

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 4, 1987 Meeting

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A regular meeting of the Carson City Board of Supervisors was held on June 4, 1987 at the Community Center Sierra Room, 851 East William Street, Carson City, NV 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:	L. H. Hamilton	City Manager
	Ted P. Thornton	Clerk-Treasurer
	Paul McGrath	Sheriff
	Steve Kastens	Parks and Recreation Director
	Charles P. Cockerill	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 6/4/87 Tape 1-0001)	

Mayor Flammer called the meeting to order at 9 a.m. by leading the Pledge of Allegiance. Roll call was taken and a quorum was present.

IV. APPROVAL OF MINUTES (1-0028) - Special meetings of 3/6 and 7, and 3/12/87, and Agenda Workshop Session of 3/16/87

Supervisor Fettic moved to approve the Minutes of the Special Meeting of 3/6 and 7, and 3/12/87, and the Agenda Workshop Session of 3/16/87 as presented. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

V. SCHEDULED ITEMS - None.

Mayor Flammer recessed the Board of Supervisors session and reconvened the session as the Liquor and Entertainment Board. A quorum was present including Sheriff McGrath.

VI. PETITIONS AND COMMUNICATIONS - LIQUOR AND ENTERTAINMENT BOARD MATTERS

1. MCINTIRE (SILVERSTATE LIQUOR AND WINE, INC.) - DOING BUSINESS AS SILVERSTATE LIQUOR AND WINE, INC. - 1450 KLEPPE LANE, SPARKS, NEVADA (1-0024)

Attorney Fred Kennedy and Dale McIntire explained the change in General Managers. Member Fettic moved to approve the Liquor License for Dale Lee McIntire, doing business as Silverstate Liquor and Wine, Inc., 1450 Kleppe Lane, Sparks, Nevada. Member Scrivner seconded the motion. Motion was voted and carried 6-0.

2. DREW/PITTS - DOING BUSINESS AS BROWNBAG DELI - 304 EAST WINNIE LANE (1-0052)

Richard and Darlene Pitts were present, however, Herman E. Drew was not available due to his employment. He would be at the next Board meeting. No derogatory information was discovered during the Sheriff's investigation. Mr. Pitts felt they were familiar with the Nevada Liquor Laws. Member Fettic moved to approve the Liquor License for Richard and Darlene Pitts, doing business as Brownbag Deli, 304 East Winnie Lane, Carson City. Member Swirczek seconded the motion. Motion was voted and carried 6-0.

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3. ROSKOSKI/SULLIVAN/ERNST - DOING BUSINESS AS MICASA TOO, 3809 NORTH CARSON STREET (1-0115)

Robert Sullivan was unable to attend this meeting due to a personal problem but would be at the June 18 meeting. W. A. Roskoski, Jr., and Russell Ernest explained their Reno Micasa Too operation, after which the Carson City operation would be patterned. Member Swirczek moved to approve the Liquor License for W. A. Roskoski, Jr., and Russell Ernest, doing business as Micasa Too, 3809 North Carson Street, Carson City, Nevada, pending final Departmental Reports. Member Scrivner seconded the motion. Motion was voted and carried 6-0.

4. JONES (CHAIRMAN OF FOURTH OF JULY COMMITTEE) - ENTERTAINMENT PERMIT FOR FOURTH OF JULY ACTIVITIES AT MILLS PARK ON JULY 3 and 4, 1987 (1-0173)

Lee Pisiewski distributed a copy of the schedule and map to the Board and Clerk. The activities were similar to those of the past, however, the location was different. Discussion ensued between the Board, Committee and staff concerning the request to waive the permit and park fees. Purportedly the request had been based on the lack of donations and the Committee's feeling that it was a city-wide function. Any profits generated by the activities are used solely for the next year's activities. The Committee's budget was discussed. Clarification noted that the activity was a function of the Chamber of Commerce. Due to the feeling that a policy would be discussed at the next meeting, Mr. Pisiewski agreed to postpone the waiver request. Member Fettic then moved to approve the Entertainment Permit for the Fourth of July Committee Activities for July 3 and 4 at Mills Park and hold in abeyance the request for a waiver of fees. Member Swirczek seconded the motion. Motion was voted and carried 6-0.

Chairperson Flammer then recessed the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as noted.

VII. RESOLUTIONS - (1-0465)

A. CLERK-TREASURER

1. BUSINESS LICENSE REINSTATEMENTS

All penalties, application, and reinstatement fees had been paid. Supervisor Swirczek moved to approve reinstatement of the Business Licenses for Art's Bail Bonds, International Technologies Group Ltd., and CMF Investment Corporation. Supervisor Chirila seconded the motion. Motion was voted and carried 5-0.

2. REQUEST FOR CONSIDERATION TO ISSUE SHOW CAUSE ORDER TO REVOKE BUSINESS LICENSE OF MARY IRENE WILSON DOING BUSINESS AS CONCERNED HEALTH CARE (1-0505)

This matter was removed from the Agenda due to the firm's relocation.

3. SHOW CAUSE HEARING TO REVOKE BUSINESS LICENSE OF HARVEY LLOYD PERSON DOING BUSINESS AS JUNIOR CAREERS (1-0521)

Chief Deputy District Attorney Cockerill explained Judge Fondi's injunction. As Mr. Person had cancelled his Business License, the issue was considered mute.

B. ORMSBY PUBLIC LIBRARY BOARD OF TRUSTEES - APPOINTMENT OF NEW MEMBER - (1-0535)

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Library Director Sally Herman explained the request for ratification of Clifford Fechter's appointment to the Library Board of Trustees and briefly reviewed his qualifications. He would replace Don Dixon. Trustee Jean Bundy also explained reasons for the nomination. There had been one other applicant for this position. The policy to have the Trustees select their nominee was discussed at length. Supervisor Scrivner felt that this was the Board of Supervisors' responsibility and that the policy should be changed. In view of the Trustees' recommendation, Supervisor Fettic moved to ratify Clifford Fechter's appointment to the Library Board of Trustees. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

C. GOLF COURSE ADVISORY COMMITTEE - APPROVAL OF FEES FOR EAGLE VALLEY GOLF COURSE II (1-0684)

Parks and Recreation Director Steve Kastens explained the Resolution containing fees for Eagle Valley II. Several meetings had been held on the proposal. The need to meet the debt retirement schedule and provide for operational costs without impacting the general fund was discussed at length. Revenue projections were difficult to make due to the lack of financial knowledge concerning whether the course would impact the use of the first course, actual amount of use on the second course, the opening date, etc. Staff's projects were included in the Board's packet. Finance Director Mary Walker explained that the \$59,000 net loss was due primarily to the need to provide for depreciation and was not a cash flow problem. The opening date was still planned for August 1. July 1 was not appropriate as the course would not be in shape by then and the grasses would not be mature enough to handle the play.

(1-0915) Golf Course Advisory Committee Chairperson Bill Witt: The various restrictions were explained and noted as not being popular with various special interest groups, e.g., private carts not being allowed on the course. This recommendation was based on the need to have Eagle Valley II be self-supporting. Therefore, the season pass for Eagle Valley II included the cart fees. Clarification indicated that the season pass also included Eagle Valley I. Supervisor Scrivner suggested that this be changed to have a season pass for only Eagle Valley II at \$350 or \$400 and a season pass for only Eagle Valley I at \$300 or \$350. He did not feel that private carts should be banned on either course. Financial projections had been based only on the figures listed in the resolution. Discussion ensued on the cost per round using those figures. Mr. Witt felt that the use of private carts should be banned on either course. Financial projections had been based only on the figures listed in the resolution. Discussion ensued on the cost per round using those figures. Mr. Witt felt that the use of private carts should be restricted to residents. Mayor Flammer supported allowing private carts rather than having individuals walk the course. He also felt that there were few individuals with carts due to the costs. He supported allowing anyone with a cart the opportunity to use it on either course. The possibility of having the increase in the room tax bill adopted by the Legislature was noted. As this would generate \$140,000 for the bond, Mayor Flammer felt that residents should be able to purchase a combined season pass for \$450 with a single course season pass at \$300 or \$350. Discrimination against out-of-town carts should not be allowed. Supervisor Scrivner urged adoption of the fees reflecting the increased room tax. If the increase is not adopted, then the golf course fees would have to be increased. Also, the passes for Eagle Valley II should be higher than I. Mr. Witt felt that Eagle Valley I would have more play than II particularly by the handicapped player.

Discussion ensued concerning whether the cart fees should be included in the season pass fee. Mandatory cart use was felt to be valid.

(1-1723) Supervisor Fettic expressed his concern about setting the rates on the assumption that the room tax would be adopted due to his feeling that considerable consternation would be created by a later increase. He preferred to adopt the fees without the room tax and lower them later if it materializes. Also he was concerned that the room tax may not make it out of committee and/or that Tourism may not commit these funds to the course. Mayor Flammer felt that the resolution adopted by Tourism allocating these funds for the course was still valid.

(1-1838) Golf Pro Tom Duncan then explained his support for mandatory golf carts, the combined season pass

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with the golf cart fee, and continuance of the policy to allow the present course to be walked. Discussion ensued concerning the season pass fee for players who use their own carts particularly on Eagle Valley II. Clarification indicated that the cart fee of \$7.50 per person was based on two individuals using the same cart. The fee structure had included evaluation of charges made at neighboring courses. Mr. Duncan felt that a season pass for Eagle Valley II should be considered, however, it would be more beneficial to the player to have one for both courses.

(1-2215) Supervisor Chirila supported the combined pass and allowing private carts on Eagle Valley II. Mr. Duncan felt that there were between 15 and 20 private carts in Carson City, however, some players from Lake Tahoe and Reno bring their private carts also. The pros and cons of the combined pass and the need for a singular season pass were discussed.

(1-2335) Jean Fiorillo supported \$450 with private carts. She felt that if Eagle Valley II is so difficult, players would return to Eagle Valley I. If the increased room tax was for Eagle Valley II, then \$1500 for season passes for a couple was absurd. Purportedly Washoe's fees were only \$280 for both courses and the annual cart fee was only \$75. The City should not compete with private courses. The residents would boycott the new course at these rates. The combined rate should be \$450 including carts.

Mr. Kastens explained a meeting and tour of the Washoe Clubs. Washoe County had required all private cart owners to register their vehicles last year. Now any registered individual may bring his cart to the courses. He then explained the liability concern due to the use of private carts. Washoe County requires the registered individuals to co-insure the County. He suggested a similar requirement in Carson City. Mr. Duncan expressed concern about restricting the carts to registered individuals. He was "collecting" insurance policies covering the private carts.

Supervisor Swirczek expressed his feeling that if the property tax must be increased to meet the bond requirements, the public outcry would be louder than that of the golfers affected by the rates. Ms. Fiorillo felt that the Parks and Recreation Bond indicated the public's willingness to support recreation, which should include golf. She also felt that Eagle Valley I was a difficult course to play and that tournaments and out-of-town players would support the new course.

(1-2881) Supervisor Swirczek then moved to set the fees for Eagle Valley II for the 1987-88 fiscal year at: Green Fees - \$17.50; Cart Fees - \$15.00; Private Carts Without a Season Pass - \$4.00; Carts are mandatory; Season Passes - \$300.00 for Eagle Valley II without a cart--which would require payment of the \$15.00 cart fee--and \$650.00 for both courses which would include the cart fee. Supervisor Fettic seconded the motion. Discussion ensued concerning whether the \$15 fee for carts should be required of a single player. Clarification then noted that the fee structure had not included private carts. Supervisor Swirczek then amended his motion to include a \$450 Season Pass for Eagle Valley II which would include the \$4 cart fee. Discussion ensued explaining the cart fees with a variety of prices included \$2.50 at Eagle Valley I for private carts, \$4.00 for cart rentals, and \$7.50 for Eagle Valley II. Supervisor Swirczek then clarified his amendment to be \$450 for both courses excluding the cart fees which would require a player to pay \$4 to use his own private cart on Eagle Valley I and \$2.50 to use his own private cart on Eagle Valley I. There would be no change in the \$120 annual fee for cart use on Eagle Valley I. Due to confusion on the motion, Supervisor Swirczek withdrew the first motion and restated his motion as being to set the fees for Eagle Valley II for the 1987-88 fiscal year as being: Green Fees - 18 holes - \$17.50; Cart Fees - \$15.00; Carts mandatory on Eagle Valley II; Private Carts - \$4.00; Season Passes - \$650 which included both courses and a cart for Eagle Valley II, \$450 for both courses but the player would be required to pay a \$4 private cart fee for Eagle Valley II, and \$300 for Eagle Valley II which would not include the cart fee, which would be an additional fee as carts are mandatory. Supervisor Fettic then withdrew his second to the original motion, however, at Mr. Cockerill's suggestion to set the record straight, the motion was voted and died on a 0-5 vote.

Clarification then indicated that with the \$450 season pass, a player would pay \$2.50 for Eagle Valley I for a cart and \$4.00 at Eagle Valley II.

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Mr. Duncan expressed a desire to establish a cart procedural manual as soon as possible.

Supervisor Swirczek's last motion to set the fees for Eagle Valley II for the 1987-88 fiscal year at: Green Fees - 18 holes - \$17.50; Cart Fees - 415.00; Carts mandatory on Eagle Valley II; Private Carts - \$4.00; Season Passes: \$650 which included both courses and a cart for Eagle Valley II, \$450 for both courses but the player would be required to pay a \$4 private cart fee for Eagle Valley II, and \$300 for Eagle Valley II which would not include the cart fee, which would be an additional fee as carts are mandatory was then voted by roll call with the following result: Ayes - Scrivner, Chirila, Swirczek, Fettic, and Mayor Flammer. Nayes - None. Motion carried unanimously.

Discussion ensued concerning the cart manual.

As the fees must be set by a resolution, Supervisor Swirczek moved to include the fees as adopted into Resolution 1987-R-59, A RESOLUTION ESTABLISHING THE FEES FOR EAGLE VALLEY GOLF COURSE II, with the fees being: Green Fees - 417.50; Cart Fees - \$15.00; Private Carts - \$4.00; Carts mandatory: Season Passes - \$650.00 for both courses including a cart on Eagle Valley II, \$450.00 for both courses but excluding a cart on either course, \$300.00 for Eagle Valley II only excluding the cart. Supervisor Fettic seconded the motion. Mr. Kastens then suggested that the phrase "Season Pass is valid on Eagle Valley I, no cart included, and fee subject to revision in January 1988." be stricken from the Resolution. Supervisor Swirczek amended his motion to include removal of this phrase. Supervisor Fettic continued his second. Motion was voted and carried 5-0.

D. ASSESSOR - ADJUSTMENT OF 1987-88 REAL PROPERTY TAX ROLL

**- PARCELS 10-021-08 ANDERSEN; 10-021-32 ANDERSEN; 10-021-33
MACLEOD; AND 10-021-34 ANDERSEN (2-0355)**

Supervisor Fettic moved to approve the corrections and adjustments to the Andersen property as presented by Assessor Kit Weaver. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

E. PURCHASING AGENT (2-0424)

1. 8687-41 - CONTRACT APPROVAL FOR FUJI PARK PHASE II DESIGN CONSULTANT

Supervisor Fettic moved to approve awarding Contract 8687-41 for Fuji Park Phase II to E. Don Payne and Associates in an amount not to exceed \$12,750. Supervisor Swirczek seconded the motion. Discussion ensued concerning differences in the two bids. The motion was voted and carried 5-0.

2. 8687-42 - CONTRACT APPROVAL FOR LIBRARY COMPUTER ENHANCEMENTS (2-0491)

The bid was unadaptable to competitive bidding due to type of equipment currently being used. CLAN funds would be used to pay for the equipment. Supervisor Fettic moved to approve awarding the contract to CLSI for the Library computer enhancements, contract 8687-42, in an amount not to exceed \$48,091.00. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

F. SHERIFF - APPROVAL OF MUTUAL AID AGREEMENTS WITH:

- 1. DOUGLAS COUNTY**
- 2. STOREY COUNTY**
- 3. LYON COUNTY**

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4. WASHOE COUNTY

(2-0680) In the past these agreements have been verbal understandings. There would be no fiscal impact to the City. Basic training given all law enforcement agencies is the same. Each entity would be responsible for its personnel when responding in another district.

Supervisor Fettic then moved to approve the mutual aid agreement between Douglas County and Carson City Sheriffs' Departments. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

Supervisor Fettic then moved to approve the mutual aid agreement between Storey County and Carson City Sheriffs' Departments. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

Supervisor Fettic then moved to approve the mutual aid agreement between Lyon County and Carson City Sheriffs' Departments subject to the Lyon County Commissioners acceptance. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

Supervisor Fettic then moved to approve the mutual aid agreement between Washoe County and Carson City Sheriffs' Departments subject to the Washoe County Commissioners acceptance. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

G. PUBLIC WORKS DIRECTOR (2-0888)

1. ANNUAL REVIEW OF WATER AND SEWER UTILITY RATES

a. CONNECTION FEE DISTRIBUTION POLICY

b. RATE STRUCTURE REVIEW

Staff's request to continue the matter to allow time to complete various reports affecting the rates was discussed. Supervisor Fettic then moved to continue the annual review of the water and sewer utility rates to study the connection fee distribution policy and the rate structure review to not later than September 1, 1987, which would mean that if the review is completed prior to September 1, it would be heard before September 1. Clarification noted that the item would be heard at the second meeting in August. Supervisor Scrivner seconded the motion. Motion was voted and carried 5-0.

2. CARSON CITY COMPREHENSIVE WATER PLAN AND WASTEWATER TREATMENT PLANT FACILITY - CONTRACT R-1 (EPA GRANT C32-0133-04)

a. JOINT VENTURE TASK ORDER NO. 23, AMENDMENT NO. 4 - SERVICES DURING CONSTRUCTION (2-1176)

The Task Order provides for engineering services during construction of the access steps to the piezometers on the dam. Supervisor Swirczek moved to approve Amendment No. 4 to Task Order No. 23 for services during construction at a not to exceed cost of \$1,500. Supervisor Scrivner seconded the motion. Motion was voted and carried 5-0.

b. JOINT VENTURE TASK ORDER NO. 24, AMENDMENT NO. 1 - OPERATION SERVICES, PHASE D2 (2-1200)

This Amendment would provide local training for soils and plant tissue sampling at the treated effluent disposal sites. Task Order 24 included adequate funds for the amendment. Supervisor Swirczek moved to approve

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Amendment No. 1 to Task Order No. 24 for Operation Services - Phase D2 - to provide additional training for Carson City personnel in sampling soils and plant tissues at treated effluent disposal sites. Supervisor Fettic seconded the motion. Motion was voted and carried 5-0.

H. COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR (2-1257)

- a. VARIANCE V-87-6 - PISIEWSKI - VARY FROM REQUIRED FENCE HEIGHT AND SETBACK ON SF6000 - 2692 PINEBROOK DRIVE - PLANNING COMMISSION DENIED 4-2**
- b. SPECIAL USE PERMIT U-87-11 - CARSON CITY SCHOOL DISTRICT CONSTRUCT PORTABLE CLASSROOM AT FREMONT SCHOOL ON P - 700 EAST FIFTH STREET - PLANNING COMMISSION APPROVED 6-0**
- c. SPECIAL USE PERMIT U-87-12 - WEST RIDGE DEVELOPMENT AND CONSTRUCTION - OPERATE TEMPORARY TRACT SALES OFFICE ON SF6000 - 2714, 2744, 2786, AND 2868 PANAMINT ROAD - PLANNING COMMISSION APPROVED 6-0**
- d. SPECIAL USE PERMIT U-87-17 - GRUNDY/VAN PATTEN - ALLOW TEMPORARY OFF-PREMISE SIGN ON RC - NORTHEAST CORNER U.S. 395 NORTH AND ARROWHEAD DRIVE - PLANNING COMMISSION DENIED 4-2**
- e. SPECIAL USE PERMIT U-87-18 - VAN PATTEN - ALLOW TEMPORARY OFF-PREMISE SIGN ON GC - SOUTHWEST CORNER OF U.S. 395 SOUTH AND ROVENTINI WAY - PLANNING COMMISSION DENIED 4-2**
- f. SPECIAL USE PERMIT U-87-19 - DOESCHER - OPERATE CHILD CARE FACILITY ON SF6000 - 504 SOUTH RICHMOND STREET - PLANNING COMMISSION APPROVED 4-2**

Items a., d., e., and f. were appealed. Supervisor Fettic moved to approve the Planning Commission's recommendations on b. Special Use permit U-87-11 for the School District to construct portable classroom at Fremont School and c. Special Use Permit U-87-12 for the West Ridge Development and construction to operate a temporary tract sales office on SF6000. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

SPECIAL USE PERMIT APPLICATIONS TO ALLOW BILLBOARDS AS FOLLOWS:

- g. U-87-14 - NORRIS - ZONED GC - NW CORNER OF U.S. 395 SOUTH AND HIGHWAY 50 EAST - PLANNING COMMISSION DENIED 6-1**
- h. U-87-15 - ROSS - ZONED RC - WEST SIDE OF SOUTH CARSON STREET APPROXIMATELY 500 FEET NORTH OF SONOMA STREET - PLANNING COMMISSION DENIED 6-1**
- i. U-87-16 - TARP - ZONED GC - NORTHWEST CORNER**

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OF U.S. 395 AND HIGHWAY 50 WEST - PLANNING COMMISSION DENIED 6-1

- j. U-87-20 - CARSON VALLEY OIL - ZONED RC - 300 EAST EIGHTH STREET - PLANNING COMMISSION DENIED 6-1**
- k. U-87-21 - FAZZIO - ZONED RC - EAST SIDE OF SOUTH CARSON STREET APPROXIMATELY 650 FEET SOUTH OF SONOMA STREET - PLANNING COMMISSION DENIED 6-1**
- l. U-87-22 - FAZZIO - ZONED RC - EAST SIDE OF SOUTH CARSON STREET APPROXIMATELY 650 FEET SOUTH OF SONOMA STREET - PLANNING COMMISSION DENIED 6-1**
- m. U-87-23 - ROE - ZONED RC - 3130 SOUTH CARSON STREET - PLANNING COMMISSION DENIED 6-1**
- n. U-87-24 - HOLMES - ZONED RC - SOUTHWEST CORNER OF U.S. 395 NORTH AND GRAVES LANE - PLANNING COMMISSION DENIED 6-1**
- o. U-87-25 - HOLMES - ZONED RC - 3660 NORTH CARSON STREET - PLANNING COMMISSION DENIED 6-1**
- p. U-87-26 - ROSS - ZONED RC - NORTHEAST CORNER OF U.S. 395 NORTH AND GRAVES LANE - PLANNING COMMISSION DENIED 6-1**
- q. U-87-27 - HARRAH'S CLUB - ZONED GC - 4900 SOUTH CARSON STREET - PLANNING COMMISSION DENIED 7-0**
- r. U-87-28 - BRUNERYD - ZONED GC - 3400 HIGHWAY 50 EAST - PLANNING COMMISSION DENIED 6-1**
- s. U-87-29 - ROSS - ZONED RC - NORTHEAST CORNER OF U.S. 395 NORTH AND GRAVES LANE - PLANNING COMMISSION DENIED 6-1**
- t. U-87-30 - NEWMAN CONSTRUCTION LTD. - ZONED GC - EAST SIDE OF SOUTH CARSON STREET APPROXIMATELY 350 FEET SOUTH OF EAGLE STATION LANE - PLANNING COMMISSION DENIED 5-1-1**
- u. U-87-31 - NEWMAN CONSTRUCTION LTD. - ZONED GC - EAST SIDE OF SOUTH CARSON STREET APPROXIMATELY 375 FEET SOUTH OF EAGLE STATION LANE - PLANNING COMMISSION DENIED 5-1-1**
- v. U-87-32 - NEWMAN CONSTRUCTION LTD. - ZONED GC - EAST SIDE OF SOUTH CARSON STREET APPROXIMATELY 400 FEET SOUTH OF EAGLE STATION LANE - PLANNING**

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COMMISSION DENIED 5-1-1

- w. U-87-33 - ARRAIZ - ZONED GC - WEST SIDE OF SOUTH CARSON STREET - BETWEEN OVERLAND STREET AND APPION WAY - PLANNING COMMISSION DENIED 6-1
- x. U-87-34 - W. E. HALL CO. - ZONED GC - 4849 COCHISE STREET - PLANNING COMMISSION DENIED 6-1
- y. U-87-35 - NEVADA CHILDREN'S FOUNDATION - ZONED GC - WEST SIDE OF U.S. 395 NORTH AND EAST OF WEST BONANZA DRIVE - PLANNING COMMISSION DENIED 6-1
- z. U-87-36 - ROSS - ZONED RC - WEST SIDE OF SOUTH CARSON STREET BETWEEN SONOMA STREET AND FAIRVIEW LANE - PLANNING COMMISSION DENIED 6-1
- aa. U-87-37 - FELESINA - ZONED GC - SOUTHWEST CORNER OF BROWN STREET AND HIGHWAY 50 EAST - PLANNING COMMISSION DENIED 6-1 (2-1154)

All of the billboard special use permits had been appealed. Discussion ensued concerning the need to have a special Board meeting to consider these items and a date to do so. Mr. Cockerill suggested that the number of representatives be restricted as the pertinent issues were similar and that the Board review the Planning Commission Minutes to understand the recommendations. As the Items had been appealed, Board action was not required. A date for the special meeting was not set.

2. PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS

- a. VARIANCE V-87-5 - DUNN (MSB PROPERTIES) VARY FROM LOT AREA AND WIDTH REQUIREMENTS ON SF6000 - WEST OF SILVER SAGE DRIVE AND 100 FEET SOUTH OF PAT LANE - PLANNING COMMISSION DENIED 3-1 - Pulled. (2-1808)
- b. MISCELLANEOUS M-87-8 - STEWART - ABANDON AN UNNAMED STREET - WEST OF VOLTAIRE STREET BETWEEN WEST ROVENTINI DRIVE AND WEST CLEARVIEW DRIVE, APPROXIMATELY 660 FEET WEST OF VOLTAIRE STREET - PLANNING COMMISSION APPROVED 6-0 (2-1805)

Planning Commission's recommendation was reviewed by Mr. O'Brien. Supervisor Fettic moved to approve the Planning Commission's recommendation for M-87-8, an abandonment of an unnamed street west of Voltaire Street between West Roventini Drive and West Clearview Drive. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

- c. AMENDMENTS A-87-4 - CARSON CITY MUNICIPAL CODE TITLE 17 (PARCEL MAP) - MODIFICATIONS RELATIVE TO PARCEL MAP PROCEDURES - PLANNING COMMISSION APPROVED 6-0 (2-1850)

Mr. O'Brien explained the proposal would require a tentative map and final improvement plans prior to recordation

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of a second parcel map on a piece of property that had had its first parcel map recorded during the last twelve months. Reasons for the proposal were discussed. Supervisor Fettic moved to request the District Attorney's office to prepare an Ordinance amending Section 17.09.010 of the Carson City Municipal Code regarding Parcel Map approvals and bring it to the Board at its next regular meeting. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0. Clarification noted that the proposed Ordinance was now in draft form and that street dedications would not be recommended for acceptance until the process has been completed.

d. GROWTH MANAGEMENT GM-87-2 - CARSON CITY MUNICIPAL CODE CHAPTER 15 (GROWTH MANAGEMENT - MODIFICATIONS RELATIVE TO THE MONTHS THE GROWTH MANAGEMENT COMMISSION SHALL MEET) - PLANNING COMMISSION APPROVED 6-0 (2-2109)

Supervisor Fettic moved to direct the District Attorney's office to prepare an Ordinance amending Carson City Municipal Code Section 15.01.050 amending the meeting dates of the Growth Management Commission from May to April and November to October this year. Supervisor Scrivner seconded the motion. Motion was voted and carried 5-0.

VIII. ORDINANCES - FIRST READING (2-2181)

A. UNDER CARSON CITY MUNICIPAL CODE 17.21 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND GARY BORST

A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND GARY BORST AT 4455 SOUTH CARSON STREET APN 8-175-01

The proposal would delay installation of the street improvements until onsite construction occurs on the Borst parcel, the parcel adjacent, across the street, or upon demand by the City. Alternatives were explained. If the improvements are made at this time, only half of the street would be constructed. Supervisor Fettic moved to introduce on first reading Bill No. 119, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND GARY BORST LOCATED AT 4455 SOUTH CARSON STREET. Supervisor Scrivner seconded the motion. Motion was voted and carried 5-0.

B. UNDER CARSON CITY MUNICIPAL CODE 17.21 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND EDWARD C. AND RUTH CLEMMONS

A RESOLUTION APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND EDWARD C. AND RUTH CLEMMONS AT 2259 SNEDDON WAY (APN 8-175-10)

Supervisor Fettic moved to introduce on first reading Bill No. 120, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND EDWARD C. CLEMMONS AND RUTH CLEMMONS REGARDING APN 08-175-10 LOCATED AT 2259 SNEDDON WAY, CARSON CITY, NEVADA. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

C. CARSON CITY MUNICIPAL CODE TITLE 5, CHAPTER 5.02 - FRANCHISE AGREEMENT BETWEEN CARSON CITY AND T.C.I. OF NEVADA INC. (CABLE TV) (2-2370)

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This Item was scheduled for 2 p.m. Mr. Cockerill distributed copies of the Federal Communications Act to the Board and recommended Sections 622 and 623 on franchise fees and regulations of rates be reviewed.

IX. ORDINANCES - SECOND READING - BILL NO. 118 - CARSON CITY MUNICIPAL CODE SECTION 18.06.198 - MODIFICATION TO ALLOW RETAIL AND WHOLESALE SALES OF WELDING SUPPLIES AND GASES AS A CONDITION- AL USE IN THE LIMITED INDUSTRIAL DISTRICT (A-87-3, PLANNING COMMISSION APPROVED 4-0) (2-2427)

Supervisor Swirczek moved to adopt on second reading Ordinance No. 1987-20, AN ORDINANCE AMENDING SECTION 18.06.198 OF THE CARSON CITY MUNICIPAL CODE TO ALLOW RETAIL AND WHOLESALE SALES OF WELDING SUPPLIES AND GASES AS A CONDITIONAL USE IN THE LIMITED INDUSTRIAL DISTRICT. Supervisor Fettic seconded the motion. Motion was voted and carried 5-0.

BREAK: A lunch recess was taken at 12 noon. When the meeting reconvened at 1:35 p.m. a quorum was present although Supervisor Scrivner was absent.

X. CITY MANAGER RESOLUTIONS, REPORTS, AND BOARD DIRECTIVES - STATUS REPORT ON CITY'S REQUEST FOR TAX OVERRIDE FOR PUBLIC SAFETY CAPITAL EXPENDITURE ITEMS (2-2495)

Mr. Hamilton explained the request for a tax override for public safety items, the Tax Department's recommendation of denial, and the Tax Commission's denial. The Legislative records were currently being researched to determine its intent as well as that of the Local Advisory Committee. An appeal would be based on this research and would be heard June 25. (During this explanation Supervisor Scrivner arrived--1:45 p.m. A quorum was present.) Discussion ensued on the presentation, the procedures followed at the hearing, the Tax Department's original support and assistance during the processing, and possible reasons for the change in its recommendation.

The Board was then asked if a quorum would be present for a July 2nd Board meeting as July 3 is a holiday. A clear indication of who would or would not be present was not given.

BREAK: At 1:50 p.m. a recess was called. When the meeting reconvened at 2:12 p.m. a quorum was present.

C. CARSON CITY MUNICIPAL CODE TITLE 5, CHAPTER 5.02 - FRANCHISE AGREEMENT BETWEEN CARSON CITY AND T.C.I. OF NEVADA INC. (CABLE TV) - CONTINUED (3-0155)

Mr. Cockerill began the discussion by explaining changes which should be incorporated into the Ordinance. These changes had been agreed upon by the area representative Frank Gallik and the firm's legal council. Mr. Gallik explained the expanded services which will be offered under the modification. Federal regulations prohibit local governments from controlling rates. Considerable discussion ensued concerning this point and Supervisors Chirila's and Swirczek's concerns about the quality and quantity of service which would be provided and compliance with the building and program schedules. Mr. Gallik agreed to provide information on how the construction program was determined. Discussion noted that if the firm failed to meet the building/program schedules the Board would have legal recourse to terminate the contract. The date the new rates would begin was based on signing the document, meeting legal publication deadlines, and individual notification to the subscribers. The rates were felt to be competitive with the surrounding area. The firm could increase the rates every month if desired. Mr. Gallik felt that this would not be a wise business decision. The proposed rates were to be valid for one year. The Board could control the franchise fee which is a pass through charge. The Tax commission would have to approve the increase prior to implementation. Also, the firms books are open to annual audits by the City.

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(3-1320) The firm's attorney Bill Covington explained and cited examples of priority information which would not be available for audit. Supervisor Chirila felt that this information was necessary to be sure that the rates were competitive. Mr. Cockerill read into the record and explained the items which could be subtracted from the gross. Supervisor Swirczek expressed his hope that the franchise fee covered all of the cable television operations including advertising. Mr. Gallik stated that it was his understanding that these fees were included. Mr. Covington explained that the user rates are affected by the number and advertisers using the firm. One location where advertising had lowered the subscriber rates had decreased was Los Angeles. Discussion noted that the competitors would be allowed to come to the area as the proposal was not for an exclusive franchise.

Mr. Gallik agreed to provide proof of insurance prior to the second reading.

Discussion then noted that the Ordinance allowed for establishing a citizen advisory committee on cable television matters and items which it may consider.

(3-1866) John Flanders questioned the amount of control TCI had over the advertisers and why the local firm refused to allow the City to see its cost figures. His position was that if the actual channel costs were known, the subscribers rates would be much lower. A news article indicated individuals with a satellite dish could receive the showtime and movie channel for \$6.00. TCI's proposed rate was \$10.50. He then explained his Torrance, California, friend's ability to have top movies shown in his home for \$4.50 through the "Select a Movie" channel. Purportedly, this friend does not have to pay a basic cable charge as advertisers supported the company. He felt that the Board should consider having the same or lower rate for Carson City specifically for senior citizens. If necessary, other subscribers should have their rates increased to makeup the difference. Purportedly there would be a large number of senior citizens who would terminate their service due to the rate increase. This would force the company to increase the rates for the remaining subscribers.

Clarification noted that the franchise fee would include revenue generated by a "bounty" fee received from having a "travel agency type" station.

Messrs. Covington and Gallik then explained to Mr. Flanders that TCI owns a portion of "Cable Value Network" and that revenue generated locally from this network's sales would be included in the revenue under the City's franchise tax.

Discussion ensued concerning whether the Board should support Mr. Flander's senior citizen program. Concern was expressed that such a program could be discriminatory and create a conflict with Federal programs.

Supervisor Fettic then moved to introduce on first reading Bill No. 121, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 5.02 BY ENACTING A FRANCHISE BETWEEN CARSON CITY AND T.C.I. OF NEVADA, INC. FOR THE OPERATION AND MAINTENANCE OF A COMMUNITY ANTENNA TELEVISION SYSTEM, PROVIDING FOR CRIMINAL VIOLATIONS THEREOF AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Swirczek seconded the motion. Clarification noted that the motion included the amendment to Page 5, Line 19, adding the words "All other receipts from the operation of the cable system.". Motion was voted by roll call with the following result:; Ayes - Scrivner, Chirila, Swirczek, Fettic, and Mayor Flammer. Nayes - None. Motion carried unanimously and so ordered.

Mayor Flammer then commended staff on the franchise. Mr. Gallik echoed these comments.

X. CITIZEN COMMENTS (3-2530) - None.

XI. BOARD OF SUPERVISOR RESOLUTIONS; REPORTS; AND PROCLAMATIONS

(3-2535) Supervisors Swirczek and Fettic explained the School and Hospital Boards' desires to have joint meetings to discuss common goals and objectives. The Planning and Parks and Recreation Commissions would also like to

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have joint meetings for the same purpose.

Discussion ensued concerning Hale Bennett's resignation from the Hospital Board and whether the Board of Supervisors could begin soliciting letters of interest. The Hospital Board's legal counselor David Nielsen explained that Mr. Bennett's letter of resignation had been accepted at the last meeting. The Board of Supervisors' consensus was that advertisements should be placed soliciting letters of interest. As there are five other active members, there would not be a problem getting a quorum for meetings.

Supervisor Chirila then questioned the status of the Nevada Home Health Service. Mr. Hamilton agreed to place this matter on the next agenda for discussion.

Supervisor Scrivner reiterated his concern that more than one recommendation be made in the future when a vacancy occurs on other Boards and Commissions. He also expressed the feeling that Tourism would like to have another joint meeting.

Mayor Flammer read a Resolution of condolences to the family and friends of Barbara Jean Scrivner into the record. Supervisor Fettic moved to adopt Resolution No. 1987-R-60, A RESOLUTION EXTENDING CONDOLENCES TO THE FAMILY AND FRIENDS OF BARBARA JEAN SCRIVNER, and expressed his own condolences. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0.

Supervisor Scrivner thanked the Board.

Supervisor Fettic then moved to adjourn. Supervisor Swirczek seconded the motion. Motion was voted and carried 5-0. Mayor Flammer adjourned the meeting at 3:35 p.m.

The Minutes of the June 4, 1987, Board of Supervisors meeting

ARE SO APPROVED ON January 21, 1987.

/s/
Dan Flammer, Mayor

ATTEST:

/s/
Alan Glover, Clerk-Recorder