

CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 1, 1988, Meeting
Page 1

A regular session of the Carson City Board of Supervisors was held on Thursday, December 1, 1988, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:	Dan Flammer	Mayor
	E. M. "Doc" Scrivner	Supervisor, Ward 4
	Ron Swirczek	Supervisor, Ward 1
	Tom Fettic	Supervisor, Ward 2
	Marilee Chirila	Supervisor, Ward 3
STAFF PRESENT:	L. H. Hamilton	City Manager
	Alan Glover	Clerk-Recorder
	Paul McGrath	Sheriff
	Gary Kulikowski	Internal Auditor
	Vic Freeman	Undersheriff
	Charles P. Cockerill	Chief Deputy District Attorney (morning session only)
	Bob Auer	Deputy District Attorney (afternoon session only)
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 12/1/88 Tape 1-0003)	

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 Flammer called the meeting to order at 9 a.m. by leading the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

APPROVAL OF MINUTES - February 4, 1998, Regular Session and February 16 and November 28, 1988, Agenda Sessions (1-0015) - Supervisor Swirczek requested the Minutes be deferred.

LIQUOR AND ENTERTAINMENT BOARD (1-0025) - Mayor Flammer recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board, including Sheriff McGrath, was present constituting a quorum.

1. TREASURER (1-0045) - Office Supervisor Merlene Alt.

A-LB-TR-1 TAN - DOING BUSINESS AS CHINA KITCHEN - 1936 NORTH CARSON STREET
- Reynaldo Tan's Attorney James Kelly explained that Mr. Tan intended to be present. Board policy was noted. The item was continued.

A-LB-TR-2 HARRIGAN - DOING BUSINESS AS K-BAR - 3481 HIGHWAY 50 EAST (1-

0078) - Nancy Warren responded to Board questions on the operation and her involvement with it for the last two years. Member McGrath noted the Sheriff's report. Member Fettic moved to approve the additional partner Nancy Warren to the Liquor License for the business K-Bar. Member Scrivner seconded the motion. Motion carried 6-0.

There being no other items for consideration by the Liquor and Entertainment Board, Chairperson Flammer adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. (A quorum was present as noted.)

CITIZEN COMMENTS (1-0112) - Richard Waiton explained his concern about the lack of a designated hazardous material route which had been requested by the Fire Advisory Board several years ago. Regional Transportation will consider this issue in January and the Board may consider the matter shortly thereafter.

LIQUOR AND ENTERTAINMENT BOARD (1-0182) - Mayor Flammer recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. The entire Board, including Sheriff McGrath, was present constituting a quorum.

1. A-LB-TR-1 TAN - DOING BUSINESS AS CHINA KITCHEN - 1936 NORTH CARSON STREET (1-0185) - Reynaldo Tan responded to Board questions concerning the number of establishments he owns and knowledge of liquor laws. Mr. Kelly explained his feeling that Mr. Tan was well informed on the laws and the location of the bar at this establishment which would assist in controlling minor's access to liquor. Member Fettic moved that the Board approve the Liquor License for Mr. Reynaldo M. Tan, doing business as China Kitchen, located at 1936 North Carson Street, and that this Liquor License would apply only to this location. Member Swirczek seconded the motion. Motion carried 6-0.

There being no other matters for consideration by the Liquor and Entertainment Board, Chairperson Flammer adjourned the Liquor and Entertainment Board. Mayor Flammer immediately reconvened the Board of Supervisors session. A quorum was present as noted.

PETITION AND COMMUNICATIONS AND SPECIAL PRESENTATIONS - RESOLUTIONS (1-0255)

2. SHERIFF - Paul McGrath and Undersheriff Vic Freeman - **A-R-SHF-1 - FUNDING FOR REPLACEMENT OF COMMUNICATIONS CENTER CONSOLE TELEPHONES** - Ms. Walker could not be present. Board discussion indicated a desire to have clarification of the funding source and action. Therefore, the matter was continued until Ms. Walker could be contacted.

3. TREASURER - Office Supervisor Merlene Alt - **A-R-TR-1 REFUND AND REMOVAL OF TAXES FROM 1988-89 TAX ROLL DUE TO STATE OF NEVADA ACQUISITION OF PROPERTIES (395 BYPASS) (1-0360)** - Supervisor Fettic moved that the Board

approve refunds to Willard and Velma Johnson on Parcel No. 10-132-09 in the amount of \$143.36. Supervisor Scrivner seconded the motion. Motion carried 5-0.

4. PARKS AND RECREATION DIRECTOR - Steve Kastens - PARKS AND RECREATION COMMISSION - A-R-P&R-1 REQUEST TO ALLOW NATIVITY SCENE AT COMMUNITY CENTER FROM DECEMBER 15 THROUGH 18, 1988 (1-0405) - Pastor Griner of the Vineyard Christian Fellowship was present to answer questions. Mr. Kastens read the Board action request into the record. Supervisor Swirczek moved that the Board approve the request for the Nativity scene outside the Community Center on December 15, 16, 17, and 18, 1988, such request was from the Vineyard Christian Fellowship. Supervisor Fettic seconded the motion. Motion carried 5-0.

5. PURCHASING AGENT - Ron Wilson - A-R-PUR-1 CONTRACT 8889-14 - SENIOR CITIZENS' CENTER MODIFIED FLOOR PLAN (1-0468) - Small copies of the schematic were given to the Board and Clerk. Senior Citizens Center Director Pat Blake expressed the Advisory Council, the Building Committee, and the Governing Board's support for the plan. The Committees urged the Board to have the building constructed so that future expansion could be made if and when funding is available. Mr. Wilson felt that the new plans would be within the \$1,335,000 budget previously established. The original 20 month schedule would be followed if at all possible. Architect Ralph Eissmann felt a bid could be requested in March. The plans would allow future expansion. Discussion ensued between Supervisor Scrivner and Mr. Eissmann on the elevator and stairs. Mr. Eissmann and Ms. Blake responded to Marv Teixeira's questions on the size, cost per square foot, possible modifications which would reduce the cost if the bids are too high, amenities which would be added if the bids are under projections, and use of the dining area for other social events. Mr. Wilson elaborated on the bid clause which allowed negotiations on the amenities. (1-0755) Bruce Scott supported the plan and commended all the participants on their cooperation and hard work. Although the project was not what was originally proposed, it is expandable when funding becomes available and would meet the current needs. Supervisor Swirczek moved that the Board approve the modified floor plan for the new Senior Citizen's Center as presented by the Architect Ralph Eissman and authorize the Purchasing Agent to proceed with the Design Development Phase of the contract based on the approved modified floor plan. Supervisor Fettic seconded the motion. Motion carried 5-0.

2. SHERIFF - Paul McGrath and Undersheriff Vic Freeman - A-R-SHF-1 - FUNDING FOR REPLACEMENT OF COMMUNICATIONS CENTER CONSOLE TELEPHONES (1-0808) - Mr. Kulikowski had contacted Finance Director Mary Walker. He advised the Board of her explanation of the funding for the equipment. Supervisor Swirczek then moved that the Board approve the budget augmentation up to the cost for replacing the telephone in the console at the Sheriff's Department in an amount not to exceed \$6,520, funding source is the Capitol Acquisition Fund. Supervisor Scrivner seconded the motion. Motion carried 5-0.

5. A-R-PUR-2 CONTRACT 8889-64 - AMENDMENT TO GOLF PROFESSIONAL AGREEMENT (1-0858) - Pulled. Discussion noted that the negotiations were being pursued, that the amendment would be brought back for Board consideration on December 8, and reasons the contract was being brought before the current Board rather than the new Board. (1-0972) Gale Thomssen referred to the November 1 Golf Advisory Committee Minutes and explained her feeling that it is not necessary to amend the contract at this time. (1-1005) Richard Waiton felt review of the contract at this time would establish a bad precedence when other contract extensions are considered. (1-1015) Kay Bennett, as Supervisor-Elect, urged the Board to delay action on the contract renewal until after the new Board is seated.

6. PUBLIC WORKS - These items were scheduled for 10:30 a.m. and the Director had not yet arrived. Therefore, action was delayed.

7. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan.

A-R-CDD-1 REDEVELOPMENT AUTHORITY BOARD MATTERS - REQUEST FOR BOARD OF SUPERVISORS' DIRECTION TO ALLOW REDEVELOPMENT AUTHORITY BOARD TO HOLD PUBLIC MEETINGS FOR DISCUSSIONS AND RECOMMENDATIONS CONCERNING POSSIBLE FORMATION OF SPECIAL ASSESSMENT OR IMPROVEMENT DISTRICTS FOR DEVELOPING PARKING LOTS IN THE REDEVELOPMENT AREA (1-1045) - Scheduled for 1:30.

A-R-CDD-2 MISCELLANEOUS ITEMS - ACCEPTANCE OF APPRAISAL VALUE AS CALCULATED BY THE ASSESSOR FOR NINTH STREET BETWEEN CARSON AND CURRY STREETS (1-1085) - Mr. Russell had requested an MAI appraisal and a continuance.

PLANNING COMMISSION REFERRALS - APPEAL AND REVIEW MATTERS

A-R-CDD-3 SPECIAL USE PERMIT U-88/89-6 - BUTTI, ET AL., AND NATIONAL ADVERTISING COMPANY - OFF-PREMISE SIGN - NORTH SIDE OF HIGHWAY 50 EAST, APPROXIMATELY 990 FEET WEST OF LYON COUNTY LINE - PLANNING COMMISSION DENIED 5-0-2 (1-1150)

A-R-CDD-4 SPECIAL USE PERMIT U-88/89-7 - BUTTI, ET AL., AND NATIONAL ADVERTISING COMPANY - OFF-PREMISE SIGN - NORTH SIDE OF HIGHWAY 50 EAST, APPROXIMATELY 2090 FEET WEST OF LYON COUNTY LINE - PLANNING COMMISSION DENIED 5-0-2 (1-1149) - These items were being referred back to the Planning Commission due to the Attorney's desire to present new information. Mr. Cockerill explained the need for Board action. Supervisor Scrivner moved that the Board refer the Item to the Planning Commission. Supervisor Swirczek seconded the motion. Following Mr. Cockerill's request for amendment, Supervisor Scrivner amended his motion to be for the Special Use Permits for National Advertising Company. Supervisor Swirczek continued his second. Mr. Hamilton read the Attorney's letter requesting referral to the Planning Commission into the record. Motion to refer the item back to the Planning Commission was voted and carried 5-0. Supervisor Scrivner then clarified that his motion was for Item 3 only.

Supervisor Scrivner then moved to refer Item A-R-CCD-4 to the Planning Commission, Special Use Permit U-88/89-7, Butti, et al., and National Advertising Company. Supervisor Fettic seconded the motion. Motion carried 5-0.

A-R-CDD-5 OTHER MATTERS - REPORT TO BOARD OF SUPERVISORS ON STATUS OF CARSON HOT SPRINGS RV PARK (1-1260) - Mr. Sullivan gave the Board an oral report. Supporting documentation would be distributed to the Board later. A review of the history of the Park indicated that in 1981 a business license was requested by a Mr. Carroll. At that time he had no desire to operate the recreational vehicle park. Until that time, staff considered the RV park as having been grandfathered in. In December 1983 Mr. Langston repossessed the operation. During Mr. Carroll's tenure, park was not operated. Mr. Langston added the park to his business license, however, it was not approved due to the health requirements. The park is not now grandfathered in and must be brought up to Code. A Nevada Department of Highways photograph taken in September 1985 indicates the park was not in use at that time. In 1987 RVs were on the site. Since that time staff has been working to get the park up to Code. Attorney Wayne Chimarusti represents Mr. Langston and maintains that the operation is grandfathered. Earlier this year Mr. Langston came in and applied for a bottling facility at the hot springs and indicated he would be submitting plans to upgrade the facility. The bottling operation was approved in October or September. At about that same time Mr. Langston indicated he would not be submitting the plans as his position is that he is grandfathered in. The Health Department has concerns about the lack of restrooms in the park/pool areas. During the last 45 days the Fire Department has responded to an illegal burn at the site. The Sheriff's Department has not had any problems at the site. Business License deficiencies were noted. Public Works, Building Department, and Planning would like to see the RV park plans as soon as possible. Throughout the last one-and-a-half years, the District Attorney's office has been attempting to facilitate the upgrade. Due to staffing shortages, Mr. Sullivan requested permission to continue the matter until January. Direction was also sought concerning whether the Board wished to issue a citation or have staff continue to attempt to work with Messrs. Langston and Chimarusti. The Code grandfathering clause was explained. Discussion ensued among the Board, Mr. Sullivan, and Health Director Jack Fralinger on the lack of sewer and electrical facilities in the RV park and length of time that the park had been utilized. Supervisors Scrivner and Swirczek supported staff's desire to negotiate with Messrs. Langston and Chimarusti. Supervisor Swirczek requested Messrs. Langston and Chimarusti meet with the Board at the next meeting for clarification of their willingness to work with the City. City RV park standards are contained in the Code. Supervisor Swirczek indicated that, if neither could be present, a written statement on their position would be acceptable as long as it is entered into the record. Supervisor Scrivner noted the need for such a facility as well as advantages of having it meet the health standards. The hope and desire for them to work with the City was stressed. Mayor Flammer directed that Mr. Hamilton obtain verification of their position for the record. Supervisor Fettic noted that

the health concerns are not grandfathered. Mr. Sullivan agreed with the need for the City to work on these issues.

(1-1875) Richard Waiton explained his knowledge of the facility beginning in 1951 when the hot springs was originally used for health reasons. At that time "overnight parking" was allowed. This use had continued through the years until the property was sold. Mr. Langston continued the use when he took the property back. Purportedly there had not been a charge for "parking". Mayor Flammer noted that this issue would be addressed through negotiations. No action was taken or required on this matter.

6. PUBLIC WORKS DIRECTOR - Dan O'Brien.

A-R-PW-2 REGIONAL TRANSPORTATION COMMISSION MATTER - GONI ROAD AND HOT SPRINGS ROAD LAND DEDICATION (1-1975) - Supervisor Swirczek moved that the Board accept the dedication of 482 square feet for a right-of-way at the intersection of Goni Road and Hot Springs Road from Mr. and Mrs. William Reeves and Ms. Pauline Salmonson. Supervisor Scrivner seconded the motion. Motion carried 5-0.

WATER MATTERS

A-R-PW-3 WATER RIGHTS APPRAISAL POLICY (1-2025) - Mr. O'Brien briefly reviewed the appraisal report and its suggested policy. Board direction on the need for a workshop session on the proposal was requested. Supervisor Swirczek supported the workshop and urged the Board to refrain from taking action until the tri-county concept is resolved. Otherwise, it may be possible that Board direction could inflate the price and demand for water. Supervisor Fettic and Mr. Cockerill explained that the Board could not purchase the rights for more than their appraised value. Supervisor Fettic emphasized that the Board did not have to purchase water at its indicated selling price. He, too, supported the workshop proposal. Discussion ensued on the Board's ability to procure water rights without having adopted a policy on the procurement process. Mr. O'Brien noted the Stanton Park agreement on water rights and that any offers would be brought to the Board. Supervisor Chirila requested staff provide a comprehensive report on the proposal to have developer bring water to the City and related Growth Management issues. (1-2425) Bruce Scott noted his involvement in water issues in both Douglas County and Carson City. While the City needed to consider its short-term needs, the tri-county concept needed to be considered for the long-term resolutions. At the present time he felt that the summer needs could be met through leasing or other short-term methods. Mayor Flammer thanked him for his input. No action was taken or required on this matter.

BREAK: A 20 minute recess was taken at 10:20 a.m. When the meeting reconvened at 10:40 a.m. the entire Board was present constituting a quorum.

A-R-PW-1 PRESENTATION BY KENNEDY/JENKS/CHILTON UPDATING THE CARSON RIVER

MANAGEMENT PROGRAM (1-2575) - Subconservancy District Representative Ira Rackley noted the tri-county issues and that water requests are currently being reserved until the tri-county concept issues are resolved. The recent tri-county meeting was summarized as being an attempt to establish a common ground from which the District could function. Lyon County fears that the District will take water from it for others were noted. The District is an attempt to retain the water in each County, that any dam/reservoir be developed after appropriate evaluation, and that any resources be utilized in an economical fashion. The District's board will be restructured so that each County could have a representative from its elected body. The remaining four members would be agricultural/resource representatives from Douglas County and would be appointed by the State District Courts. Public comments had indicated a desire to have these individuals be elected, however, due to the restrictive nature of the requirements to serve on the Board, this was perceived as not being reasonable or feasible. Douglas County's support for the regional concept were outlined. Another workshop has been scheduled for December 13. Discussion ensued among the Board and Mr. Rackley on Douglas County Commissioner-elects' support of the tri-county concept, need for a 20 and 50 year resource management program, (2-0012) the current five year plan and update program, and concern about another State or region taking water from the area.

Mr. Rackley then responded to questions from Kay Bennett concerning the reasons for changing the Subconservancy's duties to include regional water management via inter-local agreements and the legislative assistance needed to effect this change. Legislative support for the regional concept was outlined by Supervisor Fettic and Mr. Rackley. Mr. Hamilton pointed out that by having Carson City involved with the regional concept, a funding mechanism is guaranteed. For this reason legislative action to include the Carson City urban area in the District is needed. Supervisor Swirczek explained the reasons the Las Vegas Valley Water District was formed, its duties and responsibilities, and differences between it and the tri-county concept. Mr. Rackley then responded to Ms. Bennett's questions on the District's accountability. Ms. Bennett expressed her concern about a monied assault against the region. Both Supervisor Swirczek and Mr. Rackley felt that with regional representation a check and balance would be provided to prevent such an assault as well as be more competitive in the market place. Additionally, the District would be a public entity and not motivated by a desire to generate profit. Mr. Rackley also noted that the District could not mandate nor require a public entity, such as Carson City, to transfer its water rights or system to the District. The proposal was for the District to be a wholesale purveyor of water to established or new entities. The District was not at this time interested in entering the retail sale of water market/field.

(2-0485) Bruce Scott explained the desire to have a regional approach for not just water but all resources and the value of having a cooperative effort. Although Carson City could fund an independent program, the advantage of working with the neighboring counties were noted.

(2-0560) Mr. Rackley then responded to Richard Waiton's questions about the District's formation.

(2-0590) Supervisor Swirczek and Mr. Rackley responded to Builders Association of Western Nevada Representative Geraldine Tyson questions on the District's Board, Las Vegas Valley Water District Board, and the District's ability to bond improvements and acquisitions. Ms. Tyson urged the Board to support the proposal and commended Mr. Rackley on his fairness in the presentation of the pros and cons to it. Mayor Flammer thanked her for her vote of confidence.

Discussion ensued among Messrs. Hamilton and Rackley and Supervisor Fettic on the District's bonding ability, the type of projects and amounts which would be bonded, and interest rates as reflected by the bond amounts. Mayor Flammer commended the participants on their presentation. No action was required or taken by the Board.

BREAK: A lunch recess was declared at 11:30 a.m. When the meeting reconvened at 1:30 p.m. Roll call was taken and a quorum was present although Supervisor Scrivner was absent.

7. A-R-CDD-1 REDEVELOPMENT AUTHORITY BOARD MATTER - REQUEST FOR BOARD OF SUPERVISORS' DIRECTION TO ALLOW REDEVELOPMENT AUTHORITY BOARD TO HOLD PUBLIC MEETINGS FOR DISCUSSIONS AND RECOMMENDATIONS CONCERNING POSSIBLE FORMATION OF SPECIAL ASSESSMENT OR IMPROVEMENT DISTRICTS FOR DEVELOPING PARKING LOTS IN THE REDEVELOPMENT AREA (2-0810) - Mr. Sullivan introduced Redevelopment Chairperson Steve Hartman and Member Tom Johnson. Chairperson Hartman explained the request due to the desire to determine what the property owners in the District are willing to support. Discussion ensued among the Board, Messrs. Sullivan, Hartman, and Johnson on the number of property owners who would be involved, total property owners on Carson Street, the number from Washington to 50 on Carson Street, the preliminary study of the parking needs in the area, the number of property owner-residents in the area, and legal restrictions on having special assessment districts within a historic district. (During this discussion Supervisor Scrivner returned--1:35 p.m. A quorum was present as noted.) (2-1045) Gale Thomssen supported the proposal. Supervisor Fettic moved that the Board authorize the Redevelopment Authority to proceed with public hearings concerning the future direction of the parking in the Redevelopment District. Supervisor Swirczek seconded the motion. Motion carried 5-0. Clarification noted the fiscal impact was \$50 to \$100 which would be contributed by the Members of the Authority.

6. A-R-PW-4 DISCUSSION AND ACTION REGARDING STOKES RANCH WATER RIGHT PURCHASE OFFER (2-1075) - Mr. O'Brien's introduction noted the meeting with Douglas County on these water rights and Carson City's interest in acquiring same. Ted Stokes noted his original offer to sell to the City which had been made one year ago. Due to litigation threats by Douglas County, the sale was abandoned. Due to his desire to sell the rights to someone, he was again offering them to Carson City. Reasons for seeking Board direction at this

point in the negotiations were outlined. While acknowledging the political problems with Douglas County, he also stressed Carson City's need for more water. Possible methods of utilizing the rights were briefly outlined. Legally Douglas County could not prohibit the sale. His research, filings, legal commitments, etc., were outlined. Reasons for entering an agreement to acquire the rights once all the issues are resolved were explained. He was willing to accept the appraisal price. Mr. O'Brien pointed out that it is staff's responsibility to project the water needs of the area. Benefits of having these rights were noted. An emergency does not exist which would mandate the purchase of these rights. Supervisor Swirczek briefly touched on the discussion held at the meeting with Douglas County. Douglas County wanted to keep all the water within its County boundary until after the tri-county agreement is completed. While acknowledging the value of his water rights to Carson City, Supervisor Swirczek urged the Board to proceed with caution and not jeopardize the tri-county proposal. He urged the Board to continue the matter until legislative direction is taken on the regional proposal. Mr. Stokes felt that the regional proposal should not effect the potential resolution of Carson City's short term needs. Supervisor Fettic acknowledged the Board's primary obligation to the City, the potential advantage to having the rights if transferable without loss of priority, the Board's commitment to the Subconservancy District as a regional water purveyor/wholesaler for the tri-county region, the status of this regional proposal, and support for the regional concept as indicated at the joint meeting last night. He, too, supported continuance of the matter at least until December 15. During the interim another meeting with Douglas County would occur and the status of the regional program could be assessed. Reasons for supporting the continuance and avoiding a "water war" were outlined. Mr. Stokes was willing to wait until the 15th, however, was concerned about continued delays. Supervisor Swirczek expressed his feeling, as he perceived during the last two meetings with Douglas County, that Douglas County was attempting to quickly establish a position which would be beneficial to both Carson City and Douglas. Mayor Flammer then outlined the change in Carson City's water situation as experienced over the last four years and specifically the political change which had occurred when Helms had offered to sell water to Carson City. He urged the Board to take the offensive and go forward although he was amenable to a 15 day continuance. Regardless of the 15 day continuance, Douglas County had indicated it would appeal the sale of Stokes water rights. Additional delay would occur if the Board decided to wait until the tri-county proposal is formalized. Carson City's needs should be addressed without regard for other areas. Supervisor Scrivner noted the City's attempts to acquire the Bosc water rights years ago. He was willing to continue the matter 15 days, however, staff should negotiate on the acquisition during the 15 days. The City could sell the water to the tri-county authority once it is consummated. Supervisor Swirczek acknowledged the tri-county concept's need for legislative action and pointed out that as currently perceived, the individual counties could enter into inter-local agreements with the Subconservancy on water acquisition. This would not require legislative action as it could be accomplished by two counties. This option should be explored. He felt that Douglas County was proceeding in good faith and should be encouraged.

(2-2401) Steve Hartman explained his involvement with the Governor's Carson River Water Task Force. It had established the need for a regional approach to the resolution of water problems. To date this has not been accomplished. Due to the location of the Stokes Water Rights and potential to transfer same to Carson City without hurting anyone, he urged the Board to proceed with the acquisition otherwise nothing would be accomplished. Only continued pressure would accomplish a mutually acceptable end to the problems.

Discussion ensued among the Board and Water Engineer Dorothy Timian-Palmer on the City's ability to transfer and utilize the water rights in Well 41 and projected water demand during the summer of 1989 as well as the need for a 20 to 25 percent safety factor. Mr. O'Brien then pointed out staff's recommendation for the Board to authorize staff's proceeding to develop an acquisition agreement. He, too, supported the tri-county approach.

(2-2735) Mr. O'Brien and Ms. Timian-Palmer responded to Mr. Teixeira's questions on the City's need for additional water, needed safety factor, and alternatives if Stokes rights are not acquired. Supervisor Swirczek acknowledged the need for the rights and stressed the need to "buy time" with which to allow negotiations with Douglas County to proceed. Supervisor Scrivner stressed that the ability to utilize the Marlette-Hobart water system was restricted by the snowpack and replacement abilities.

Mr. Stokes suggested that the agreement include a clause which would transfer the water to the tri-county entity once it is culminated. Supervisor Fettic noted that this had been indicated in the discussions with Douglas County.

(3-0011) Discussion ensued between Bruce Scott and Supervisor Fettic on Douglas County's legal standing in opposing the sale. Mr. Scott also explained his feeling that the City could use Stokes' water rights next summer only if both the State Water Engineer and Douglas County agree to same. For this reason he felt that the Board should continue the matter until after December 15.

Mayor Flammer explained his support for a motion to direct staff to proceed with negotiations for the acquisition subject to staff's conditions and the clause suggested by Mr. Stokes which would transfer the water to the tri-county entity if consummated. Supervisor Swirczek reiterated his suggestion that action be delayed for 15 days. Supervisor Fettic moved that the Board continue this matter to December 15 with the concurrence of the Applicant. Supervisor Swirczek seconded the motion. Motion was voted by roll call with the following result: Swirczek - Yes; Fettic - Yes; Chirila - Yes; Scrivner - No; and Mayor Flammer - No. Motion carried 3-2.

(3-0112) Ms. Bennett noted the Douglas County perception that Carson City was taking things from it. The City may, in fact, be bringing some water rights to the tri-county consortium.

ORDINANCES - FIRST READING (3-0129); ORDINANCES - SECOND READING (3-0131);

CITY MANAGER REPORTS, RESOLUTIONS AND BOARD DIRECTIVES (3-0133) - None.

BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (3-0135)

MAYOR FLAMMER - None.

SUPERVISOR SWIRCZEK - 1. DISCUSSION REGARDING CITY MANAGER/DEPUTY CITY MANAGER CORRESPONDENCE AND COMMUNICATION WITH THE BOARD OF SUPERVISORS; 2. DISCUSSION REGARDING CITY NOTIFICATION BY E.D.A. REGARDING SERPA ZONE CHANGE: AND, 3. POSSIBLE PERSONNEL SESSION PURSUANT TO NRS 241.030 SUBSECTION 1 CONCERNING THE CITY MANAGER AND DEPUTY CITY MANAGER REGARDING CORRESPONDENCE AND COMMUNICATION WITH THE BOARD OF SUPERVISORS (3-0140) - Discussion ensued on whether Deputy City Manager Mike Rody would attend this Board meeting, the items scheduled for December 8th meeting, the need for a special meeting on these items, and the need to have Mr. Rody present. Consensus directed that a special personnel meeting between the City Manager and Board be scheduled for Wednesday evening. Mr. Rody would not be required to attend. Mr. Auer explained that Mr. Rody should be present if his competency is discussed. The time and date for the meeting were discussed at length. Reasons Mr. Rody was at a TRPA meeting instead of being at this Board meeting were explained. The items were scheduled for Thursday, December 8, with the meeting commencing at 9 a.m. Mr. Hamilton was to attend the Governor's Conference on Economic Development. The importance of this meeting was discussed. The meeting was then scheduled for Wednesday at 9 a.m. and would include the three items listed above as well as the items originally scheduled for Thursday.

SUPERVISOR FETTIC (3-0825) - None.

SUPERVISOR CHIRILA (3-0725) - Requested a written District Attorney's opinion on the Board policy for removing items from the agenda. Mr. Auer explained that a written opinion would be issued if a request is made in writing. The current policy for staff, Board, and Planning Commission matters was discussed.

CITIZEN COMMENTS (3-0828) - None.

There being no other matters for discussion, Supervisor Swirczek moved to adjourn. Supervisor Fettic seconded the motion. Motion carried 5-0. Mayor Flammer adjourned the meeting at 3 p.m.

The Minutes of the December 1, 1988, Carson City Board of Supervisors meeting

ARE SO APPROVED ON January 16, 1992.

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CARSON CITY BOARD OF SUPERVISORS
Minutes of the December 1, 1988, Meeting
Page 12

Marv Teixeira, Mayor

ATTEST:

/s/
Kiyoshi Nishikawa, Clerk-Recorder