map to the Board and Clerk. The slides depict the City's storage, pumping, water rights, and usage. The location and purpose of the Ambrosetti Pond were explained. Clarification indicated the location of the Douglas County effluent holding basins. State Water Engineer's conditions were noted. Discussion included the priority rights, her program for usage, and location of Segment 7A. The possibility of Dayton objecting to Carson City's usage is remote. The State hearings on the proposal and conditions were noted. Mr. Cockerill explained the agreement and responded to Board questions related to financing. The proposal would not at this time impact the users or property taxes. Staff had evaluated other financing procedures and supporting bonding. The life of the bonds were noted. Attorney Ken Stokes, representing Ted Stokes, supported the agreement. Ms. Timian-Palmer noted that she had discussed the proposal with Harold Settemeyer, the adjacent Ambrosetti property owner, and the commitments made to him. Mr. Settemeyer was invited to discuss with the City any water rights he wished to sell. Supervisor Tatro noted for the record that his wife is an officer with Northern Nevada Title, who performed the preliminary title report, which would not impact either the transaction or his decision on it. Supervisor Fettic then explained that he was not concerned about the purchase or funding due to the benefit which would be derived from the proposed "good water management" plan. This was a prime example of the reasons Carson City was "ahead of everyone else in the State and definitely everyone else around us. Supervisor Fettic then moved that the Board approve and authorize the Mayor to sign the Stokes Water Rights Purchase Agreement in the amount of \$600,000. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Ayes - Smith, Bennett, Tatro, Fettic and Mayor Teixeira. Nayes - None. Motion carried 5-0.

Supervisor Fettic then moved that the Board approve release of the funding for the Stokes Water Rights Purchase from the Water Rights Acquisition Reserve Account in the amount of \$100,000, funding source - Water Rights Acquisition Account. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Ayes - Smith, Fettic, Tatro, Bennett, and Mayor Teixeira. Nayes - None. Motion

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carried 5-0. Mayor Teixeira commended all on their efforts. Mr. Stokes expressed his feeling that the City should be proud of Ms. Timian-Palmer's efforts.

i. ACTION ON AWARD OF CONTRACT 9192-35 - CONSTRUCTION OF WASTEWATER TREATMENT PLANT CHLORINE CONTACT BASIN (2-2025) - Discussion noted the W-5 project and the Federal requirement deadline. Supervisor Bennett cautioned the Board about making a decision which would favorably impact on adjacent golf course property owner. She felt that the suggestion that Mills Park be transferred to effluent irrigation was "smoke" based on the cost. Ms. Timian-Palmer explained that the continued growth of the City and good management practices could eventually force the City to begin looking for other effluent uses and methods by which potable water usage could be reduced. Mayor Teixeira explained that the waterlines for the developer have already been installed. The regulations and the settlement agreement mandate either a buffer zone or the chlorine contact basins, either program are the City's responsibility. Other potential effluent users included the school, who may share in the future line construction costs. Supervisor Tatro also noted that with the increase in sites, the cost of effluent would be reduced. Supervisor Tatro then moved that the Board accept and authorize the Mayor to sign the award of Contract 9192-35, Construction of Wastewater Treatment Plant Chlorine Contact Basin, to K.G. Walters Construction, Inc., Santa Rosa, California, per the requirements of Nevada Revised Statutes Chapters 332, 335, 339, and 624 for an amount not to exceed \$403,660 with a funding source of Account 515-000-534-46517. Supervisor Fettic seconded the motion. Motion was voted by roll call with the following result: Bennett - No; Fettic - Yes; Tatro - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

B. ORDINANCES - FIRST READING (2-2532)

i. ACTION ON AN ORDINANCE ADDING CHAPTER 12.07 (CROSS CONNECTION CONTROL) AND ON AN ORDINANCE AMENDING SECTION 12.01.240 (SERVICE CONNECTIONS AND CUSTOMERS FACILITIES) TO TITLE 12 OF THE CARSON CITY MUNICIPAL CODE - Water Quality Supervisor Tom Hoffert explained the proposal and responded to Board questions concerning the health figures utilized in the request and its fiscal impact. The proposal would begin with new construction and heavy users. It would eventually reach all users. The largest line utilized at this time is the Northern Nevada Correctional Facility's 8 to 10 inch line. The proposal would bring the City into compliance with the 1986 Safe Water Drinking Act. An alleged City water problem at the Industrial Airpark was explained. Fortunately, this problem had not been caused by the City's water system. Supervisor Fettic moved that the Board introduce Bill No. 151 on first reading, AN ORDINANCE ADDING CHAPTER 12.07 (CROSS CONNECTION CONTROL) TO TITLE 12 (WATER, SEWERAGE, AND DRAINAGE) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Smith seconded the motion. Motion carried 5-0.

Mr. Hoffert then explained the second ordinance amendment. Supervisor Smith then moved that the Board introduce on first reading Bill No. 152, an ordinance amending Section 12.01.240 (Service Connections and Customers Facilities) to Title 12 of the Carson City Municipal Code. Supervisor Fettic seconded the motion. Motion carried 5-0.

ii. ACTION ON A PROPOSED ORDINANCE ESTABLISHING CHAPTER 12.11 OF THE CARSON CITY MUNICIPAL CODE REGARDING THE USE OF TREATED WASTEWATER EFFLUENT FOR CONSTRUCTION PURPOSES (3-0029) - Sewer Utility Superintendent John Hastie explained the proposal. Supervisor Fettic moved that the Board introduce on first reading Bill No. 153, AN ORDINANCE ADDING CHAPTER 12.11 OF THE CARSON CITY MUNICIPAL CODE REGARDING USE OF TREATED WASTEWATER EFFLUENT FOR CONSTRUCTION PURPOSES WHICH ESTABLISHES CIVIL AND CRIMINAL PENALTIES AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

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C. OTHER MATTERS - ACTION ON DEDICATION OF EASEMENT FROM GRANT J. WEISE, SR., TO CARSON CITY AND THE COST SHARING FOR THE ABANDONMENT OF WELL NO. 15 (3-0075) - Following Ms. Timian-Palmer's introduction, Supervisor Smith moved that the Board approve and authorize the Mayor to sign the attached Dedication of Easement from Grant J. Weise, Sr., to Carson City. Supervisor Fettic seconded the motion. Motion carried 5-0.

Supervisor Smith moved that the Board approve and authorize the Mayor to sign the attached letter offering to cost share in the plugging and abandonment of Well No. 15 from Grant J. Weise, Sr., to Carson City. Supervisor Fettic seconded the motion. Motion carried 5-0.

D. REGIONAL TRANSPORTATION COMMISSION MATTER - ACTION ON AWARD OF CONTRACT NO. 9192-20 FOR THE CONSTRUCTION OF DORI WAY IMPROVEMENTS FROM SHERMAN WAY TO NYE LANE (3-0130) - Supervisor Fettic explained the lack of a RTC recommendation. Mr. O'Brien explained the request and desire to have construction finished before September 23. Supervisor Tatro moved that the Board award and authorize the Mayor to sign Contract 9192-20, Dori Way Improvements, to T.E. Bertagnoli and Associates Construction, Carson City, as the lowest and most responsive bidder per the requirements of NRS Chapters 332, 335, 339, and 624, for an amount of \$72,300 plus a five percent contingency amount. Supervisor Fettic seconded the motion. Supervisor Tatro then continued the motion to include with a funding source of RTC Construction 250-3035-431-78-25. Supervisor Fettic continued his second. Senior Engineer Harvey Brotzman explained the difference between the engineer's estimate and the bids. Motion carried 5-0.

BREAK: A lunch recess was called at 12:15 p.m. When the meeting reconvened at 1:30 p.m., the entire Board was present constituting a quorum.

10. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan.

A. ACTION ON A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS TO TRANSFER TO THE DIRECTOR OF THE STATE OF NEVADA, DEPARTMENT OF COMMERCE, A PORTION OF THE CARSON CITY PRIVATE ACTIVITY BOND VOLUME CAP FOR 1991

B. ACTION ON A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS TO APPROVE THE FINDINGS OF THE DIRECTOR OF THE STATE OF NEVADA, DEPARTMENT OF COMMERCE, RELATING TO THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR CHROMALLOY (3-0225) - Mr. Sullivan explained the request and introduced Nevada State Director of Commerce Larry Struve. Mr. Struve responded to Board questions on the proposal and explained Chromalloy's relocation, economic benefits to the City, operation, and financial plan. Northern Nevada Development Authority endorses the proposal. Mayor Teixeira commended him on his endeavors. Supervisor Fettic noted his tour of the facility and reasons for welcoming Chromalloy. Supervisor Smith moved that the Board adopt Resolution No. 1991-R-42, A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS TO APPROVE THE FINDINGS OF THE DIRECTOR OF THE DEPARTMENT OF COMMERCE RELATING TO THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS FOR CHROMALLOY. Supervisor Tatro seconded the motion. Motion carried 5-0.

Following Mr. Sullivan's explanation of the Resolution, Supervisor Tatro moved that the Board adopt Resolution No. 1991-R-43, A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS TO TRANSFER TO THE DIRECTOR OF THE DEPARTMENT OF COMMERCE A PORTION OF THE CARSON CITY PRIVATE ACTIVITY BOND VOLUME CAP FOR 1991. Supervisor Fettic seconded the motion. Motion carried 5-0. Mayor Teixeira commended all on their efforts.

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C. ORDINANCES - SECOND READING

i. ACTION ON BILL NO. 147 (A-91/92-2) - AN ORDINANCE AMENDING SECTION 20.04.080 (SIGN CONTROL ORDINANCE - TEMPORARY USE OF PENNANTS, BANNERS, BALLOONS, AND SIMILAR ADVERTISING DEVICES) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (3-0525) - The correction requested at the last meeting regarding written permission had been removed from the Ordinance. Supervisor Fettic moved that the Board adopt on Second Reading Ordinance No. 1991-47, AN ORDINANCE AMENDING SECTION 20.04.080 (SIGN CONTROL ORDINANCE - TEMPORARY USE OF PENNANTS, BANNERS, BALLOONS, AND SIMILAR ADVERTISING DEVICES) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

ii. ACTION ON BILL NO. 148 (Z-91/92-1) - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APN 8-151-16 AND 23 APPROXIMATELY 11 PLUS ACRES LOCATED NORTH OF THE TERMINUS OF CARRIAGE CREST DRIVE AND NORTH OF HAMILTON DRIVE FROM SINGLE FAMILY 6000 (SF6000) TO PUBLIC (P) (3-0558) - Supervisor Tatro moved that the Board adopt Ordinance No. 1991-48 on second reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBER 8-151-16 AND 23 APPROXIMATELY 11 PLUS ACRES LOCATED NORTH OF THE TERMINUS OF CARRIAGE CREST DRIVE AND NORTH OF HAMILTON DRIVE FROM SINGLE FAMILY 6000 (SF6000) TO PUBLIC (P) ZONING. Supervisor Bennett seconded the motion. Motion carried 5-0.

iii. ACTION ON BILL NO. 149 (A-90/91-7) - AN ORDINANCE AMENDING SECTION 18.02.057 (PLANNING FEES AND SERVICE CHARGES) AND SECTION 18.06.160.1 (GENERAL COMMERCIAL ZONING DISTRICT OUTSIDE USES) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (3-0590) - Supervisor Tatro moved that the Board adopt Ordinance No. 1991-49 on second reading, AN ORDINANCE AMENDING SECTION 18.02.057 (PLANNING FEES AND SERVICE CHARGES) AND SECTION 18.06.160.1 (GENERAL COMMERCIAL ZONING DISTRICT OUTSIDE USES) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Fettic seconded the motion. Motion carried 5-0.

iv. ACTION ON BILL NO. 150 (A-90/91-7) - AN ORDINANCE DELETING SECTION 18.05.097 (BOARD OF SUPERVISORS CONSENT AGENDA) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS RELATED THERETO (3-0612) - Supervisor Tatro moved that the Board adopt Ordinance No. 1991-50 on second reading, AN ORDINANCE DELETING SECTION 18.05.097 (BOARD OF SUPERVISORS CONSENT AGENDA) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Fettic seconded the motion. Motion carried 5-0.

D. OTHER MATTERS - Building Official Karen Goddard.

i. DISCUSSION AND POSSIBLE ACTION ON BOARDS OF APPEALS - FIRE, BUILDING, PLANNING, PUBLIC WORKS, AND HEALTH (3-0645) - Discussion ensued among the Board and staff concerning the need to establish Boards of Appeal, notification process, purpose, and procedures. (3-1115) Dwight Millard questioned the authority being given to the Board. He supported having technical experts serve as an Appeal Board to rule on the interpretation of procedures for accomplishing the Code requirements. He felt that unless the administrative provisions of the Code and the Technical Codes could be appealed, the Appeal Board would have nothing to do. He felt that Board composition should be changed. The suggestion had merit but should be returned to staff for workshops. He felt the Board should also handle appeals to the Fire and Public Works Departments. Mr. Millard discussed

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with the Board his suggestions. Clarification noted that this proposal had been discussed with the Builders Association several years ago and the Board's composition had established as a result. Professional standards would prohibit ill feelings among the tradesmen. Discussion included reasons one appeal board could not hear all issues. City Engineer Tim Homann explained his experience with these appeal boards and reasons for separate boards. Mayor Teixeira explained his reasons for feeling that the Board of Supervisors did not have the expertise to handle these appeals. Ms. Goddard elaborated on the Code requirements and reasons for technical experts. The Code establishing the Board of Appeals was adopted in 1985. The appointments had never been accomplished. Supervisor Smith felt that the entire matter should be returned to staff, who would workshop the proposal with the Builders Association, etc., and bring a proposal back. (3-1949) Edd Furgesson expressed his feeling that two additional experts should be added to the Board. He supported the workshop proposal. (3-2025) Gale Thomssen expressed her feeling that the appeal process needed to be as expeditious as possible. Mr. Sullivan explained the Open Meeting requirements. Ms. Goddard further explained that the Board would meet as soon as possible following an appeal. Health Director Jack Fralinger noted that the Board of Supervisors was the Carson City's Health Board of Appeals. The State Board of Appeals would receive the appeal after the Supervisors. Supervisor Fettic moved that the Board direct the City Manager to set up a schedule of workshops to review the Uniform Building Code Board of Appeals and, specifically, from my point of view, I would like to be better acquainted with what the limitations of authority means, and that the matter be brought back to the Board for the first meeting of the Board of Supervisors in -- following discussion on the date -- October. Supervisor Smith seconded the motion. Motion carried 5-0.

ii. DISCUSSION AND POSSIBLE ACTION ON OUTSIDE PLAN CHECKERS (3-2181)

Mr. Sullivan explained staff's recommendation that the outside plan checkers have adequate insurance, be certified to their level, rates, and suggested that an RFP be drafted seeking bids. Mayor Teixeira elaborated on his reasons for recommending utilization of outside plan checkers, however, felt that locals should be utilized and that they should be able to review remodels/residential permits which is where the majority of the City's work is currently found. Mr. Sullivan explained that large commercial plans are sent out. Discussion pointed out the need for the other City Departments to be able to accomplish their checks within the time frame established by the outside consultant, that other locales also utilize outside plan checkers, the need to address the system utilized by the City and to expedite the process. (3-2775) Dwight Millard supported the concept. He suggested that the proposal also be presented at the Board of Appeals workshop and felt it could return to the Supervisors in 30 days. He felt that the delays in the process were the result of City interdepartmental problems. He suggested that an Ombudsman be established whom builders could contact and who could analyze their situation. Mr. Berkich noted changes which will be accomplished soon including automation and combining the Building Department and Public Works for better customer service. Supervisor Fettic felt the proposal should be workshopped with the previous matter. (4-0004) Ms. Thomssen questioned whether there was an expert in rehabilitation of old buildings on the list. She felt that if one was not included on the list, such an individual should be added. Supervisor Bennett supported Supervisor Fettic's recommendation. (4-0052) Ron Butterfield felt that contractors outside of Nevada should not be utilized. Mayor Teixeira noted that hospital and school plan checkers were specialized and may not be able in Nevada. Attempts were made to keep money in Nevada wherever possible. Supervisor Tatro moved that the Board direct the City Manager to schedule a workshop to investigate the efficiency of the consultant plan review proposal. Supervisor Fettic seconded the motion. Following Mr. Sullivan's request for amendment, Supervisor Tatro continued his motion to include with a report to this Board by the first meeting in October. Supervisor Fettic continued his second. Supervisor Bennett requested Mr. Millard draft scenarios illustrating the procedures. The motion to direct the City Manager on the workshop and date for review by the Board was voted and carried 5-0.

iii. STATUS REPORT ON COMMUNITY DEVELOPMENT GOALS (4-0125) - Pulled.

E. PLANNING COMMISSION REVIEW AND APPEAL MATTERS - ACTION ON M-

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91/92-2 REGARDING AN APPEAL FILED BY RONALD BUTTERFIELD OF AN ADMINISTRATIVE DECISION REGARDING EXTRACTION OPERATIONS ON PROPERTY ZONED AGRICULTURE (A) LOCATED AT 2595 SNYDER AVENUE (APN 10-281-32) - PLANNING COMMISSION DENIED 6-0-1-0 (4-0132) - Following Mr. Sullivan's introduction, Ron Butterfield explained his appeal of his request to continue the matter due to the short notice he had received for the meeting. He maintained that he was not an extraction operation but was merely grading and leveling the area to make it usable. As he had no use for the material, he was sending it off his premise. He was not being paid for the material but was allowed to utilize contractors' equipment for levelling. The City as well as the State had benefited from his free dirt. His comments indicated he may have moved as much as 300,000 yards in this fashion. Mr. Butterfield responded to Board questions concerning his giving the dirt away and his use of contractors' equipment. He had submitted a grading plan to the Health Department and had maintained a grading and leveling permit for nine years which was all that had been required by the City. Mr. Sullivan explained that staff did not have a problem with his leveling the hill by placing the dirt on the lower portion. The flood plain was a separate issue. The removal of dirt from the site to other areas in the City violated the Code. Anything under 150 cubic yards was not considered an extraction operation. His estimate of 9,000 cubic yards had been based on information supplied by a contractor. The Planning Commission supported staff's position. Mr. Butterfield was duly noticed and the agenda properly posted. He was reminded on the meeting date of the hearing. Clarification noted that some of the information presented to the Board had been verbally presented to the Planning Commission. Mr. Sullivan had been willing to agree to a continuance if Mr. Butterfield would halt the extraction operation. Mr. Butterfield would not accept this condition and the Commission proceeded to deny the request. Mr. Butterfield felt that he was being denied the permit as he did not have the correct zoning for an extraction operation. Mr. Sullivan explained the procedure which should be followed before the extraction operation commences. Supervisor Tatro noted the number of trucks required to move 300,000 cubic yards of dirt. Mr. Butterfield felt that he was "almost finished." He felt that the denial would prohibit him from "reasonable use of his land." Supervisor Bennett moved that the Board of Supervisors uphold the Planning Commission recommendation to deny the request regarding extraction operations. Supervisor Tatro seconded the motion. Comments on the motion were solicited but none made. Motion was voted by roll call with the following result: Ayes - Smith, Fettic, Tatro, Bennett, and Mayor Teixeira. Nayes - None. Motion carried 5-0.

BREAK: A five minute recess was taken at 3:10 p.m. When the meeting reconvened at 3:15 p.m., the entire Board was present constituting a quorum.

11. INTERNAL AUDITOR - ACTION ON INTERNAL AUDIT ON GOLF COURSE CONTROLS - Pulled.

12. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES

A. DEPUTY CITY MANAGER - Pat Sorenson - EAGLE VALLEY GOLF COURSE MATTERS

i. ACTION ON COMPLIMENTARY PLAY POLICY - Pulled.

iii. ACTION ON APPROVAL OF THE SUPERINTENDENT'S STARTING SALARY (4-0531) - Mr. Berkich explained the recruitment and interview process. Mr. Sorenson then explained the proposed starting salary and reasons for it. Supervisor Fettic moved that the Board approve a starting salary of \$36,011 for the new golf course superintendent, funding source Golf Course Enterprise Fund. Supervisor Smith seconded the motion. Mr. Sorenson responded to Supervisor Bennett's questions on the duties and job standards and noted some of Mr. Townsend's qualifications. The motion to approve the salary was voted and carried 5-0.

ii. ACTION FUTURE CHANGES TO THE MANAGEMENT STRUCTURE (4-

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0635) - Mr. Sorenson reviewed staff's report on the various management options for the golf course. Mr. Berkich pointed out the District Attorney's involvement and advice on the alternatives. Board discussion with staff included the number of publicly owned enterprise courses in Nevada, desire to have the course remain self-supporting, the revenues and activities included in the proposal, and revenue sources utilized by the pros at various courses. Supervisor Bennett felt that the alternatives had eliminated the possibility of the pro creating new revenue generating incentives. The Golf Advisory Committee had not reviewed the report, however, each member was given a copy. During previous meetings they had supported Mr. Bushman. Supervisor Bennett felt that privatization should be more thoroughly explored and that she could not make a decision at this time. Both Mr. Berkich and Mr. Sorenson were willing to continue the matter until the Commission had considered the report. Supervisor Smith expressed his feeling that a timetable needed to be established. Supervisor Bennett agreed that a timetable needed to be established, however, urged the Board to take the time necessary to fully explore all of the alternatives. Mr. Sorenson expressed his willingness to continue working on a draft RFP. Supervisor Tatro explained his frustration at the procedures undertaken in December which ultimately offered Mr. Bushman a contract and had separated the food and beverage concession from his duties. His comments indicated that the public had not been happy with the operation/procedure when the contract was extended to Mr. Bushman. He felt that today's issue was of greater concern, however, no one was present. He felt that this was an indication that things were now going right at the course. He suggested that Mr. Bushman should be discussing with the Board a multi-year contract in view of the changes and that the Board should not change the current procedure. He then expressed a desire to make a motion, however, further discussion was indicated by the Mayor. Supervisor Smith and Mayor Teixeira supported his recommendation. Supervisor Bennett elaborated on her concerns that further evaluation should be given and bids sought. Her comments included discussion she had had with the City's Internal Auditor whose report on the Golf Course was pulled earlier in the meeting. Mayor Teixeira then solicited other comments but none were made. Supervisor Tatro then expressed his feeling that staff had beneficially analyzed the alternatives. Supervisor Tatro moved that the Board of Supervisors direct the City staff to negotiate a contract for a period of three years to five years with Gary Bushman as the golf professional for Eagle Valley Golf Course. Supervisor Smith seconded the motion and explained his concern that the Committee should be involved in the process. Clarification indicated that the motion was for staff to negotiate a three to five year contract if possible. Mayor Teixeira indicated that the Committee was to have a cursory review of the contract. Supervisor Bennett suggested that the Committee have a special session to discuss the contract so that their comments could be included in the Board packet. Supervisor Tatro suggested that the Committee meet with staff and discuss the terms of a potential contract as well as review of the final product. This would bring the contract to the Board at its second meeting in October. Mr. Berkich was not sure that this timetable could be met. Supervisor Bennett then questioned Internal Auditor Gary Kulikowski on his draft report. His final report will be before the Board for consideration at its next meeting. He did not wish to discuss the issues until all the involved individuals had reviewed the report and the report is finalized. Supervisor Bennett again reiterated her desire to wait until the report is finalized before a contract is negotiated. Discussion between Mr. Kulikowski and the Board indicated that all of the issues brought forward in Mr. Kulikowski's report included corrective procedures as well as written responses from both Mr. Bushman and Mr. Berkich. Clarification by Mr. Kulikowski indicated that there was no criminal activity discovered by the audit. Supervisor Fettic noted that the motion was merely direction to begin negotiations and his feeling that Mr. Bushman had been given a one year "probationary contract." He felt that there were indications that this had been satisfactorily accomplished. Further clarification between Mr. Kulikowski and Supervisor Smith indicated that the audit concerns were management policies which had been developed in 1987 with the previous Golf Pro Tom Duncan. Supervisor Bennett re-emphasized her desire to proceed with an RFP. Mr. Cockerill explained the District Attorney's recommendation to the City Manager that the RFP process be utilized. Mayor Teixeira thanked him for his input. The motion to direct staff to negotiate a three to five year contract with Mr. Bushman was voted by roll call with the following result: Fettic - Yes; Bennett - No; Tatro - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

BREAK: At 4 p.m., a ten-minute recess was declared. At 4:10 p.m., when the meeting reconvened, the

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entire Board was present constituting a quorum.

13. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-2170)

A. ACTION ON CARSON CITY'S NOMINEES - THE CARSON-TRUCKEE WATER SUBCONSERVANCY DISTRICT - Governor Miller has requested an additional nominee. Todd Westergard's application was noted. Supervisor Tatro moved that the Board of Supervisors designate Todd Westergard and Harold Jacobsen as Carson City's two nominees and submit their names to the Honorable Governor Bob Miller for his consideration in appointing Carson City's representative to the Carson-Truckee Water Conservancy District. Supervisor Bennett seconded the motion. Motion carried 5-0.

5. CLERK-RECORDER - Kiyoshi Nishikawa

A. ACTION ON THE REDISTRICTING PROCESS (4-2216) - The pros and cons of having a subcommittee handle the redistricting were discussed and indicated the Board's desire to have Mr. Nishikawa prepare several options for Board discussion in November. The Hospital Board's criteria was noted. Supervisor Tatro suggested that a workshop be held when the alternatives have been drafted. Supervisor Tatro moved that the Board of Supervisors direct the Clerk-Recorder to develop alternatives/scenarios, post a workshop, and attempt to bring back recommendations to the Board of Supervisors in the early November timeframe for the redistricting of each of the election districts for Carson City. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON CHARTER REVIEW COMMITTEE COMPOSITION (4-2713) - The current Committee composition as spelled out in Resolution 1986-R-25 was explained. Discussion noted the benefit of having all Board and State representatives appoint an individual and the purpose of the Committee. Supervisor Fettic moved that the Board direct the District Attorney's office to amend the language in the City Charter pertaining to the Charter Review Committee to include the elected representatives to the State Legislature. Supervisor Smith seconded the motion. Following discussion of the motion, Supervisor Fettic corrected the motion to be for an amended Resolution expanding the Charter Review Committee composition from nine members to eleven members. Supervisor Smith continued his second. Motion carried 5-0.

C. ACTION ON RANDOM SELECTION OF SEQUENCE OF NUMBERS FOR THE 1992 JURY VENIRE (5-0061) - Following Mr. Nishikawa's explanation of the procedures, the dice was cast with the following result: Supervisor Bennett - 1; Supervisor Tatro - 2; Mayor Teixeira - 3; Supervisor Fettic - 4; and Supervisor Smith - 5. This established the order in which the dice would be drawn for the jury venire. This cast established the following order: 7, 0, 8, 1, 6, 4, 2, 9, 3, and 5. This number is the middle number used on the list of residents eligible for jury duty. The computer will select in this order 3,000 names. No other action was required by the Board.

12. B. STATUS REPORTS REGARDING: CHANGEMASTERS; PRO-ACTIVE HOUSING INSPECTION PROGRAM; LANDFILL OPERATIONS ALONG CARSON RIVER; POLICY, PROCEDURE, AND PAMPHLET REGARDING SPECIAL EVENTS WITHIN THE CITY; LONE MOUNTAIN CEMETERY; DEFINITION OF PARKS AND RECREATION DEPARTMENT AND COMMISSION POLICIES AND PROCEDURES (5-0131) - Pulled.

13. B. MAYOR TEIXEIRA (5-0135); D. SUPERVISOR FETTIC (5-0162); E. SUPERVISOR TATRO (5-0164); F. SUPERVISOR BENNETT (5-0168) - None.

C. SUPERVISOR SMITH (5-0138) - Progress on the Residential Construction Tax allocations and his desire to have the Board provide the Parks and Recreation Commission with guidelines on how these

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funds should be allocated.

BREAK: At 4:40 p.m., a recess was declared. 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, Community Services Director Sullivan, Public Works Director O'Brien, Chief Deputy District Attorney Cockerill, Utility Manager Dorothy Timian-Palmer, City Engineer Homann, and Recording Secretary McLaughlin.

14. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan.

PLANNING COMMISSION REVIEW AND APPEAL MATTER - ACTION ON S-90/91-2A REGARDING A REQUEST FROM KINGS CANYON PARTNERSHIP (LONG RANCH ESTATES) FOR APPROVAL OF AN AMENDED TENTATIVE SUBDIVISION MAP APPLICATION FOR A 50-UNIT SINGLE FAMILY DEVELOPMENT ON 18.96 ACRES OF PROPERTY ZONED SINGLE FAMILY 12000 (SF12000) AND CONSERVATION RESERVE (CR) LOCATED ON THE SOUTH SIDE OF KINGS CANYON ROAD APPROXIMATELY 1500 FEET WEST OF ORMSBY BOULEVARD (APNs 7-321-01, 05, 06, 07, 09, 10, 11, 12, 13, 16, 17, AND 9-014-21, 22, AND 23) - PLANNING COMMISSION MOTION TO APPROVE FAILED 3-4-0-0 (5-0185) - Discussion ensued among the Board and staff clarifying the Planning Commission's motion and resulting recommendation, the Tentative Subdivision Map and Final Subdivision Map procedures, Applicant's willingness to use the Final Map procedures for development, development activities authorized by the Tentative Map, and Growth Management Ordinance control over the development. (5-0495) Applicant's representative Bill Shaw explained the Applicant's original request and outlined statutory considerations which the Board could consider. He acknowledged the Applicant's willingness to accept the Final Map procedures for development and explained plans to submit a Planned Unit Development Application for the entire 200 plus acre parcel which will include 30 homes on the south side of Kings Canyon rather than the 51 proposed in this application, which is less than the total allowed; should this be approved before February 1992 without economically burdensome, arbitrary, infeasible, or unusual conditions, the Applicant would proceed with the PUD map and not the Final Map which is being discussed this evening. Reasons for this proposal were given. Discussion ensued among the Board and Mr. Shaw on this commitment; project construction timetables; proposed lot sizes; the PUD's proposed 295 homes and bike/pedestrian walkway; reasons for seeking the Board's action on the Tentative Map at this time rather than on the proposed PUD; zoning of the two parcels; and removal of the Calvin Jones lot from the calculations. Discussion then ensued among staff and the Board about the concerns expressed by Water Resources mandating a "Will Serve" letter. Ms. Timian-Palmer noted that she had submitted the "Will Serve" letter to the State based on the original plan for 59 homes. A second letter is needed for the 50 homes indicated in the proposed Tentative Map. Consulting Engineer Mark Rotter explained the proposal that the detention basins would be owned by the property owners but maintained by the City. Discussion ensued among the Supervisors and Mr. Homann concerning the parameters considered in a storm drain area, responsibility for downstream damage, maintenance policy requirements, and its implementation date. Mr. O'Brien expressed his feeling about the implementation of the policy. FEMA is now requiring governmental entities to maintain these facilities. FEMA requirements and flood insurance rates were discussed also. Clarification indicated that the site was not in the flood plain.

(5-1602) Don Lattin, representing the Concerned Citizens for Responsible Development in Kings Canyon, distributed a list of the individuals to the Board and Clerk. Their concerns related to: the piecemeal development approach being utilized by the Developer; desire to see a complete plan for the entire 200 acres to determine the impact on schools, traffic, erosion, etc.; his feeling that the Board was willing to approve the Tentative Map; need for additional area accesses specifically if an emergency arose; the earthquake fault adjacent to the site; the need for a hillside ordinance; and impact on schools. Clarification indicated the School District felt 50 homes would generate 70 students and require another modular and school bus. Mayor Teixeira reviewed Mr. Brunetti's comments which were made earlier in the meeting. Mr. Tatro read the report into the record emphasizing the School District's lack of concern about the impact as the project

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would not be developed until 1993 when there would be adequate facilities available to meet the projected 70 students. Mr. Lattin proceeded with his comments on concerns which included the Soil Conservation District's need for additional information before reaching a decision on the amount of soil erosion which would occur. Mr. Lattin concluded his comments by stressing his feeling that the Board should deny the request based solely on the health and safety issues raised by his coalition.

(5-2165) May Ruth French felt that Mr. Brunetti did not have the best qualifications for his position. She felt that the City was outgrowing the school projections and has used an unrealistic projection for the project's impact. She displayed pictures of the area where the homes would be located. She felt the area was unstable and should not be approved for development. She urged the Board to mandate that a bond be maintained to pay for any damage which may occur as a result of flooding or an earthquake. Erosion, environmental, and access concerns were adequate to deny the request.

(5-2301) Bill Vance expressed his feeling that inadequate storm drain facilities were now found on the west side and that the project would create an additional burden on these substandard facilities. He questioned whether water rights had been required to support the increased population. He cited an example of the water shortage found in Carson City as a reason for feeling that the City could no longer support continued growth. The increased traffic flow was another reason for denying the proposal. Speeding traffic currently found in the area was cited as an additional safety concern. He questioned how the City's street and highways master plan could be ignored. A copy was given to the Board -- none to the Clerk. Its requirement that two paved accesses to collector streets and the liability the City was accepting if the project is approved were pointed out. U.S. Forest Service Guy Pence and Rich Rialto's letters were cited as supporting the need for a second access to the area. He urged the Board to support the Planning Commission recommendation. Mr. Homann explained the requirements for two paved accesses to collector streets and the streets and highways master plan, which is an objective and goal. The traffic report indicated that traffic flow generated by the development would not inhibit traffic at intersections below a "B" grade level. A majority of the intersections and streets would continue at an "A" level. Therefore, the project would meet the master plan. Longview Way is a proposed collector street and is to be developed west of the site. It will be completed when additional development occurs in the area. If the development was above Longview Way, he could support Mr. Vance's position that the second access should be required. Mr. Sullivan then explained his contact with Mr. Rialto and acknowledged the concern as expressed by the Planning Commission concerning the need for a second access. Mr. Sullivan supported Mr. Homann's position that Kings Canyon could handle the increased traffic. Mr. Vance then reiterated his position that the City was accepting a huge liability if the Board approved the subdivision.

(5-2925) Veronica Francis Wright expressed her feeling that the subdivision would eliminate all water rights for homesteaders above the subdivision. (5-3024) Sherry Jones acknowledged several benefits which she would receive if the property is developed, however, felt that the proposal would adversely affect her property values as her home was located on an half-acre site in the middle of the proposed 12,000 square foot parcels. She suggested as a compromise that the development surrounding her parcel be tiered with half acre sites adjacent to hers, third acre lots on the adjacent street, and radiating outwards to 12,000 square feet. If cluster homes are constructed, she could support 14,000 square foot lots if she is buffered by one-third acre parcels. She felt this would provide compatibility and harmony between existing development and the proposed project. Due to her investment, she felt she would have no recourse but to seek relief through the Courts if the present proposal is approved. Clarification indicated that she had a map included in her escrow papers indicating the homes and lot sizes. Her home was purchased two years ago. She concluded by reminding the Board that the master plan and zoning are only tools for developmental decision making.

(6-0195) Bernice Stuke questioned who was going to be liable for the flood damage she would receive as a result of the development. Her concern about current speeding traffic and her children's safety were expressed as the project would double the volume and increase the risks. Additionally, the schools could handle the influx only if it begins a "multi-track" system as indicated in the letters. Her experience at

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Bordewich School on its first day supported her feeling that the schools were at maximum capacity now. She felt it inappropriate at this time to comment on a Planned Unit Development as the plans had not been submitted.

(6-0310) Gigi Carlson reminded the Board of 1958 fire in this area and explained her concerns about having only one egress/ingress. She displayed pictures of the fire. (After the meeting she took her pictures back.) She then presented the Board with a copy of the FEMA flood map. (A copy was given to the Clerk.) Flooding problems now occurring along Kings Canyon Road were noted. She questioned where the subdivision's runoff would go and expressed her concern that it could only further impact the downstream area and the inadequate facilities. She also felt it was inappropriate for the residents to pay for a problem created by a developer. She felt the hillside ordinance should be approved before the plan is. The liability should be placed on the developer rather than the City.

(6-0465) Lee Groth expressed his concerns about the failure to have an emergency access.

(6-0518) Ray Donohue expressed Max and Pauline Taylor's concerns that, although the tentative map indicates 30 homes, the actual number was 50, the size of the detention basin, the traffic volume, and speed. He then questioned the minimum size home to be located on the 12,000 square foot lots. Mayor Teixeira explained that this issue had not been discussed. Supervisor Bennett noted that traffic enforcement would become a City problem. Mr. Donohue also commented on his feeling that the City would eventually be sued if the conditions presently existing are not addressed.

(6-0689) Ron Silva reviewed the application history of this site. He questioned when the property was zoned 12,000 single family residential. He felt that Title 18 had not been followed in establishing this zoning and, therefore, it should remain Conservation Reserve. According to his information from the 1975 Master Plan, the property was to follow the U.S. Agriculture's recommendation to maintain a moratorium. He, too, found it a shock that the zoning today could be 12,000. He urged the Board to deny the request based on his feeling that the site was an inappropriate place for development, had been zoned conservation reserve for eons, and was opposed by the populace. He urged the Board to maintain the area as a horseman's park or green belt as suggested in the 1975 Master Plan or maintain the CR zoning. He then cited the U.S. Forest Service's discovery of four or five species of endangered animals found in the canyon as another reason to deny the proposal. The public enjoys the virgin, pristine area now. Approval of the proposal would bring about the area's demise.

(6-0995) Betty Ihfe explained her contact and enjoyment of the area. She pointed out development's encroachment along the mountains. She then explained the formation of Concerned Citizens for the Responsible Development of Kings Canyon and welcomed anyone wishing to join to do so. She pointed out the 350 signatures on a petition, the individuals who had personally contacted the Board as well as the Committee's members, and the individuals who had repeatedly attended hearings opposing the development. She felt these groups strongly opposed the proposal to locate 50 units on the 18 acres also. She felt that the Board's direction at the last meeting was for a development plan on the entire 200 acres rather than just a piecemeal approach. She urged the Board to continue requiring the developer follow this plan. Reasons for requiring the entire plan at this time included the ability to plan a total project for the benefit of all. She felt the SF 12,000 zoning had been inappropriately assigned to the property. Her Committee had met with the engineer and discussed a conceptual plan for the entire parcel which should be considered by the Board. The Developers had agreed to allow the Committee to continue working with them on the proposal. She questioned whether this condition could be placed against the Tentative Map and mandated of anyone purchasing the property. If it could not be, she questioned whether the property owner would be willing to make the necessary concessions and whether the PUD would ever occur. The Committee opposed a 50 unit development on the south side as well as a similar number on the north side. The proposed 30 units was more amenable. She was willing to include the Jones in the process. She urged the Board to assess significant impact fees to help the City cope with the problems which the development would bring. She

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supported a pro-active development with adequate planning. She requested the Board uphold the Planning Commission's recommendation. She then cited a U.S. Agriculture report on the wetlands that indicated the developers get what they want regardless of the rationale and concern of the citizens. By allowing the developers to do the minimum, the destruction and rape of the environment is committed.

BREAK: At 8:10 p.m., a five-minute recess was declared. When the meeting reconvened at 8:15 p.m., the entire Board was present constituting a quorum.

(6-1545) Mr. Rotter noted the amount of work involved to reach the present stage as well as the work necessary to complete the project. He then explained the items used in the traffic analysis and the proposed impact the project would create on the traffic. This analysis indicated the level of service would not change. Traffic enforcement was not a valid consideration. As Kings Canyon is a State road, Nevada Department of Transportation had superimposed several conditions which he outlined. The access problems and Mr. Rialto's requirements were explained. The Soil Conservation District and Sierra Forest Fire District had been involved in the plan. Their conditions were acceptable and were included. Conditions normally required in a hillside ordinance were included under the various State and local departmental requirements. Comments spelled out requirements which normally are addressed at the final approval, e.g., erosion requirements; detention basin sizes; etc. He was willing to accept any reasonable requirements based on increased flooding which the development would create. Departmental approvals are obtained on the final map. Extensive studies would be conducted for the final map, e.g., determining the present of a fault. The Board discussed with Mr. Rotter when Mr. Lattin's erosion comments would be addressed, the conceptual plan, identified the green lines on the Planning Department map, reasons the entire project/PUD was not being considered at this time, the units which could be built under the present zoning and under the PUD.

(6-2588) Mr. Shaw acknowledged Mrs. Jones' comments and expressed a willingness to work with them. He then explained for the Faylors that if 30 units are approved, 50 could not be constructed. He was willing to install a stop sign on Kings Canyon Road but traffic enforcement is a better means of addressing the problem. The school problem could be addressed, if necessary. Mr. Sullivan and Mr. Homann then responded to Mr. Shaw's questions concerning whether reasons had been given to change staff's recommendation. Mr. Shaw again reiterated his willingness to accept the conditions as had been placed against the Tentative Map until the PUD plan had been developed and approved. If the PUD is not approved, the Tentative Map would be brought forward. Mr. Shaw again stated his willingness to work with the Jones.

Supervisor Bennett commended Mr. Shaw and Mr. Rotter on their efforts and then expressed her concerns about the developer. She urged the developer to bring forward the PUD. Supervisor Bennett then moved that the Board of Supervisors uphold the Planning Commission recommendation to deny the request for approval of an Amended Tentative Subdivision Map. Following Mr. Cockerill's request that the motion including findings, Supervisor Bennett requested a recess to discuss the matter with him.

BREAK: At 8:55 p.m., a five-minute recess was taken. When the meeting reconvened at 9 p.m., the entire Board was present constituting a quorum.

Supervisor Bennett then explained that based on counsel's advice, the fact that the Planning Commission motion had been to recommend approval of the application, which failed when the vote was taken, and the lack of sufficient evidence being given during the evening's presentation on which to base a denial, she could not make the necessary findings for a denial. She personally felt that there was adequate evidence but the testimony which had been provided could not override staff's recommendation and the applicant's evidence. She then withdrew her motion.

Further discussion ensued among the Board and Mr. Shaw on the number of units proposed by the Tentative Map, the proposed PUD which would include this site, and the Applicant's plan to use the PUD when

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approved to supersede the Tentative Map for this parcel. Mr. Cockerill supported Mr. Shaw's position that the PUD would supersede the Tentative Map. Supervisor Tatro expressed his desire to address some of Mrs. Jones' concerns related to the size of the lots adjacent to her parcel. He then suggested that nine parcels be removed along Long Ranch Drive and one parcel abutting Kings Canyon Road which would make the lot sizes approximately the same as the Jones. This would create a subdivision with 40 parcels rather than the proposed 50, which is a compromise between Mr. Shaw's proposed PUD for 30 and the Tentative Map's for 50. Reasons for his suggestion included precedence which was created when the Sunchase Subdivision was approved. Mr. Shaw expressed his belief that this would ignore the fact that the property had been zoned SF12000 since 1965. He then explained the encroachment permit granted by the Nevada Department of Transportation. The original proposal, which had been denied, had called for larger lots on Kings Canyon. The PUD had one access from Kings Canyon Road and removed 20 lots. Supervisor Tatro then elaborated further on his suggestion, reasons for it, and his request when the proposal was originally discussed by the Board several months ago. Mr. Cockerill explained that if the Tentative Map is approved with 12000 square foot lots and the developer meets all of the conditions placed upon the Tentative Map, construction would be allowed. If the developer agrees to reduce the density, it would be acceptable. It could not be mandated as the zoning allowed the 12000 square foot lots. Clarification noted that the concept of the PUD was discussed with the Planning Commission.

Supervisor Fettic then explained his reasons for making the motion which follows. He would not have supported a zoning change. He felt that legal justification to deny the application had not been given in either the Board documents or from the testimony presented. He wished, however, to add two additional conditions. Condition number 17 was that the Applicant would not apply for a final map until an application for a PUD land use change has been made and its public hearing process is completed. Mr. Shaw agreed to this condition. Supervisor Fettic continued to explain the condition further to include that if that process is successful the Applicant would incorporate the current Tentative Map application into the future PUD project and that the density would not exceed 30 units. This condition was based on verbal explanations given by Mr. Shaw. Supervisor Fettic noted that the PUD would have to be successful and not have any unreasonable or arbitrary conditions attached to it, the density contained in the Tentative Map application would not exceed 30 units. Mr. Shaw agreed and explained that the PUD would have 295 units as a maximum with 30 units on the south side. Supervisor Fettic then explained that Condition number 18 would be that the Applicant would work in good faith with Mr. and Mrs. Jones to mitigate any adverse affects on their property. Mr. Shaw also agreed to this condition. Supervisor Fettic then moved that the Board reverse the Planning Commission recommendation to deny the request and approve the application before the Board, namely S-90/91-2A, for an amended tentative. (Tape 7 failed at this point and Supervisor Fettic then began his motion over.)

BREAK: At 9:25 p.m., a three minute recess was taken. When the meeting reconvened at 9:28 p.m., the entire Board was present.

(8-0014) Supervisor Fettic moved that the Board of Supervisors approve the application of S-90/91-2A, Approval for Tentative Subdivision Map Application, for a 50 unit single family development on 18.96 acres of property zoned Single Family 12000 on the south side of Kings Canyon Road approximately 1500 feet west of Ormsby Boulevard, that the approval is based on the following findings: 1. The proposed project will be consistent with Title 18, Zoning, of the CCMC when setback requirements are made at the time of construction and is consistent with the Master Plan Land Use map; the proposed project is consistent with Carson City's Land Use Element Objective I: To accommodate planned population growth in ways which will not damage the social, economic and environmental well being of Carson City; Recommendation 2: To assure land use patterns that are consistent with the circulation network and availability of public facilities and services; Objective II: Continue to advocate a land use pattern which creates vitality through diversity in activities and age of improvements; Recommendation 1: Advocate a mixture of land uses where such a mix is compatible and adds to the interest and vitality of an area; Recommendation 9: Adopt land use patterns that are consistent with the objectives and recommendations of this plan by encouraging

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development which will not generate an adverse impact in excess of projected community growth and services; that the Application be approved with the 16 Conditions of Approval submitted by staff and that in addition two others be added: No. 17. That the Applicant will not apply for the Final Map until the Application for a PUD Land Use Change has been made and the public hearing process is completed; if that process is successful and unreasonable and arbitrary conditions are not placed upon the Applicant, that the Applicant will incorporate this current Application into the future PUD project and the density given in this Application will not exceed 30 units; No. 18. That the Applicant will work in good faith with Mr. and Mrs. Jones to mitigate any adverse economic impact on their property that this approval may cause. Supervisor Smith seconded the motion. Following Mayor Teixeira's request for comments and hearing none, the motion was voted by roll call with the following result: Tatro - Yes; Fettic - Yes; Smith - Yes; Bennett - No, as I have stated that from my perspective I felt that this Application has nothing to do with the real issue, the real issue is a Planned Unit Development and I believe we have spent 3 1/2 hours of this community's time and energy and this Board's effort to talk about something that has absolutely nothing to do with what the, as I said, what the real issue before us is; and Mayor Teixeira - I had a helluva speech prepared, but since my vote is moot on this point, I will address only a couple of points, regardless of my personal feelings as a Mayor or as a Supervisor, speaking for myself as the Mayor, you can be sympathetic but you always have to consider and understand that you represent 41,000 people; I once lived on the west side and after a divorce, I now live on the east side; the key here, I'm on a zero lot line, and people are having trouble with 15,000 square feet, but anyway, they key here and the point I really want to make is to take the measure at hand and I applaud the Board and I absolutely applaud your efforts, but the key is you administer your decisions based upon a level playing field that is equal for one developer and equal for the other, so everyone plays under the same set of rules whether they be on the east side or the west side; we have a three percent growth ordinance; we have infrastructure; some areas are special to some people and some areas may not be quite as special to some, but all areas are special to someone; believe it or not, I have received to date five calls that say, "How come, Mr. Mayor, I live over in Silver Sage, I don't see us getting any break on density, if it's zoned, it's zoned, we live with it." Good points, as far as traffic and things like that, I have been in this community too long, I have been here 30 years; my kids graduated from Carson High School, not where Carson High is now, but where that Junior High is; you want traffic, you should have seen those juniors and seniors in their cars when my kids were going to school; so what you do is you make the decision based upon information, professional staff, and you make it equal and across the board; I personally now will hope that what we will eventually have there will be not only in the best interest of the developer but something that will serve the community, something we can point to with pride, and I will tell you, Mr. Shaw, you imposed the conditions upon yourself, I did not ask you to do that, I can tell you that we look forward to the PUD, I vote yes. Motion carried 4-1.

There being no other matters for discussion, Supervisor Fettic moved to adjourn. Supervisor Tatro seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 9:30 p.m.

The Minutes of the September 5, 1991 Carson City Board of Supervisors meeting

ARE SO APPROVED ON November 7, 1991.

/s/
MARV TEIXEIRA, Mayor

ATTEST:

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/s/
KIYOSHI NISHIKAWA, Clerk-Recorder