

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 6, 1989 Meeting
Page 1

A regular meeting of the Carson City Board of Supervisors was held on Thursday, April 6, 1989, at the Community Center Sierra Room, 851 East Williams Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:	Marv Teixeira Marilee Chirila Ron Swirczek Tom Fettic Kay Bennett	Mayor Supervisor, Ward 3 Supervisor, Ward 1 Supervisor, Ward 2 Supervisor, Ward 4
STAFF PRESENT:	L. H. Hamilton Alan Glover Paul McGrath Ted P. Thornton Gary Kulikowski Pam Case Walt Sullivan John Iratcabal Bob Auer Katherine McLaughlin (B.O.S. 4/6/89 Tape 1-0001)	City Manager Clerk-Recorder Sheriff Treasurer Internal Auditor Automation Services Director Community Services Director Deputy Purchasing Agent Deputy District Attorney Recording Secretary

Mayor Teixeira called the meeting to order at 9:05 a.m. Roll call was taken and quorum was present as noted. Rev. Larry Rothchild of the Capital Baptist Church gave the invocation. Supervisor Bennett lead the Pledge of Allegiance.

SPECIAL PRESENTATIONS

RECOGNITION OF THE CARSON HIGH SCHOOL GIRLS STATE CHAMPION BASKETBALL TEAM AND COACHES (1-0035) - Mayor Teixeira explained the High School Girls Basketball Team's accomplishment and presented each with a Certificate of Achievement and plaque.

APPROVAL OF MINUTES (1-0202) - February 22, and March 9, 1989, Special Meetings and March 2 and 17, 1989, Regular Meetings - Supervisor Fettic moved to approve the Minutes as presented. Supervisor Bennett seconded the motion. Motion carried 5-0.

PETITIONS AND COMMUNICATIONS (1-0220)

REQUEST FOR HEARING BY ZOE ZIMMERMAN AND AVERY HUFFMAN, DOING BUSINESS AS 4 BYRDS ONLY - APPEAL OF DENIAL OF BUSINESS LICENSE AT 510 EAST STAFFORD WAY, SUITE E-2, CARSON CITY, NEVADA - Neither Ms. Zimmerman nor Mr. Huffman were present. Following Mr. Thornton's explanation of the reasons for denying the Business License, Supervisor Fettic moved to deny the appeal of Zoe Zimmerman and Avery Huffman. Supervisor Bennett seconded the motion. Motion carried 5-0.

Mayor Teixeira recessed the Board of Supervisors Session and immediately reconvened the hearing as the Liquor and Entertainment Board. A quorum was present including Sheriff McGrath.

LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-0296)

TREASURER

ACTION ON MIKE BASSO (SOUTHLAND CORP.) DOING BUSINESS AS NORTH CARSON 7-11 STORE NO. 20483 AT 2050 NORTH CARSON STREET - Following Mr. Thornton's introduction, Southland Corporation Field Consultant Mike Basso and the Store Manager Jack Hoffer explained the Corporation's plan to manage the store. The Board's concern about not having a licensed individual responsible for the operation in Carson City was discussed. Mr. Thornton explained the City's licensing requirements. Mr. Hoffer is to obtain a workcard as the store manager. Clarification indicated that Mr. Basso would only hold the license until the store is purchased. Member Swirczek explained his knowledge of the operation and changes he had seen at the store since the Corporation had taken it back. Messrs. Basso and Hoffer explained the Corporation's identification policy and schooling. The Corporation would not condone loitering on the premise nor juvenile attempts to solicit adults to purchase liquor for them. Signs would be posted for both cigarettes and alcohol regarding the age limits. Licensing for other convenience stores was explained. Mr. Basso explained the difference between adult and minor driver's licenses. Member Swirczek moved based on the testimony provided to approve the Liquor License for Mike Basso, Field Consultant for Southland Corporation, for the North Carson 7-11 Store located at 2050 North Carson subject to the approval of all City Departments. Member Fettic seconded the motion. Discussion ensued concerning the need to bring the license back for review. As no problems were anticipated, the request for a conditioned license was withdrawn. The motion to approve the Liquor License was voted and carried unanimously.

ACTION ON APPROVAL OF A LIQUOR AND ENTERTAINMENT PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM FOR THE PERIOD APRIL 26 THROUGH APRIL 30, 1989, FOR THE FOURTH ANNUAL RSVP SPRING FUN FAIR AT MILLS PARK (2-0773) - Mr. Thornton explained the request for an entertainment permit and waiver of the fees. RSVP Director Janice Ayres explained the request to waive the entertainment permit fee. All other fees would be paid. Member Swirczek moved to approve the Entertainment Permit for the Retired Senior Volunteer Program and waive the entertainment fees associated therewith. Member Fettic seconded the motion. Motion carried 6-0.

ACTION ON APPROVAL OF A SHORT-TERM PERMIT FOR RETIRED SENIOR VOLUNTEER PROGRAM FOR PERIOD APRIL 26 THROUGH APRIL 30, 1989, FOR CARNIVAL AT MILLS PARK (2-0889) - Mr. Thornton then explained the request for a Carnival Permit for the Royal West Amusements owned by Reed Williams. Mr. Williams was not present as the Board had waived the requirement for him to appear for licensing last year. This would be the fourth time for his carnival to be here. The Certificate of Insurance had been provided, however, the ride inspection reports were outstanding. Ms. Ayres noted California's requirement that this report be posted on each ride. She would provide copies to Mr. Thornton. Discussion noted the Ordinance requirements and Board policies for such activities. A list of employees had been submitted to the Sheriff's Office. Fingerprints would be taken by the Sheriff's Department when the workers arrive. Member Fettic moved to approve the Short-Term Business License for the Retired Senior Volunteer Program Carnival contingent upon receipt of the Safety Inspection Certificates by the Treasurer's Office prior to the operation and that the Certificates be current. Member Bennett seconded the motion. Motion carried unanimously.

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

AGENDA MODIFICATIONS - Mr. Auer requested the Item ACTION ON LABOR RELATIONS RETAINER AGREEMENT WITH BRUCE BISCHOFF be discussed just prior to the **Personnel Session**. Mayor Teixeira scheduled these Items for 4 p.m.

CITIZEN COMMENTS (1-1003) - None.

RESOLUTIONS

DISTRICT ATTORNEY (1-1010)

DISCUSSION AND DIRECTION TO THE DISTRICT ATTORNEY TO DRAFT AN ETHICS ORDINANCE - Mr. Auer explained the Board's direction to draft an ethics ordinance and solicited comments from the Board on the proposed ordinance. Discussion noted that this would consolidate an ethics code into one location rather than the present bits and pieces currently found in the Code, Statutes, etc. Mayor Teixeira directed staff and requested the Board provide the District Attorney's office comments on the proposal. Supervisor Swirczek expressed his support for an ordinance and moved that the Board direct the District Attorney to amend the Sparks' ethics ordinance and bring back to the Board for first reading an amended ordinance for Carson City. Supervisor Bennett seconded the motion. Discussion ensued concerning whether the ordinance should be considered for first reading at that time. Supervisor Swirczek then amended his motion to have the District Attorney's office amend the Sparks' ethics ordinance and bring back an ordinance for discussion by the Board. Supervisor Bennett continued her second. Mr. Glover did not feel that the proposed ordinance would create much of impact on his office. The motion to direct the District Attorney's office to draft an ethics ordinance was voted and carried unanimously.

ACTION ON AMENDMENT AGREEMENT NO. 2 (GARTH RICHARDS) REGARDING MANNER OF RELEASE OF BUILDING PERMITS FOR UNIVERSITY HEIGHTS (1-1319) - Mr. Auer and Garth Richards' attorney David Small explained the amendment and reasons for the agreement. Mr. Sullivan acknowledged the administrative problems encountered. Supervisor Fettic moved to approve Amendment No. 2 to the Richards Agreement and authorize the Mayor to sign same. Supervisor Bennett seconded the motion. Motion carried unanimously.

BREAK: At 9:55 a.m. a ten minute recess was taken. When the meeting reconvened at 10:05 a.m. a quorum was present as noted.

CLERK-RECORDER (1-1785)

ACTION ON COURT SOFTWARE UPGRADES - Following Mr. Glover's explanation of request, Supervisor Swirczek moved that the Board accept the AGS software installed in the Court Clerk's Office totalling \$7,000. Supervisor Bennett seconded the motion. Motion carried unanimously.

ACTION ON RESOLUTIONS AUTHORIZING DESTRUCTION OF ORIGINAL RECORDS; DECLARATION OF VALUE FOR DATES SHOWN, COURT CASES, MARRIAGE APPLICATIONS AND CONSENT FORMS; AND MISCELLANEOUS BUILDING SITE FILES (1-1535) - Following Mr. Glover's explanation of the request, which noted the records had all been microfilmed, Supervisor Fettic moved to adopt Resolution No. 1989-R-22, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS Declaration of Value records. Supervisor Bennett seconded the motion. Motion carried unanimously.

Supervisor Swirczek moved to adopt Resolution No. 1989-R-23, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS for court cases 39980 through 46665 dated 10/1/78 through 4/9/82. Supervisor Fettic seconded the motion. Motion carried unanimously.

Supervisor Bennett moved to adopt Resolution No. 1989-R-24, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS of Marriage Applications and Consent Forms dated 1919 through 12/31/57 numbered 1 through 73173. Supervisor Swirczek seconded the motion. Motion carried unanimously.

Supervisor Chirila moved to adopt Resolution No. 1989-R-25, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS of Original Miscellaneous Building Site files dated November 1985

through June 1986. Supervisor Bennett seconded the motion. Motion carried unanimously.

ACTION ON CHANGE IN BOTH THE TITLE AND JOB DESCRIPTION FOR THE CHIEF ELECTION CLERK (1-1686) - Mr. Glover's explanation noted the need to fill the position as soon as possible, his hope to fill it at a Grade 24, and the recruiting process. Supervisor Fettic moved to authorize the change in title and job description for the Chief Election Clerk as requested by the Clerk. Supervisor Swirczek seconded the motion. Motion carried unanimously.

SHERIFF - ACTION ON RESOLUTION OF SUPPORT FOR THE ESTABLISHMENT OF A COUNCIL ON YOUTH (1-1789) - Sheriff McGrath explained the purpose of the Youth Council which would be funded through donations and grants. The Council's first meeting would be held on April 13 at 7:30 p.m. in the Sierra Room. The Resolution presented at the meeting removed the term "teenager" and used "youth" to indicate the group to be involved. Discussion noted the Board's support and a Board meeting with Douglas and Lyon Counties for April 13. Supervisor Fettic moved to adopt Resolution 1989-R-26, A RESOLUTION AND PROCLAMATION OF THE BOARD OF SUPERVISORS SUPPORTING THE ESTABLISHMENT OF A PRIVATE NON-PROFIT COMMUNITY COUNCIL ON YOUTH THAT WILL SERVE TO PRIORITIZE THE NEEDS OF YOUTH IN ORDER TO DEVELOP PROGRAMS FOR THE YOUTH OF CARSON CITY. Supervisor Bennett seconded the motion. Motion carried unanimously.

TREASURER (1-1957)

ACTION ON BUSINESS LICENSE REINSTATEMENTS - Mr. Thornton's introduction noted that all penalties and fees had been paid. Supervisor Swirczek moved to approve the Business License reinstatements for Carson Auto Repair Specialists, Pedro Coscarart, Economy Window Cleaners, Cheryl Espinoza, Murray Real Estate Appraisal, Nevada Home Improvements, Sanford Plants, and Springtime Green Express. Supervisor Bennett seconded the motion. Motion carried unanimously.

ACTION ON APPROVAL OF REFUNDS AND REMOVAL OF TAXES FROM 1988-89 TAX ROLL DUE TO STATE OF NEVADA ACQUISITION OF PROPERTIES (1-2020) - Following Mr. Thornton's introduction, Supervisor Fettic moved to approve refunds to the property owners due to the State of Nevada's acquisition of their property for the Carson 395 By-Pass Project and removal from the tax roll for the following properties: APN 2-471-17 - Gary L. and Cheryl L. Cheney and APN 8-052-11 - L. R. and Milci S. Alderman. Supervisor Swirczek seconded the motion. Motion carried unanimously.

REDEVELOPMENT AUTHORITY AGENCY- ACTION ON 1989 RESOLUTION RELATIVE TO PROMISSORY NOTES AGREEMENT BETWEEN CARSON CITY AND REDEVELOPMENT AUTHORITY AGENCY (1-2065) - Mr. Auer, Ms. Walker, and Redevelopment Authority Chairperson Steve Hartman explained the Resolution and repayment plan. A signed copy of the Promissory Note was distributed to the Board. (The original was given to the Clerk.) The effects of SB 197 were also discussed. Supervisor Fettic moved to loan to the Carson City Redevelopment Authority \$70,000 at 8% interest secured by a Promissory Note due and payable not later than June 30, 1989. Supervisor Bennett seconded the motion. Motion carried unanimously.

INTERNAL AUDITOR - PRESENTATION OF ANIMAL CONTROL SERVICES AUDIT (1-2325) - Mr. Kulikowski, Mr. Auer, and Animal Control Supervisor Mike Conklin responded to the Board's questions concerning the audit, specifically the continued failure to make bank deposits as required and lack of citation control. Mr. Conklin explained his change in procedures to comply with the Statutes and the agreement with the Justice of the Peace. Supervisor Fettic read into the record the District Attorney's recommendation concerning the tickets, "I see no indication that any ticket was voided by reason of friendship, personal influence, or favoritism."

As action could not be taken to accept, reject, etc., the report, the matter was continued to the next meeting. Mr. Kulikowski explained the steps he had taken to notify all those Departments which issue citations about the record keeping requirements.

PARKS AND RECREATION DIRECTOR - STATUS REPORT ON PARK BOND PROJECTS (1-2857) - Mr. Kastens explained the status of the Park Bond Projects, specifically the Centennial Softball Complex, Edmonds Park, Fuji Park, Mills Park, Outdoor Pool, and Ross Gold Park. The need to "multi-meter" the lights was explained. (2-0050) Parks and Recreation Chairperson Pete Livermore explained the lighting improvements at Edmonds and Youth Sports Association's involvement in the project. The parking lot will be paved after Bobby Sox is completed. Changes in the concession stand and security plans were included in the explanation. If the contractor has not completed the Fuji Park improvements by the time the Capital Fair occurs, he has agreed to vacate the premises until the fair is over. A temporary occupancy permit will be obtained for the exhibit hall for the fair. Discussion noted plans were being considered for the "ice skating area" of Mills Park. Mr. Hamilton requested consideration of the Aquatic Facility be considered after this report. Mr. Kastens then noted that the outdoor pool bid award was to be considered today and, if approved, construction should begin in ten days. Discussion noted reasons for the delay in constructing the pool.

PURCHASING AGENT

ACTION ON CONTRACT 8889-77 - AQUATIC FACILITY - AWARD OF BID (2-0466) - Mr. Iratcabal explained the bids and recommendation. The solar portion was eliminated due to the cost and pay back period required. Project Engineer Gribbons of Gribbons and Clark explained the six percent difference between his estimate and the bids. Mr. Kastens outlined funding to meet this shortfall. Considerable discussion ensued concerning the use of the residential construction tax to fund the park projects, the commitments made during the bond election, and the definition of neighborhood parks. Supervisor Chirila urged the Board to complete the park bond projects and then dedicate the residential construction tax to establish "real" neighborhood parks. Mr. Livermore noted that all RCT funding requests have been granted and that the park projects had not affected those requests. Supervisor Swirczek moved to accept the Purchasing Agent's recommendation and award the contract to the lowest responsible and responsive bidder pursuant to requirements as set forth in Nevada Revised Statutes Chapters 332, 338, 339, and 624, said bidder is Bidder No. 4, Nevada Builders Inc., 1524 Pittman Avenue, Sparks, Nevada, for a grand total in an amount not to exceed of \$1,584,699, funding source 560, Park Bond monies. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Ayes - Swirczek, Bennett, Chirila, Fettic, and Mayor Teixeira. Nayes - None. Motion carried 5-0.

Discussion then noted the need to correct the funding amount to include the contingency. Supervisor Swirczek moved that the Board add the contract contingency amount of \$75,000 to the approved Contract 8889-77, Carson City Aquatic Facility, for a total of \$1,659,699. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Ayes - Swirczek, Bennett, Chirila, Fettic and Mayor Teixeira. Nayes - None. Motion carried 5-0.

ACTION ON CONTRACT 8889-85 - SALE OF IBM REMOTE TERMINALS, REQUEST FOR AWARD (2-1068) - Following Mr. Iratcabal's introduction, Supervisor Fettic moved to approve Contract 8889-85, Sale of IBM Remote Terminals to the lowest responsible and responsive bidder Software Incorporated, Carson City, in the amount of \$600. Supervisor Bennett seconded the motion. Motion carried unanimously.

ACTION ON CONTRACT 8889-93 - AUDIO/VISUAL SURVEILLANCE SYSTEM (2-1185) - Following Mr. Iratcabal's introduction, Supervisor Swirczek expressed his support for its procurement. Supervisor Fettic moved to approve Contract 8889-93 and the recommendation of the Assistant Purchasing Agent as submitted by the attached documentation and award the contract to the lowest responsive and responsible company responding

to the invitation to bid pursuant to Nevada Revised Statutes Chapters 332, 333, 338, 339, and 664, that being Bidder No. 1, Desert Hills Video Security Systems, in the amount of \$35,018. Supervisor Swirczek seconded the motion. Motion carried 5-0.

GOLF PRO - DISCUSSION AND POSSIBLE ACTION REGARDING:

RESOLUTION SETTING FEES FOR EAGLE VALLEY GOLF COURSES (2-1200) - Golf Course Advisory Committee Chairperson Bob Tobias and Golf Pro Tom Duncan explained the Resolution, compared the fees with surrounding courses, and the revenue which would be generated by the changes. Discussion also noted that the fees under "e. Tournament Play West Course for Off Season Rate" should not include the word "Tournament". Supervisor Fettic moved to adopt Resolution No. 1989-R-27, A RESOLUTION ESTABLISHING FEES FOR EAGLE VALLEY GOLF COURSES EAST AND WEST ON AND AFTER APRIL 6TH, 1989. Supervisor Swirczek seconded the motion. Motion carried 5-0.

BREAK: At 11:35 p.m. a ten minute recess was taken to allow the Board time to reach Caroline Street for the following activity.

RECESS AND RECONVENE AT CAROLINE STREET (BETWEEN CARSON AND CURRY STREETS) FOR THE OFFICIAL START OF THE PROGRAM FOR REMOVING PARKING METERS (2-1475)

Mayor Teixeira reconvened the session at 11:45 a.m. Members present included Supervisors Swirczek, Fettic, Chirila, Bennett, and Mayor Teixeira, constituting a quorum. Staff members present included: City Manager Hamilton, Parks and Recreation Director Kastens, Deputy District Attorney Auer, and Recording Secretary McLaughlin (Tape 2A-001 Side A). Redevelopment Authority Chairperson Steve Hartman and Member Tom Johnson were also present. Mayor Teixeira briefly noted the procedure followed to reach a decision to remove the meters. Mayor Teixeira, Supervisors Chirila and Bennett, and Member Johnson then directed/assisted the backhoe operator in removing the meter. Discussion noted that the hole left by the cement stand would be filled with sand. (The media present took pictures.)

BREAK: Mayor Teixeira then recessed the meeting for lunch--11:53 a.m. When the meeting reconvened at 1:35 p.m. a quorum was present although Supervisor Bennett was absent.

COMMUNITY DEVELOPMENT DIRECTOR (2-1485)

ACTION ON COMMUNITY DEVELOPMENT BLOCK GRANT ANTI-DISPLACEMENT STATEMENT

- Following Mr. Sullivan's explanation of the Community Development Block Grant program, he noted that the activities proposed to use the grant would not involve displacement of residents, rehabilitation, conversion nor demolition of low income dwelling units. (During Mr. Sullivan's explanation, Supervisor Bennett arrived--a quorum was present as noted.) Supervisor Swirczek moved to approve the following statement of Anti-Displacement be incorporated in the City's CDBG Grant Application this statement, "Pursuant to the Housing and Community Development Act of 1974, as amended and described in 24 CFR 570.496 a (b), Carson City will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to a use other than as low/moderate-income housing as a direct result of activities assisted with CDBG funds. Pursuant to Nevada Revised Statutes 279.478 - Assistance for Relocation, Carson City shall provide assistance for relocation and shall make all of the payments required by Chapter 342 of NRS for programs or projects for which federal financial assistance is received to pay all or any part of the cost of that program or project.

"The proposed activities, for which funds are requested, do not involve displacement of residents, rehabilitation, conversion or demolition of structures." Supervisor Fettic seconded the motion. Motion carried unanimously.

ACTION ON PROPOSED LEASE FOR OFFICE SPACE AT 300 HOT SPRINGS ROAD, SUITES 1, 10, 30-34 (2-1585) - Mr. Sullivan explained the area, lease, and negotiations for a renewable lease. The buyer has reviewed the lease and is willing to accept the conditions. Discussion noted the Board's desire to purchase this facility, which failed to materialize due to funding problems. Mr. Auer requested Messrs. Sullivan and Kastens be authorized to sign the agreement. Supervisor Swirczek moved to accept the terms of the lease and authorize Steve Kastens and Walt Sullivan to sign the lease for office space for the Community Development Department and Parks and Recreation Department located at 300 Hot Springs Road, Suites 1, 10, 30 through 34. Supervisor Bennett seconded the motion. Motion carried 5-0.

PLANNING COMMISSION REFERRAL - REVIEW AND APPEAL MATTERS - ACTION ON SUBDIVISION S-88/89-2 - TENTATIVE SUBDIVISION APPLICATION BY M.S.B. PROPERTIES FOR A 61 LOT SUBDIVISION (SUNCHASE) ON PROPERTY ZONED SINGLE FAMILY 6000 (SF 6000) - WEST SIDE OF SILVERGATE DRIVE BETWEEN PAT LANE AND TUSCARORA WAY - PLANNING COMMISSION APPROVED 4-2-1 (2-1834) - Mr. Sullivan explained the Planning Commission's vote, recommendation, conditions of approval, and staff's recommendation, conditions of approval, and those conditions which have been met. If the Board accepts the median, staff recommended that the developer be required to post a bond or letter of credit for two years to remove it if it becomes a headache for staff to maintain. Mr. O'Brien explained the changes in the plan since it was initially presented in February specifically related to Sonoma and Pioche Streets. A preliminary drainage plan has been submitted. A final drainage plan will be submitted later. He also noted the proposed modification to Silver Sage. Discussion ensued concerning the lack of a park in the immediate area, the hazards of having the children/residents walk to Ross Gold Park and Sonoma Park, and whether it would be more advantageous to have the developer dedicate a park. Mr. Sullivan stressed that only Phases 1 and 2 were under consideration at this time. Mr. Kastens noted that the area would require a six acre park and expressed a willingness to return the plan to the Parks and Recreation Commission.

(2-2547) Developer Jim Bawden explained that the number of lots in Phases 1 and 2 total only 101 of the 189 in the entire project. He also expressed his feeling that, as he had worked with staff for months, the desire to accept land in lieu of the Residential Construction Tax should have been noted before this meeting.

Discussion ensued concerning Condition 12 and the Soil Conservation requirements to reduce soil erosion and flood control problems. Mr. Sullivan explained the flood plain. Mr. O'Brien explained the storm drain facility in that area and how the developer planned to address the increased runoff. Eventually the open ditch will be replaced with pipe. Mr. Sullivan also explained FEMA's requirements and the process to appeal FEMA's AH flood designation.

Discussion returned to the need for a park and methods to resolve the problems children would encounter attempting to reach the Ross Gold Park, Governor's Field, and/or Sonoma Park including a pedestrian overpass.

Mr. O'Brien explained the flow data which the developer must provide before approval is given to allow him to tie into the sewer system. The two routes were explained. Clarification indicated that if this Tentative Map is approved, the Board was not guaranteeing future approval of the remaining phases. Reasons for requiring a master plan at this time were also noted.

Discussion again returned to the need for a park. To create a park at this stage of the plan would require complete reevaluation of the project. Mr. Kastens outlined the reasons the Commission had supported requiring the tax in lieu of the land including criteria which the Commission used when evaluating the need for a park site. Supervisor Chirila explained her reasons for feeling that subdivisions needed to have parks. Supervisor Bennett suggested requiring developers to provide a "safe passage route" to the parks. Mr. Bawden agreed to consider either a park or a route in the next phase.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 6, 1989 Meeting
Page 8

(3-0275) Lew Costar expressed his feeling that a small park in the designated area would create more problems than it would solve as there are 400 children in an adjacent subdivision. Silver Sage is a freeway now. He urged the Board to provide additional stop signs/lights and traffic control officers.

(3-0450) Consultant George Thiel, President of Thiel, Winchell and Associates, explained the drainage plan, the sewer plan, the delay completing the sewer plan, and the project's traffic flow.

Supervisor Bennett questioned the need for a subdivision standard specifying the amount of open space required. Mr. Sullivan explained that at this time Titles 17 and 18 do not cover this matter. The Parks and Recreation Commission's role in the process was reviewed. Mr. Sullivan then explained the Planning Commission's vote. Based on the conditions, staff supported its recommendation.

Supervisor Chirila moved to approve the Tentative Subdivision Map to develop the 102 lots of the Subdivision known as Sunchase providing all conditions of approval in the Notice of Decision be fully complied with by the Developer. Mr. Sullivan recommended deletion of Condition 1 as it had been complied with and that an additional condition be required stipulating a financial agreement addressing the island. Supervisor Chirila continued her motion to include Mr. Sullivan's requirements deleting Condition No. 1 as it had been substantially complied with, requiring the Developer to furnish a bond or other financial agreement which would meet Public Works' requirements for the removal of the median and street construction to City standards at either the Developer's costs or under the bond, and that in subsequent phases a park be a part of the plan which meets all of the requirements of the Park and Recreation Commission and that it be approximately six acres in size. Supervisor Swirczek seconded the motion.

Clarification indicated that the Developer did not have a problem with the median and was willing to eliminate it from the project if staff felt it was a problem. The Developer reiterated his comments that the Commissions had indicated that the park was not necessary. Mr. Thiel also expressed his feeling that the park would place an unfair burden on the developer, however, felt that the developer would be willing to cost share a park with the surrounding developments. In order for the Developer to agree to the park, it would be necessary to reconsider the entire project.

Clarification also indicated that the Conditions referred to in the motion were those contained in the Notice of Decision, and that subsequent phases of the project would be reviewed by the Planning Commission. The 102 lot phases could proceed without returning to the Commission. Discussion noted that if tax monies are accepted for the 102 unit project, the park required for the remaining phases would be substantially smaller than the six acres required in the motion. Supervisor Chirila clarified the motion to be that the six acre park be for the entire project rather than just the latter phases. Therefore, no taxes would be collected. Discussion ensued concerning the small neighborhood parks, their lack of use, maintenance requirements of small parks, funds for development, and adjacent parks. Discussion with Mr. Bawden indicated his willingness to evaluate participation in the cost of pedestrian crossings on Silver Sage for phases 3, 4, and 5. Mr. O'Brien expressed his willingness to evaluate the various types of crossings.

Mayor Teixeira outlined motion as being to approve 102 lots with a condition requiring an approximate six acre park in phases 3, 4, or 5, and that RCT funds would be taken from phases 1 and 2. Mr. O'Brien then requested direction from the Board concerning future developments and the residential construction tax. Supervisor Chirila expressed her feeling that the Board was to be the last one to consider any issue and that the project was unique due to its location adjacent to a busy thoroughfare, its size, and the number of children who will reside in it. She, therefore, did not feel that the project was being treated differently. She did not feel that a policy was necessary.

The motion was then voted by roll call with the following result: Chirila - Yes; Swirczek - No based on his feeling that there is no policy, there were unfair stipulations being imposed, and that a policy should be established in the

immediately rather than to change in mid-stream; Fettic - No; Bennett - No; and Mayor Teixeira - No. Motion died on a 1-4 vote.

Supervisor Fettic then moved that the Board uphold the Planning Commission's decision on S8889-2 and add a condition that the Developer be required to work with City staff to address the safety factor out there as far as a pedestrian crossing of Silver Sage is concerned. Reasons for this requirement were detailed. Upon request for clarification, Supervisor Fettic amended his motion to include the stipulation that a bond or other financial agreement be provided by the Developer to guarantee that the medians will be removed and the street reconstructed to City standards if they become a maintenance headache, removal of Condition 1 as it had been substantially complied with, and inclusion of the Conditions as found on the Notice of Decision. Supervisor Swirczek seconded the motion. Following further discussion, Supervisor Fettic again amended his motion to include that the method of addressing the safety factors is to come back to the Board and that the Developer will tell the Board how it will occur. Supervisor Swirczek continued his second. The motion was then voted by roll call with the following result: Fettic - Yes; Swirczek - Yes; Chirila - No; Bennett - Yes; Mayor Teixeira - Yes. Motion carried 4-1.

Mr. O'Brien explained that before the second and additional parcel maps are accepted, the Board will consider the plans including the safety program.

Mr. Kastens agreed to review the RCT requirements to determine if they could be used for the safety program. Supervisor Chirila requested that when this is agendized, it be done in such a matter as to allow the Board to give direction on a policy of this nature.

GOLF PRO - PROPOSED 1989-90 BUDGET FOR EAGLE VALLEY GOLF COURSES (3-1225) - Continued.

REMODEL OF EXISTING OR CONSTRUCTION OF NEW CLUBHOUSE FACILITY AND OTHER CAPITAL IMPROVEMENTS (3-1227) - Golf Course Advisory Committee Chairperson Bob Tobias outlined previous discussions with John Serpa, which had failed, the Committee's unanimous recommendation that the Board expand the present clubhouse, and reasons for this recommendation. (During his comments Supervisor Bennett stepped from the room--3:00 p.m. A quorum was present.) Supervisor Swirczek moved to approve the Golf Course Advisory Committee's recommendation and direct staff to bring back a proposal for remodeling the existing clubhouse which will, in fact, double its size. Chairperson Tobias requested inclusion of a date for completion of this direction. Mayor Teixeira noted an expansion plan he was working on which was being done for the City at no cost and requested a date not be included. Supervisor Fettic seconded the motion. The motion carried unanimously.

ALTERNATIVES FOR WASTE DISPOSAL, SEWER LINE VERSUS SEPTIC SYSTEM AND SOURCES OF FUNDING (3-1409) - Discussion ensued concerning the need to address the failed septic system, the costs for bringing a line from Centennial as directed by a previous Board, alternatives to connect the club house to the maintenance facility via a lift station or use the lift station and utilize Mr. Serpa's utility corridor. Mr. O'Brien recommended utilization of Mr. Serpa's utility corridor based on Mr. Serpa's letter offering its usage to the City at no cost to the City. Mr. O'Brien felt that this project could be completed for approximately \$50 to \$55,000. (During this discussion Supervisor Bennett returned--3:05 p.m. A quorum was present.) Considerable discussion ensued concerning reasons for the delay in carrying out the Board's direction that the sewer line along Centennial be extended to the club house. Supervisor Fettic suggested that the City Manager establish a "tickler" system due to the feeling that such failures happen repeatedly, noting the parking meters as another example. Mr. Auer suggested that any new Board direction be contingent upon his office receiving and approving a release from Mr. Serpa. Clarification for Mr. Tobias explained that the utility corridor was already constructed. Mr. O'Brien

outlined the procedure to seek design "RFP's" and his feeling that the design should not cost more than \$5,000. Mr. Auer noted that the Golf Bond funds could be used for the sewer if the work doubled the present facility. He also felt that any new Board direction or motion would "kill" previous direction/action. Supervisor Fettic moved that the Board direct staff to pursue the use of the sewer line within the utility corridor serving Calivere Ridge Planned Unit Subdivision and that the District Attorney's office review and report back to the Board on the offer made by Mr. Serpa for the use of said corridor. Following Mr. O'Brien's request for further direction, Supervisor Fettic amended the motion to include that if there is a release to the satisfaction of the District Attorney's office, staff is to proceed with the design contract for preparation of the drawings and that the Purchasing Office shall have the authority to go ahead with the contract. Upon request for further clarification, Supervisor Fettic moved to amend the motion to authorize the Purchasing Office to have the authority to enter into the contract. Supervisor Swirczek seconded the motion. Mr. O'Brien further clarified that if none of these conditions can be complied with, the staff will return to the Board with alternatives for further direction. The motion as conditioned was then voted and carried 5-0.

BREAK: At 3:20 p.m. a five minute recess was taken. When the meeting reconvened at 3:25, a quorum was present was noted.

DEPUTY CITY MANAGER - REPORT ON STATUS OF SENIOR CITIZENS CENTER (3-2101) - Executive Director Pat Blake explained the progress made on preparing a time schedule of activities and requested continuance of this item.

ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE ADDING CHAPTER 19.03, THROUGH-THE-FENCE AIRCRAFT OPERATION (3-2255) - Mr. Auer explained the FAA's requirement that an ordinance of this nature be adopted or any future grant requests may be jeopardized. Supervisor Fettic noted the legislative proposal creating an Airport Authority and suggested that this matter be delayed until that proposal is finalized one way or the other. Discussion ensued concerning the proposed ordinance and the letter from FAA including the term access permit rather than easement. The Board then discussed with Attorney Andrew MacKenzie the terms of the contracts with the firms in the industrial airpark and the access granted to them. Comments stressed the complexity of the issue and previous attempts to adopt an ordinance. Supervisor Fettic moved to continue action on adding Chapter 19.03. Through The Fence Aircraft Operation pending the outcome of legislation creating an Airport Authority for Carson City. Supervisor Bennett seconded the motion. Motion carried unanimously.

WATER ENGINEER - ACTION ON INVESTIGATION OF BONDING FOR THE WATER DIVISION CAPITAL PROJECTS THROUGH THE STATE WATER BOND BANK AS PROVIDED BY NRS 349 (3-2945) - Mr. O'Brien explained the request for authorization to issue a letter of intent to the State Water Bond Bank for various water projects, which he listed. The letter would not commit the City to the program. Supervisor Fettic moved to authorize staff to prepare and send a letter of intent to the Water Financing Board to investigate bonding for various Carson City water projects. Supervisor Swirczek seconded the motion. Motion carried 5-0.

BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-0020)

ACTION ON A RESOLUTION RECOGNIZING THE IMPORTANCE OF TREES TO OUR ENVIRONMENT - Following Mayor Teixeira's introduction, Supervisor Fettic moved to adopt Resolution No. 1989-R-28, A RESOLUTION RECOGNIZING THE IMPORTANCE OF TREES TO OUR ENVIRONMENT. Supervisor Swirczek seconded the motion. Motion carried 5-0.

ACTION ON SELECTION OF BOARD REPRESENTATIVE FOR JURY PULL (4-0048) - Mayor Teixeira volunteered. Supervisor Fettic moved to appoint the Mayor to be the Board's Representative for Jury pull.

Supervisor Chirila seconded the motion. Motion carried 5-0.

PUBLIC WORKS DIRECTOR - CONTINUED (4-0071)

ORDINANCES - SECOND READING - ACTION ON BILL NO. 103 - AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR ROBERT E. FITZ - 2001 AIRPORT ROAD - Following Supervisor Bennett's introduction, Supervisor Bennett moved to adopt Ordinance No. 1989-5, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ROBERT E. FITZ REGARDING ASSESSOR'S PARCEL NO. 8-302-01 LOCATED AT 2001 AIRPORT ROAD, CARSON CITY, NEVADA. Supervisor Fettic seconded the motion. Motion carried 5-0.

BOARD OF SUPERVISOR REPORTS, RESOLUTIONS, AND PROCLAMATIONS - CONTINUED

DISCUSSION AND POSSIBLE ACTION CONCERNING ASSEMBLY BILL NO. 205 - PROVIDES FOR TAXATION OF EXEMPT REAL PROPERTY WHEN LEASED OR LOANED BY OWNER (4-0120) - Following Mayor Teixeira's brief explanation of the Bill, Supervisor Swirczek moved to support Assembly Bill 205 which provides for taxation of exempt real property when leased or loaned by owner. Supervisor Fettic seconded the motion. Motion carried 5-0.

DISCUSSION AND POSSIBLE ACTION CONCERNING ASSEMBLY BILL NO. 211 - ALLOWS BOARD OF COUNTY COMMISSIONERS TO MEET OUTSIDE OF COUNTY WITH OTHER GOVERNING BODY OR AS COMMITTEE OF THE WHOLE (4-0141) - As this Bill had been signed by the Governor, support was not needed.

DISCUSSION AND POSSIBLE ACTION CONCERNING SENATE BILL NO. 188 - ALLOWS CERTAIN BOARDS OF COUNTY COMMISSIONERS TO MEET AT ANY PLACE WITHIN COUNTY AND AUTHORIZES BOARD TO ALLOW COUNTY OFFICERS TO OPEN BRANCH OFFICES (4-0145) - Due to the need for research, continued to the next meeting.

MAYOR TEIXEIRA - Announced a special joint meeting with Douglas and Lyon Counties on April 13 at 6:30 p.m. in Legislative Committee Room 214.

SUPERVISORS SWIRCZEK AND FETTIC - FURTHER DISCUSSION AND POSSIBLE ACTION REGARDING AB 153 - CREATES CARSON RIVER BASIN WATER DISTRICT (4-0201) - Lyon County had proposed that the Board be comprised of five members from Douglas County, two members from Carson City, and two members from Lyon County. Douglas County wanted five members from its County, and one each from Carson City and Lyon County. Discussion pointed out the support and need for a joint water district. Political problems in Douglas County were also noted. Mayor Teixeira requested the Board to be prepared with questions and concerns at the joint meeting. The Sub-Conservancy District would be at the joint meeting also.

SUPERVISOR BENNETT - ACTION ON RESOLUTION OF SUPPORT OF "MAIN STREET" PROGRAM - Explained the support and progress which has been made on the Program. A formal presentation will be made to the Supervisors next month.

DISCUSSION AND REQUEST FOR APPROVAL CONCERNING ATTENDANCE AT CONFERENCE "CREATING ECONOMIC OPPORTUNITY ON MAIN STREET" ON APRIL 17-19, 1989, IN PORTLAND, OREGON (4-0371) - Without a Resolution of Support, Supervisor Bennett felt it was inappropriate to request reimbursement for her expenses at this meeting. Therefore, she withdrew her request. Clarification indicated Supervisor Bennett would attend the meeting at her own expense. Supervisor Swirczek

outlined the seminars.

MAYOR TEIXEIRA - Announced the April 29th City-wide canvass to support Question 3 and solicited walkers.

SUPERVISOR SWIRCZEK - Gave a brief status report on the Economic Diversification Program and directed Mr. Hamilton to remind staff at the Friday meeting to provide their responses to Community Development.

FINANCE DIRECTOR

REQUEST FOR MEETING OF THE BOARD ON APRIL 12, 1989, CONCERNING PUBLIC HEARING AND ADOPTION OF TENTATIVE 1989-90 FISCAL YEAR BUDGET AND BUDGET AUGMENTATIONS - DETERMINATION OF TIME (4-0649) - Scheduled for 5:30 p.m. Mayor Teixeira distributed copies of the scheduled budget hearings. (None to the Clerk.) Time needed for approval of the tentative budget and the departmental budget hearings were discussed. Discussion also noted the public service announcements which the Mayor would make on Channel 31.

CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES - CONTINUED (4-0765)

BREAK: A five minute recess call taken at 4:10 p.m. When the meeting reconvened at 4:15 the entire Board was present, constituting a quorum.

ACTION ON LABOR RELATIONS RETAINER AGREEMENT WITH BRUCE BISCHOF - Messrs. Hamilton, Cockerill, and Bischof explained the previous agreements and the proposed retainer including costs and responsibilities. Supervisor Swirczek moved that the Board approve the retainer agreement with Bruce Bischof for consultation and negotiating services at an hourly rate of \$100 per hour in an amount not to exceed \$5,000 with the funding source being the 1989-90 Personnel Budget. Supervisor Fettic seconded the motion. Discussion clarified that the agreement included in the Board's packet was a copy of the last agreement and not the one recommended by staff.

(4-0971) CCEA Executive Board Director Paula Crum introduced CCEA Member Fred Shaffer. Mr. Shaffer then elaborated on the Association's concerns related to Mr. Bischof and the City's failure to negotiate in good faith on the 1988-89 contract. It was explained that Mr. Bischof did not have to have a license to practice in Nevada to act as a consultant. CCEA urged the Board to select a local Nevada consultant which would expedite negotiations or not require Mr. Bischof's presence during all negotiations. Mayor Teixeira responded by explaining the change in Mr. Bischof's status from chief negotiator to a consultant. Mr. Shaffer stressed the Association's desire that the consultant be a Nevada resident. Concern was also expressed that the Board had not been totally aware of the terms of the original contract.

Supervisor Chirila requested a copy of Mr. Bischof's expenses.

The motion to approve the retainer agreement was voted and carried unanimously.

DISCUSSION AND POSSIBLE ACTION REGARDING THE COMPOSITION OF MEMBERSHIP INCLUDING APPOINTMENT TO THE CARSON CITY TOURISM AUTHORITY (4-1349) - Mayor Teixeira asked any applicants who had not already been interviewed by the Board to step forward. No one responded. He then reviewed the applications. Discussion with Mr. Auer indicated that that Mr. Lepire could not be considered as a hotel/motel operator. Gene Lepire then stated that he was the legal owner of the 49er Motel. Mr. Auer then noted that this would make him qualified under that classification, however, his owner/operator status of an RV park would not. Mayor Teixeira reiterated his support for Mr. Loftin's reappointment.

Clarification noted that the two other applicants had been notified of the meeting. Supervisor Fettic then moved that the Board reappoint Truet Loftin as a member of the Carson City Tourism Authority in the category of hotel/motel representative and expounded on his reasons. Supervisor Swirczek seconded the motion. Motion was voted by roll call with the following result: Ayes: Fettic, Swirczek, Bennett, Chirila, and Mayor Teixeira. Nayes - None. Motion carried 5-0.

Mayor Teixeira then thanked the applicants.

DISCUSSION AND POSSIBLE ACTION REGARDING THE COMPOSITION OF MEMBERSHIP INCLUDING APPOINTMENTS TO THE CARSON CITY AIRPORT BOARD (4-1515) - Discussion ensued concerning Ron Kitchen's appointment. His Washoe County residency had been included in the Board's packets on both occasions and discussed at the time of his original appointment. Comments stressed that the Board would adhere to Resolution 1984-R-38 in the future. Based upon the feeling that he was a good member, Supervisor Bennett moved in regards to Mr. Kitchen's appointment that he be allowed to continue to serve out his term on the Airport Advisory Board. Supervisor Fettic seconded the motion. Motion carried unanimously.

Michael Greedy and Duane Windsor were then interviewed by the Board. They responded to questions concerning residency, employment, involvement with the airport, reasons for wishing to serve on the Airport Board, whether the Board should become an Authority or the airport should be moved, and improvements which should be made. Supervisor Bennett commended Mr. Windsor on his active participation related to the airport both at the meetings and during legislative hearings.

Discussion noted the names of the four other candidates. Supervisor Bennett moved to appoint Mike Pavlakis to fill the vacant position on the Airport Advisory Board at this particular time. Supervisor Swirczek seconded the motion. Motion was voted by roll call with the following result: Ayes - Chirila, Fettic, Swirczek, Bennett, and Mayor Teixeira. Nayes - None. Motion carried 5-0.

PUBLIC WORKS DIRECTOR - CONTINUED

STATUS REPORT CONCERNING:

STORM DRAINAGE MASTER PLAN AND RELATED MATTERS

STREET MASTER PLAN

1988-89 REGIONAL TRANSPORTATION COMMISSION PROJECTS

BONANZA DRIVE IMPROVEMENTS AND BOND

TRAFFIC SIGNAL INSTALLATIONS AT WASHINGTON AND STEWART STREETS AND HOT SPRINGS ROAD AND NORTH CARSON STREET

LANDFILL MASTER PLAN - REGIONAL LANDFILL APPROACH - All Items were pulled.

CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES - CONTINUED

PRESENTATION AND DISCUSSION OF BRIEFING DOCUMENTS - Pulled.

PERSONNEL SESSION (4-2194)

PURSUANT TO NRS 288.220 - UPDATE TO THE BOARD OF SUPERVISORS ON THE STATUS OF LABOR NEGOTIATIONS - Following Mr Auer's explanation of the procedures and Mayor Teixeira's introduction, Supervisor Swirczek moved that the Board go into a closed personnel session pursuant to NRS

288.220 for the purpose to update the Board of Supervisors on the labor negotiations. Supervisor Fettic seconded the motion. Motion carried 5-0.

Mayor Teixeira reconvened the open session of the Board of Supervisors at 5:35 p.m. and immediately recessed the session until 6:30 p.m. When Mayor Teixeira reconvened the session at 6:35 p.m. the entire Board was present, constituting a quorum.

CITIZEN COMMENTS (4-2240) - Roger Murdock elaborated on his surprise to learn that the parking meters were being removed without public comment or notification to the downtown merchants. He felt that a petition supporting his desire to retain the short time period parking should be circulated. Mayor Teixeira requested the petition be submitted and that the Board would consider it at that time. Mr. Murdock continued to stress his point of view. He felt that the parking meter revenue should be used to construct and maintain a visitor's center as well as a parking facility.

PETITIONS AND COMMUNICATIONS - CONTINUED (4-2426)

PUBLIC WORKS DIRECTOR - REQUEST FROM STANTON PARK DEVELOPMENT, INC., FOR REVIEW AND POSSIBLE RECONSIDERATION OF REQUIREMENT FOR THE WIDENING OF GLACIER DRIVE AND CASCADE DRIVE - Following Mayor Teixeira's explanation of procedures and reasons for considering the matter, Stanton Park Development Attorney David Nielsen explained the location with an development map, the construction error, that all but three of the homes along the affected streets had been sold, and two surveys taken of the residents indicating their desire to leave the streets as they were constructed. He then noted the City's affordable housing resolution and expressed his feeling that the 34 foot wide streets meant the criteria stipulated in it even though the developer had not applied for this designation. Cities with streets under 34 feet were cited to illustrate that safety concerns were no different from the standard streets. He felt that the District Attorney's concern about a future lawsuit if a substandard street is accepted could be mitigated and about establishing precedence should an intentional reduction occur. He then proposed that the developer pay the 48 property owners \$10,000 to demonstrate to other developers that such "cost saving" were not feasible. The fine with additional signage including a 15 miles per hour speed limit should adequately address any safety concerns. In order to receive a portion of the fine, property owners would be required to add a note to the deed indicating the street width. The City right-of-way to the full width is there. (5-0001) He felt that the width was not noticeable citing an example of a dump truck being able to pass when a car was double parked on the street.

The Board expressed the feeling that Mr. Nielsen had not provided any new information which had not been presented at the original denial. The Developers, however, had enflamed the property owners via the letter distributed to them. The District Attorney's opinion indicated that one property owner could compel the City to widen the street unless the widening is required. Liability concerns were expressed.

Mr. Nielsen responded by expressing his feeling that the City could be sued even if the street meets the standards now set forth in the Code. If the resident takes the matter to court, the Developer would also be sued and have to address the matter if court ordered.

Discussion noted that the streets were each 720 feet long, that Attorney Nielsen had not reviewed the survey letters before mailing, and reasons for requiring 36 foot streets. Mr. Sullivan explained the HUD affordable housing stipulations and Redding's and Reno PUD requirements which allow narrower streets. Mayor Teixeira explained that Stanton Park had not been designed nor constructed under affordable housing issues, therefore, should not be considered in the matter.

Supervisor's Bennett expressed her disappointment in staff, Eagle Valley Construction, and the Developer.

(5-0491) Mary Leland expressed her support for the settlement offered by Mr. Nielsen. If the Board insisted on the street being widened, a completion date should be established. Mayor Teixeira pointed out that she had purchased a residence on a street which was two feet smaller than any others. She did not feel that it created a safety concern nor was the width a problem for traffic or emergency vehicles. Mr. Hamilton explained the need to advise future property owners of the street width and suggested a deed correction be made. She felt that the residents would allow a correction.

(4-0622) Mel Vandenbrig, a co-owner of 1105 Cascade, expressed his feeling that the developer's survey had been biased. He felt that if the requirement that the streets be widen is complied with that it would create an "ugly duckling" area as they would be different from other areas. He objected to the deed correction. He suggested that the developer construct another house on a different street which was to the correct width and that the developer resell the home. The developer could move the improvements he had made to the new home.

Mr. Nielsen pointed out that the houses were the correct distance from the right-of-way line rather than the curb.

(5-0694) Jud Hurin expressed his feeling that no one wanted the landscaping destroyed to correct the situation. He was opposed to the inconvenience which would be created correcting the situation. He suggested the developer be required to compensate the homeowners for the inconvenience if the street is widened. If it is not widened, the homeowner should still be compensated for the error. The City and the developer should share the responsibility for the error. Supervisor Fettic pointed out that the Board does not at this time have the legal means to fine the developer for the error as he was suggesting. Mr. Auer pointed out that the Board could restrict parking to one side of the street or refuse to accept dedication. Mr. Hurin felt that the developer had not addressed the situation due to the feeling that the property owners would not want to be inconvenienced or have their landscaping destroyed. He acknowledged the liability concerns the City would incur if an accident occurred.

Discussion among the Board, staff, and Edd Furgerson indicated it would take at least 30 days to widen the street, the amount of work involved widening the street, Code set back requirements, and that there is adequate room in the right-of-way to widen the street.

(5-1057) Gregg Bailey expressed his disappointment in the paving contractor and developer. He felt all of the solutions were inappropriate, inconvenienced and unfairly penalized the property owners. He felt that the Board should not force the issue and it should remain as it is.

(5-1156) Darnell Cornwallis expressed his feeling that the residents had selected from the options provided in the letter and not the ones now being suggested. He did not want to see parking restricted to one side of the street nor have the entire two feet taken from only one side. He did not feel that parking on both sides of the street inconvenienced the drivers nor the residents.

(5-1217) Brian Brentlinger expressed his feeling that the streets should be left alone. He questioned how the mistake occurred and suggested the fine against the developer be utilized in his area. Without a reprimand or penalty, the mistake would reoccur. He did not support the proposed deed correction.

(5-1320) Eddie Cook also supported leaving the street as it is. He urged the Board to penalize the developer, however, did not feel that the \$10,000 was appropriate. He preferred an evaluation of the fiscal impact created on the property value be determined and assessed against the developer.

BREAK: At 7:40 p.m. a five minute recess was taken. When the meeting reconvened at 7:45 p.m. a quorum was present as noted.

Mayor Teixeira expressed his feeling that the majority of the homeowners were young, first time buyers, that the

mistake had not been intentional, and the need for the Board to fairly consider all of the issues and alternatives. He then pointed out the negative factors for each of the alternatives. He suggested that the streets remain as constructed and that the property owners be given a "rebate" of \$350 for a total of \$16,800. Discussion ensued concerning how Mayor Teixeira had arrived at his figures, the cost to widen the street, and whether the \$350 was adequate. Supervisor Swirczek explained his reasons for supporting widening and for a clear message to developers that a repeat would not occur.

(5-1685) Dove Cook questioned why only one side was being widened. It was explained that the Board could require that one foot be taken from both sides rather than all from one side. This was the approach she supported. She did not wish to see a "patch" for the two feet.

Supervisor Chirila expressed her feeling that the streets should be widened and that the home owners should be compensated for the inconvenience the widening would create. Mr. Auer stressed that the Board did not have the power to fine the developer.

(5-1799) Darlene Johnson explained that she had contacted all of the home owners and that they were in agreement that the streets should be left as they are. She then explained that FHA, Public Works, and the Building Department had indicated there is a Code stipulating that the minimum distance of a driveway was 20 feet. If two feet is removed from her driveway, she would be in violation of it. She felt that more than one Code may have been violated. Clarification for her indicated that Mr. Furgerson's estimate had been to widen the street on one side only. She suggested that if possible the City accept dedication with a rider indicating that the developer was the one to be held liable. Mr. Auer explained that if the streets remained private, then the home owners would be responsible for maintenance. Ms. Johnson then requested that if the City accepts the dedication there be a restriction placed on it so that it would not be widened by some future Board for at least 20 years.

BREAK: At 8 p.m. a ten minute recess was taken. When the meeting reconvened at 8:10 p.m. a quorum was present as noted.

Mr. Cornwallis expressed his feeling that the street should be corrected and that the developer should be penalized for the inconvenience to the homeowners. The Board explained that it could not legally require any penalty. The Board's original position on the matter and the construction requirements were explained. Concern was expressed about the quality of the patch which would be created if the entire street is not removed and replaced.

Ms. Johnson expressed her feeling that the widening should not take 30 days and the inconveniences she would encounter due to the construction.

Supervisor Chirila expressed her desire to have the streets widened and the landscaping replaced within a specified period. Mr. Nielsen then requested that any motion the Board chose to make clearly indicate whether the Board would accept the street.

Supervisor Swirczek moved that the motion originally adopted by the Board stand and have the streets widened and that additional requirements be added to that motion stipulating that one foot on each side of the street be taken off so that all things are equal for all of the homeowners, that the developer on his own offer to compensate each one of the homeowners for the inconvenience which is being placed upon them, and that additionally to make sure that all of the landscaping, fencing, and what-have-you that has been disrupted has been replaced as it was originally. Discussion among the Board indicated that this motion added to the original motion. Supervisor Chirila seconded the motion. Mr. Auer explained the request before the Board and that the motion would restrict the original motion even further. Discussion ensued on the requirements that the property owners be compensated and the landscaping be returned to its original state. Supervisor Fettic pointed out that the Board could not require the developer to do this but could require the widening to be done on both sides of the street. As the property

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 6, 1989 Meeting
Page 17

owners had installed landscaping in the City's right-of-way, it was felt that the Board may not be able to force the developer to replace it. Mr. Nielsen pointed out that the City had not accepted the dedication, therefore, it was still private property. Clarification by Mr. Auer pointed out that this issue may be determined through court action.

Ms. Johnson expressed her feeling that the intent of the meeting had been to force the developers to "stop cutting corners". Mayor Teixeira explained that the purpose of the meeting had been to correct an error through compromise. Ms. Johnson felt that as the Board could not force the developer to address the situation, it was a matter of the homeowners' acceptance of the developers' word.

Mr. Furgerson expressed his feeling that the Board was placing an economic hardship on him which he may not be able to afford. He felt that this was a repeat of the reoccurring "give the local developers the shaft while outside contractors get off scot-free". Before the meeting the homeowners had been willing to accept the streets as constructed. It had been an honest mistake which he was attempting to rectify. Discussion ensued concerning the cost to widen the street. Mr. Furgerson expressed his feeling that he would widen the streets if Board ordered but not on both sides. Mr. Nielsen explained the process required to present the streets for dedication. Mr. O'Brien explained his reasons for feeling that the City could require one foot widening on each side of the street based on the streets alignment on the development map. Mr. Nielsen expressed his feeling that additional conditions could not be placed on the map, however, the Board could require compliance with the maps and plans already submitted. Mr. O'Brien reiterated his position that the maps would show the streets centered in the right-of-way which would require one foot from both sides.

(6-0049) In response to Mr. Cornwallis' question, Supervisor Swirczek explained that the entire street would not be removed but that it would be widened.

The motion as stated was then voted by roll call with the following result: Swirczek - Yes; Chirila - Yes; Bennett - No; Fettic - No; Mayor Teixeira - No. Motion was defeated 2-3.

Mayor Teixeira explained that the failure of the motion would require the developer to widen the street as originally voted upon by the Board.

BREAK: At 8:35 p.m. a five minute recess was taken. When the meeting reconvened at 8:40 p.m. the entire Board was present constituting a quorum.

Mr. Hamilton explained his prior experience indicating that there was a process which could widen the street/gutter and align the "patch" in such a fashion as to be as strong as originally constructed. Mr. Furgerson felt that it was not a workable solution.

Supervisor Fettic moved to accept the streets at 34 foot width under the following conditions that the Developers Millard and Furgerson indemnify and hold the City harmless forever and ever and that the Developers negotiate a settlement with the property owners, whatever that might be, that is something you will have to negotiate that out. Clarification noted that the streets will be accepted when dedicated at the 34 foot width. Upon hearing no second, Mayor Teixeira passed the gavel to Mayor Pro-Tem Chirila and seconded the motion. Clarification noted that the requirement would be placed against Stanton Park Development Inc. and its successors and assigns. Supervisor Fettic explained the motion as being that the City would accept dedication of the streets, that the Developers would indemnify and hold the City harmless forever and ever, and that the Developers would negotiate a settlement with the property owners. Mr. Nielsen explained that this motion would require the Developers to widen the streets if negotiations with the home owners fail. The Board agreed with his interpretation. Mayor Teixeira restated the motion. In response to Walt Heitman's question, Supervisor Fettic amended the motion to require that 80 percent of the home owners agree to the negotiated terms. Mayor Teixeira continued his second. Clarification indicated that staff would have to have a document signed by 80 percent of the homeowners before accepting the streets.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 6, 1989 Meeting
Page 18

Motion was voted by roll call with the following result: Fettic - Yes; Mayor Teixeira - Yes; Swirczek - Yes; Bennett - Yes; Mayor Pro-Tem Chirila - No. Motion carried 4-1.

Mayor Teixeira then commended the audience for its demeanor during the hearing and for attending. He also expressed his hope that a negotiated settlement would occur.

Supervisor Fettic moved to adjourn. Supervisor Swirczek seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 9 p.m.

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.

The Minutes of the April 6, 1989, Carson City Board of Supervisors

ARE SO APPROVED ON May 18, 1989.

/s/
Marv Teixeira, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder