

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 19, 2022 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, May 19, 2022, in the Community Center Robert “Bob” Crowell Boardroom, 851 East William Street, Carson City, Nevada.

PRESENT:

Mayor Lori Bagwell
Supervisor Stacey Giomi, Ward 1
Supervisor Maurice White, Ward 2
Supervisor Stan Jones, Ward 3
Supervisor Lisa Schuette, Ward 4

STAFF:

Nancy Paulson, City Manager
Dan Yu, Assistant District Attorney
Stephanie Hicks, Deputy City Manager
Tamar Warren, Senior Public Meetings Clerk

NOTE: A recording of these proceedings, the Board’s agenda materials, and any written comments or documentation provided to the Clerk, during the meeting, are part of the public record. These materials are available for review, in the Clerk’s Office, during regular business hours. All meeting minutes are available for review at: <https://www.carson.org/minutes>.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE

(8:30:50) – Mayor Bagwell called the meeting to order at 8:30 a.m. Ms. Warren called roll and noted the presence of a quorum. Fred Kingman, Associate Pastor, LifePoint Church, provided the invocation. At Mayor Bagwell’s request, Department One Justice of the Peace/Municipal Court Judge Thomas Armstrong led the Pledge of Allegiance.

5. PUBLIC COMMENT

(5:32:29) – Mayor Bagwell entertained public comments and announced that item 28 would be removed from the agenda as both parties had come to a mutual resolution. She also noted that the closed meeting will not take place at the end of the meeting.

(8:33:20) – Dr. Jennifer Verive commented on agenda item 15.A, noting that she did not understand the intent, language, and “some of the provisions that have been added to the [proposed] ordinance.” She also paraphrased her written public comments, incorporated into the record, and noted her agreement with those submitted by Kathleen Franco-Simmons, also incorporated into the record. Dr. Verive expressed concern that the [proposed] ordinance gave “interpretive ability to particular individuals,” adding that it conveyed being burdensome or retaliatory.

(8:36:40) – Deni French believed that “Carson City is at a crisis point...we are forgetting our habitats [that] are required to keep our insects happy.” Mr. French was concerned that the butterflies, birds, lizards, and insects were being lost in great numbers, and was thankful for the bees and recommended living “within our means.”

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(8:40:13) – Heather Matthews introduced herself as a Carson City resident for over two years, residing at Camp-N-Town RV Park. She cites several incidents such as break-ins, crashes, vandalism, and harassment which she had reported to the City’s Code Enforcement Division. Ms. Matthews noted that she had since received a “no cause eviction” notice and wished to see the Nevada eviction laws changed to “just cause.”

(8:43:29) – Kathleen Franco Simmons introduced herself and provided background on her family’s history with Empire City and Empire Cemetery. She reminded the Board of her request to have the City purchase the undeveloped parcels “that were once a part of Empire City” for use for open space and recreation. Ms. Simmons explained that the parcels had been available for purchase for several months; however, she was disappointed to see a grading and erosion project “within 10 feet of the Empire Cemetery fence line.” She believed that the Master Plan included among other things protection and preservation of historic sites and wished to have the Board instruct Staff to gain clear title to Empire Cemetery and rezone it “to match the designation of Lone Mountain Cemetery,” fund its upkeep, and provide a mechanism to have her family’s burial rights restored.

6. FOR POSSIBLE ACTION: APPROVAL OF MINUTES – APRIL 21, 2022.

(8:46:53) – Mayor Bagwell introduced the item and entertained comments or corrections and when none were forthcoming, a motion.

(8:47:00) – Supervisor Giomi moved to approve the minutes of the April 21, 2022 Board of Supervisors meeting as presented. The motion was seconded by Supervisor White and carried 5-0-0.

7. SPECIAL PRESENTATIONS

7.A PRESENTATION OF LENGTH OF SERVICE CERTIFICATES TO CITY EMPLOYEES.

(8:47:28) – Mayor Bagwell presented the following length of service awards to:

- Sylvia Lopez, Justice Court Supervisor – 30 years
- Darin Riggan, Sergeant – 15 years
- Joe Trotter, Deputy Sheriff – 15 years
- Michele Baugh, Department Business Manager – 5 years
- Danielle Hoelzen, Accounting Technician – 5 years
- Rodd Rummel, Wildland Fuels Management Officer – 5 years

(8:51:50) – Mayor Bagwell congratulated the award recipients and invited them to join her and the Board of Supervisors for a commemorative photograph.

CONSENT AGENDA

(8:53:03) – Mayor Bagwell introduced the item and inquired whether the Board wished to pull items from the Consent Agenda. When none were forthcoming, she entertained a motion.

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(8:53:16) – Supervisor Giomi moved to approve the Consent Agenda consisting of items 8.A, 9.A, 10.A, 11.A, 12.A, 12.B, 12.C, 13.A, and 13.B as published. Supervisor Schuette seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Schuette
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

8. CITY MANAGER

8.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION ON RATIFYING THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER FOR THE PERIOD OF APRIL 9, 2022 THROUGH MAY 6, 2022.

9. FIRE

9.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING (1) A CONTRACT WITH IMAGETREND, INC. ("IMAGETREND") TO PROVIDE SOFTWARE AND SUPPORT FOR A NEW RECORD MANAGEMENT SYSTEM FOR THE CARSON CITY FIRE DEPARTMENT ("CCFD") FOR AN AMOUNT NOT TO EXCEED \$49,466.00 IN FISCAL YEAR ("FY") 2023, AND SUBJECT TO A MUTUAL, ANNUAL RENEWAL OPTION FOR \$37,721.00, COMPOUNDING AT 3%; AND (2) A RECOMMENDATION FROM THE 9-1-1 SURCHARGE ADVISORY COMMITTEE TO DISBURSE 9-1-1 SURCHARGE FUNDS IN THE AMOUNT OF \$49,466.00 FOR FY 2023, THEN \$37,721.00 ANNUALLY, TO FUND THE CONTRACT.

10. FINANCE

10.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES THROUGH MAY 6, 2022, PER NRS 251.030 AND NRS 354.290.

11. PUBLIC WORKS

11.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A GRANT OF NON-EXCLUSIVE WATER MAIN EASEMENT ("EASEMENT") FROM THE BERNHARD FAMILY TRUST ("OWNER") TO CARSON CITY AT NO COST FOR AN EXISTING WATER MAIN LOCATED ON ASSESSOR'S PARCEL NUMBERS 010-063-03 AND 010- 063-04 ("PROPERTY").

12. PURCHASING AND CONTRACTS

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12.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING PURCHASE AUTHORITY FOR ONE NEW TYPE 3 BRUSH FIRE TRUCK FOR THE CARSON CITY FIRE DEPARTMENT (“CCFD”), FOR A NOT TO EXCEED AMOUNT OF \$433,879 UTILIZING JOINDER CONTRACT FS12-19 BETWEEN THE HOUSTON-GALVESTON AREA COUNSEL AND BOISE MOBILE EQUIPMENT, INC. (“BME”).

12.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING PURCHASE AUTHORITY FOR ONE NEW VAC-CON COMBINATION JET/VACUUM SEWER CLEANER TRUCK (“VAC-TRUCK”) FOR THE STORMWATER DIVISION OF THE CARSON CITY PUBLIC WORKS DEPARTMENT (“PUBLIC WORKS”), FOR A NOT TO EXCEED AMOUNT OF \$571,647.00 UTILIZING JOINDER CONTRACT 101221-VAC BETWEEN SOURCEWELL AND VAC-CON, INC. (“VAC-CON”).

12.C FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A DETERMINATION THAT D&D PLUMBING, INC. (“D&D”) IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NEVADA REVISED STATUTES (“NRS”) CHAPTER 338 AND WHETHER TO AWARD CONTRACT NO. 21300281 TO D&D TO REPLACE TWO BOILERS AT THE PUBLIC SAFETY COMPLEX (“PROJECT”) FOR A TOTAL AMOUNT NOT TO EXCEED \$655,989.40.

13. TREASURER

13.A FOR DISCUSSION ONLY: DISCUSSION AND PRESENTATION OF AN AFFIDAVIT TO THE BOARD OF SUPERVISORS, PURSUANT TO NRS 361.5648(3), AFFIRMING THAT A NOTICE OF DELINQUENCY WAS MAILED TO EACH PARCEL HAVING DELINQUENT PROPERTY TAXES.

13.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE TREASURER'S MONTHLY STATEMENT OF ALL MONEY ON DEPOSIT, OUTSTANDING CHECKS AND CASH ON HAND FOR APRIL 2022, SUBMITTED PER NEVADA REVISED STATUTES (“NRS”) 354.280.

END OF CONSENT AGENDA

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

14. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME

No items were pulled from the Consent Agenda.

15. DISTRICT ATTORNEY

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15.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, A PROPOSED ORDINANCE ESTABLISHING VARIOUS PROVISIONS GOVERNING ADMINISTRATIVE APPEALS RELATED TO LAND USE AND ZONING.

(8:53:44) – Mayor Bagwell introduced the item. Carson City District Attorney Jason Woodbury provided background and reviewed a summary of the changes that had been made since the discussion during the previous Board meeting, and highlighted in the proposed ordinance, which is incorporated into the record. He also responded to clarifying questions. In response to a question by Supervisor Jones, Mr. Woodbury defined substantial evidence as “any evidence that a reasonable mind might accept to support a conclusion...the question is whether the evidence supports the conclusion that was made by the Planning Commission – that’s the abuse of discretion standard.” Supervisor White believed that Section 14 “is incredibly necessary” and clearly defines “what our job is when it comes to appeals.” He also recommended clarifying certain definitions, such as “relevant and complete” possibly when revising Title 18. Mr. Woodbury believed that the Board was capable of determining relevant evidence, with or without a definition.

(9:19:18) – Supervisor Giomi highlighted the fact that the Board had heard three appeals in the 3.5 years he had served on it and noted that the proposed ordinance was necessary as it had addressed definitions that had not been previously clear, such as “standing.” He also stated that the proposed ordinance would not have changed any of the appeals concerning the slaughterhouse, as previously indicated during public comment. Supervisor Giomi explained that the proposed ordinance was a clarification “so that it isn’t a discretionary decision.” He also noted that the revisions provided appellants assistance in completing their appeals to avoid denials, calling it a benefit to the community. He believed *Standing* was better defined and was “slightly in favor” of leaving in *Section 14, Abuse of Discretion* elements.

(9:23:55) – Supervisor Schuette was also in favor of the clarification of the term *Standing*, adding that “clarity creates its own muddy waters.” She believed the proposed ordinance and the process have helped “better understand the process of appeals and what it means to have standing.” Supervisor Schuette also noted that “voices are heard, regardless of what the outcome [is].” Mayor Bagwell recommended reviewing the written and verbal comments and addressing their issues:

- Regarding the comments by Doreen Mack, Mayor Bagwell noted that her issue of standing had been clarified in the proposed ordinance.
- Regarding the comments by Ms. Franco Simmons and specifically: *Section 3(e) "A complete description of the project that is the subject of the appeal"*, she believed that the assistance by the Community Development Department in ensuring a completed appeal would alleviate the issue and “to clarify, do I have the right appeal?” Mayor Bagwell also addressed the following concern by Ms. Franco Simmons: *The failure of a person to submit a completed form in the time prescribed shall constitute a forfeiture of any right to appeal* and Mr. Woodbury explained that “a definitive deadline for the submission of an appeal, regardless of the circumstances, is essential. Otherwise, you’re injecting discretion, you’re injecting a lack of clarity into a deadline that should be very, very clear.” Supervisor Giomi noted that incapacitated appellants may also be represented via proxy. Mr. Woodbury addressed the following question by Ms. Franco Simmons: *Section 4(a) "Tolls any limitation in which a public hearing on the appeal must be heard..." and Section 4(b) "Does not toll any limitation in which a completed form must*

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be submitted." He "strongly advised" using the term "toll" because "it's a law and you can't completely remove the law from it," adding that it is the term used in legal context when addressing deadlines.

- Regarding comments by Dr. Verive, Mayor Bagwell clarified that "consolidation" was misunderstood as it did not mean that only one person could bring their case forward nor did it mean that every individual could not speak.
- Regarding the following comments by Donna Gray: "*I object to many of the proposed changes to the existing Carson City administrative appeals ordinance. They seem arbitrary and purposely designed to limit the appeals process,*" Supervisor Schuette explained that the proposed ordinance would "do the opposite" and was more inclusive. Mr. Woodbury stated that the purpose of the proposed ordinance was not to provide an advantage to the applicant or the appellant and to provide clarity to the process and the standing. Supervisor White also noted that anyone may comment at meetings.
- Regarding the comment by Chris Carver that "*this proposal does not serve the public good*" Mayor Bagwell noted that the proposed ordinance "clarifies the rules of the games, so it is for the public good. It doesn't mean that we always agree on what the end result of anything is, but this brings more clarity." Supervisor White stated that "this whole entire effort was to try to relieve the hours of angst, confusion, and misunderstanding that the public has been going through with these appeals." Mayor Bagwell entertained public comments.

(9:37:46) – Ms. Franco Simmons stated her agreement with Dr. Verive's earlier comments. She reiterated her request that the Board not adopt the proposed ordinance and reiterated her written recommendations with the following proposed additions:

- She supported the modified definition of the term "standing of an aggrieved party" but reread her comments that indicated the exclusion of many groups, outlined in the attached public comment email. She thanked Mr. Woodbury for his explanation of "consolidated."

(9:42:28) – Mr. French requested that Staff provide him an explanation of the term "a reasonable mind" after the meeting. He also inquired about the fees, which Mayor Bagwell explained had been determined by an earlier ordinance to be \$250.

(9:44:01) – Supervisor Giomi clarified for Ms. Franco Simmons that the Washoe Tribe would not be excluded as an appellant as it was considered a property owner, and similarly, community groups that owned property in Carson City could file an appeal. However, he did not believe that organizations from other counties should file an appeal in Carson City, adding that the ordinance focused on the appellants who are the most important to Carson City, its citizens, and property and business owners. Supervisor White noted that anyone could provide comments during public meetings which would make them appellants; however, Mayor Bagwell and Supervisor Giomi clarified that even though anyone could provide public comment during a public meeting, they may appeal if they live in the noticed area or are a property owner, a business owner, or a resident of Carson City. Mayor Bagwell also stated for the record that despite many comments received stating the opposite, "nothing prevents anyone from public comment." She also noted that the Board may decide whether to remove Section 14 of the proposed ordinance or not and entertained a motion.

(9:49:52) – Supervisor Giomi moved to introduce, on first reading, Bill No. 106. The motion was seconded by Supervisor White.

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RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor White
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

16. PUBLIC WORKS

16.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN EXTENSION OF DEADLINES TO COMMENCE AND COMPLETE CONSTRUCTION ON AN AFFORDABLE HOUSING PROJECT TO BE BUILT ON 2.91 ACRES OF UNDEVELOPED LAND WITHIN ASSESSOR'S PARCEL NUMBER 010-037-04 ("PROPERTY") THROUGH A DEVELOPMENT AGREEMENT ("AGREEMENT") BETWEEN CARSON CITY AND PALASEEK LLP, OIKOS DEVELOPMENT CORPORATION AND SIERRA FLATS SENIOR LP (COLLECTIVELY, "DEVELOPER") THAT WAS APPROVED BY THE BOARD OF SUPERVISORS ("BOARD") ON DECEMBER 16, 2021.

(9:50:30) – Mayor Bagwell introduced the item. Michael Schneider, PalaSeek, LLP Managing Partner, informed the Board that they were seeking an extension because they would not be able to begin construction before June 1, 2022 as they had planned, due to unexpected delays in lender due diligence. Additionally, he explained that the project would now be phased and assured the Board of their commitment with their “hearts and wallets.” Mr. Schneider also confirmed for Mayor Bagwell that they were requesting to commence construction on or before September 1, 2022 in order to secure a certificate of occupancy on or before March 31, 2024. Deputy Public Works Director Dan Stucky stated that the parcel map must be completed prior to the conveyance of the land, which had been planned for the week following this meeting. He also confirmed for Supervisor Giomi that “start of construction” would mean commencing any permitted function. Supervisor Giomi also recommended creating a buffer by moving the construction start date to September 30, 2022, and Deputy District Attorney Adam Tully recommended the October 1, 2022 date instead. Mayor Bagwell entertained public comments and when none were forthcoming, a motion.

(9:59:51) – Supervisor Giomi moved to extend the deadlines to commence construction on October 1, 2022, to complete construction by March 31, 2024, and to authorize the Mayor to sign a written notice of the extension. Supervisor Jones seconded the motion.

RESULT:	APPROVED (4-1-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, and Mayor Bagwell
NAYS:	Supervisor White
ABSTENTIONS:	None
ABSENT:	None

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17. FINANCE

17.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE CARSON CITY FINAL BUDGET FOR FISCAL YEAR ("FY") 2023.

(10:01:11) – Mayor Bagwell introduced the item. Carson City Chief Financial Officer Sheri Russell gave background and reviewed the Staff Report, incorporated into the record, outlining the budget process, timelines, and four modifications which are also outlined in the Staff Report. Mayor Bagwell entertained comments and when none were forthcoming, a motion.

(10:03:43) – Supervisor Schuette moved to approve Carson City Final Budget for Fiscal Year 2023 as presented. Supervisor Jones seconded the motion.

RESULT:	APPROVED (4-1-0)
MOVER:	Supervisor Schuette
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, and Mayor Bagwell
NAYS:	Supervisor White
ABSTENTIONS:	None
ABSENT:	None

17.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RESOLUTION SETTING THE AD VALOREM TAX RATE FOR COUNTY COOPERATIVE EXTENSION FOR FISCAL YEAR ("FY") 2023 AT 1.28 CENTS PER \$100 OF ASSESSED VALUATION.

PURSUANT TO NRS 549.020, THIS RESOLUTION MUST BE ADOPTED BY UNANIMOUS VOTE OF THE BOARD OF SUPERVISORS.

(10:04:09) – Mayor Bagwell introduced the item. Ms. Russell reviewed the Staff Report which is incorporated into the record and recommended keeping the FY 2023 ad valorem tax rate the same as the FY 2022 rate. There were no Board or public comments; therefore, Mayor Bagwell entertained a motion.

(10:05:05) – Supervisor Jones moved to adopt Resolution No. 2022-R-15 as presented. Supervisor Schuette seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Jones
SECONDER:	Supervisor Schuette
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

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18. RECESS AS THE BOARD OF SUPERVISORS

(10:05:30) – Mayor Bagwell recessed the Board of Supervisors meeting.

REDEVELOPMENT AUTHORITY

19. CALL TO ORDER & ROLL CALL- REDEVELOPMENT AUTHORITY

(10:05:35) – Chairperson Bagwell called the Redevelopment Authority meeting to order. Roll was called and a quorum was present.

20. PUBLIC COMMENT

(10:05:55) – Chairperson Bagwell entertained public comments. Deni French wished to address Master Plan issues regarding proper compaction and proper consideration of the City's water tables. The Chair noted that this public comment period was for Redevelopment Authority issues and recommended he bring it up during the final public comment period of the Board of Supervisors meeting.

21. FOR POSSIBLE ACTION: APPROVAL OF MINUTES -APRIL 21, 2022

(10:07:10) – Chairperson Bagwell introduced the item and entertained comments or corrections and when none were forthcoming, a motion.

(10:07:18) – Vice Chair Giomi moved to approve the minutes of the April 21, 2022 Redevelopment Authority meeting as presented. The motion was seconded by Member White and carried 5-0-0.

22. FINANCE

22.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE CARSON CITY REDEVELOPMENT AUTHORITY FINAL BUDGET FOR FISCAL YEAR ("FY") 2023.

(10:07:36) – Chairperson Bagwell introduced the item. Carson City Chief Financial Officer Sheri Russell explained that the several supplemental requests which had been discussed in the April 21, 2022 meeting had been added to the budget which is incorporated into the record. Chair Bagwell entertained public comments and when none were forthcoming, a motion.

(10:08:03) – Member Schuette moved to approve the Carson City Redevelopment Authority Final Budget for Fiscal Year 2023 as presented. Member Jones seconded the motion.

RESULT:	APPROVED (4-1-0)
MOVER:	Member Schuette
SECONDER:	Member Jones
AYES:	Members Jones, Schuette, Vice Chair Giomi, and Chair Bagwell
NAYS:	Member White
ABSTENTIONS:	None
ABSENT:	None

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23. PUBLIC COMMENT

(10:08:30) – Chairperson Bagwell entertained final public comments; however, none were forthcoming.

24. FOR POSSIBLE ACTION: TO ADJOURN AS THE REDEVELOPMENT AUTHORITY

(10:08:41) – Chairperson Bagwell adjourned the meeting at 10:08 a.m.

25. RECONVENE AS THE BOARD OF SUPERVISORS

(10:17:21) – Mayor Bagwell reconvened the Board of Supervisors meeting. A quorum was still present.

26. CITY MANAGER

26.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RESOLUTION FOR THE ADOPTION OF A FEE SCHEDULE AND A PARTIAL WAIVER OF FEES FOR COPIES OF PUBLIC RECORDS.

(10:17:30) – Mayor Bagwell introduced the item. Ms. Paulson gave background and reviewed the revised draft fee schedule, incorporated into the record, which, she stated, included a more accurate calculation of the actual costs of copying. She also recommended waving the first \$5 of the copying fees. Supervisor White clarified that the first \$5 represented about 125 pages. Senior Deputy District attorney Ben Johnson noted that he was present to answer questions and thanked Staff for compiling the data. He also informed Supervisor White that no revisions were required by statute; however, they were at the discretion of the Board. Discussion ensued regarding an effective date and Mr. Yu recommended making the resolution effective as soon as possible. Mayor Bagwell entertained a motion.

(10:20:48) – Supervisor White moved to approve Resolution No. 2022-R-16 to take effect immediately. Supervisor Jones seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor White
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

27. COMMUNITY DEVELOPMENT - PLANNING

(10:21:20) – Mayor Bagwell stated that the Downtown Neighborhood Improvement District (NID) would be addressed by opening items 27.A, 27.C, 27.E, and 27.G. She explained that they would be discussed concurrently but would be acted upon separately. Community Development Director Hope Sullivan indicated that no hardship

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requests had been filed (item 27.A), no objections, complaints, or protests, had been raised (item 27.C). Mayor Bagwell entertained Board and public comments and when none were forthcoming, she entertained respective motions for each of the open agenda items.

(10:24:02) – Mayor Bagwell introduced items 27.B, 27.D, 27.F, and 27.H and stated that these items would also be discussed concurrently but acted upon individually.

27.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING HARDSHIP DETERMINATIONS RELATED TO THE FISCAL YEAR (“FY”) 2023 DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT (“DNID”) ASSESSMENT FOR APPLICANTS MEETING THE REQUIRED CONDITIONS, AND WHETHER TO DIRECT THE BOARD OF SUPERVISORS PAGE 7 MAY 19, 2022 CITY ENGINEER TO POSTPONE THE ASSESSMENT FOR ANY APPROVED HARDSHIP DETERMINATION APPLICANTS IN ACCORDANCE WITH NRS 271.360.

(10:23:05) – Mayor Bagwell indicated that no motion was necessary for this item as no hardship determinations were requested.

27.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING HARDSHIP DETERMINATIONS RELATED TO THE FISCAL YEAR (“FY”) 2023 SOUTH CARSON NEIGHBORHOOD IMPROVEMENT DISTRICT (“SCNID”) ASSESSMENT FOR APPLICANTS MEETING THE REQUIRED CONDITIONS, AND WHETHER TO DIRECT THE CITY ENGINEER TO POSTPONE THE ASSESSMENT FOR ANY APPROVED HARDSHIP DETERMINATION APPLICANTS IN ACCORDANCE WITH NRS 271.360.

(10:24:33) – Mayor Bagwell indicated that no motion was necessary for this item as no hardship determinations were requested, according to Ms. Sullivan.

27.C FOR DISCUSSION ONLY: PUBLIC HEARING REGARDING THE FILING OF THE FISCAL YEAR (“FY”) 2023 ASSESSMENT ROLL FOR THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT (“DNID”), TO CONSIDER WRITTEN OBJECTIONS CONCERNING THAT AREA TO BE ASSESSED, AND TO CONSIDER ALL COMPLAINTS, PROTESTS AND OBJECTIONS TO THE ASSESSMENT PURSUANT TO NRS 271.385.

(10:23:19) – No complaints, protests, or objections were filed; therefore, no action was required on this item as well.

27.D FOR DISCUSSION ONLY: PUBLIC HEARING REGARDING THE FILING OF THE FISCAL YEAR (“FY”) 2023 ASSESSMENT ROLL FOR THE SOUTH CARSON NEIGHBORHOOD IMPROVEMENT DISTRICT (“SCNID”) TO CONSIDER WRITTEN OBJECTIONS CONCERNING THAT AREA TO BE ASSESSED, AND TO CONSIDER ALL COMPLAINTS, PROTESTS AND OBJECTIONS TO THE ASSESSMENT PURSUANT TO NRS 271.385.

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(10:24:31) – Ms. Sullivan explained that a complaint had been received from Maria Dufur on behalf of the Dufur family. Ms. Dufur introduced herself and referenced her letter incorporated into the record as late material. She believed that increased taxes had burdened the City’s middle-class population over the years, adding that the South Cason Street improvements had not increased bicycle and foot traffic either. Ms. Dufur noted that the only income generated by the property was from a billboard and noted that they had retained the property in their father’s memory. Mayor Bagwell thanked Ms. Dufur for her comments and clarified that the South Carson NID was created in order not to “burden the entire community to pay for the portions that we thought were contributory to the businesses or the frontage of the people that were going to directly benefit from the improvement.” Ms. Dufur explained that “it’s not just Carson City, it’s coming at us from all directions” and recommended looking into revenue options other than taxes. Supervisor Giomi clarified that the automotive dealership incentives were a “sales tax sharing revenue, and they had to meet certain criteria in order for that to trigger,” which he believed was based on increased sales. No action was taken on the item as it was agendized for discussion only.

27.E FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RESOLUTION CONFIRMING THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT (“DNID”) ASSESSMENT, DISPENSING WITH COMPLAINTS, PROTESTS AND OBJECTIONS TO THE ASSESSMENT, AND RATIFYING THE CITY ENGINEER’S FISCAL YEAR (“FY”) 2023 ASSESSMENT ROLL FOR THE DNID FOR THE MAINTENANCE OF THE DOWNTOWN STREETSCAPE ENHANCEMENT PROJECT.

(10:23:20) – Mayor Bagwell entertained a motion.

(10:23:22) – Supervisor Giomi moved to adopt Resolution No. 2022-R-17 as presented. Supervisor Schuette seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Schuette
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

27.F FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RESOLUTION CONFIRMING THE SOUTH CARSON NEIGHBORHOOD IMPROVEMENT DISTRICT (“SCNID”) ASSESSMENT, DISPENSING WITH COMPLAINTS, PROTESTS AND OBJECTIONS TO THE ASSESSMENT, AND RATIFYING THE CITY ENGINEER’S FISCAL YEAR (“FY”) 2023 ASSESSMENT ROLL FOR THE SCNID FOR THE MAINTENANCE OF THE SOUTH CARSON STREET COMPLETE STREETS PROJECT.

(10:32:55) – Mayor Bagwell entertained a motion.

(10:33:10) – Supervisor Giomi moved to adopt Resolution No. 2022-R-18. Supervisor Jones seconded the motion.

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RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

27.G FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE RELATING TO IMPROVEMENT DISTRICTS, ESTABLISHING PROVISIONS TO LEVY THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT (“DNID”) FISCAL YEAR (“FY”) 2023 ASSESSMENT FOR THE MAINTENANCE OF THE DOWNTOWN STREETSCAPE ENHANCEMENT PROJECT.

(10:23:40) – Mayor Bagwell entertained a motion.

(10:23:46) – Supervisor Giomi moved to introduce, on first reading, Bill No. 107. Supervisor White seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor White
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

27.H FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE RELATING TO IMPROVEMENT DISTRICTS, ESTABLISHING PROVISIONS TO LEVY THE SOUTH CARSON NEIGHBORHOOD IMPROVEMENT DISTRICT (“SCNID”) FISCAL YEAR (“FY”) 2023 ASSESSMENT FOR THE MAINTENANCE OF THE SOUTH CARSON COMPLETE STREETS PROJECT.

(10:33:31) – Mayor Bagwell entertained a motion.

(10:33:40) – Supervisor Giomi moved to introduce, on first reading, Bill No. 108. Supervisor Jones seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

CARSON CITY BOARD OF SUPERVISORS

Minutes of the May 19, 2022 Meeting

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TIME SPECIFIC - 1:30 P.M.

28. COMMUNITY DEVELOPMENT

28.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPEAL OF A DENIAL FOR A REQUEST FOR A BUSINESS LICENSE TO OPERATE AN ENERGY DRINK WAREHOUSE AND DISTRIBUTION CENTER ON PROPERTY ZONED RETAIL COMMERCIAL (“RC”), LOCATED AT 110 CORBETT STREET, APN 002-137-08.

This item would not be heard as it was pulled from the agenda.

29. BOARD OF SUPERVISORS

NON-ACTION ITEMS:

FUTURE AGENDA ITEMS

STATUS REVIEW OF PROJECTS

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD

STAFF COMMENTS AND STATUS REPORT

(10:34:15) – Mayor Bagwell entertained Board reports. Supervisor Schuette thanked the Carson City Fire Department’s B Squad for the ride-along for six hours. Ms. Hicks announced that the Charter Review Committee had concluded its review of the proposed changes to the Carson City Charter, adding that a joint meeting would be held between the Board of Supervisors and a quorum of the Charter Review Committee members during the Board’s July 21, 2022 meeting to present their recommendations.

CLOSED NON-MEETING TO CONFER WITH MANAGEMENT REPRESENTATIVES AND COUNSEL

This item did not take place.

30. PUBLIC COMMENT

(10:35:36) – Mayor Bagwell entertained final public comments. Mr. French thanked Ms. Sullivan for her explanation of the Planning Department’s review of lands before building. He also recommended taking into consideration the birds and insects which are “a necessary part of our community.” Mr. French encouraged COVID tests as well.

(10:38:54) – Robyn Orloff introduced herself and requested that the Board reevaluate certain areas of the recently-improved Prison Hill OHV trails, specifically “the 10,000 feet of crawler routes on the southwest section,” adding that 7,000 feet of the crawler area “are in washes” and 1,500 feet of which were causing “quite a bit of damage.”

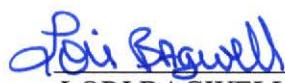
CARSON CITY BOARD OF SUPERVISORS
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Ms. Orloff recommended the protection of six acres by removing them from the upcoming map to prevent the erosion of the ephemeral streams.

31. FOR POSSIBLE ACTION: TO ADJOURN AS THE BOARD OF SUPERVISORS

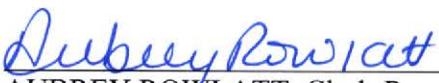
(10:42:15) – Mayor Bagwell adjourned the meeting at 10:42 a.m.

The Minutes of the May 19, 2022 Carson City Board of Supervisors meeting are so approved on this 16th day of June, 2022.



LORI BAGWELL, Mayor

ATTEST:



AUBREY ROWLATT, Clerk-Recorder

Attachments: written public comments

From: [Doreen Mack](#)
To: [Public Comment](#)
Subject: Re: May 19th BOS Meeting/ Aggrieved Party changes
Date: Monday, May 16, 2022 5:49:09 PM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Dear Supervisors:

I had a very respectful conversation with our DA Jason Woodbury and Daniel Yu after our last meeting about writing the suggested Aggrieved Party changes in layman terms that were easily understood by all.

The right to "Standing" certainly applies to anyone who has gone through the Appeal Process. In my case I had gone through the process twice due to changes on re-scheduling. To have my "Standing" revoked at the last minute, just prior to the meeting & reinstated by Our Mayor Lori Bagwell at the meeting seemed against all protocol. I still do not have an understanding as to why this occurred?

Anyone who is a concerned citizen should have the right to speak regarding situations that affect them and their community, directly or indirectly. As I said before, "The Board of Supervisors represents our community and you were entrusted by the people who voted for you to represent them.

As a Citizen I have been heavily involved in our Community for over 30 years. It is my right to have a voice.

Thank You for Your Time,
God Bless...
Doreen Mack President/Downtown 2020
Web-Site: [Loftyexpressions.com](#)
775-885-2444

From: [K Franco Simmons](#)
To: [Public Comment](#)
Subject: Fwd: Public Comment for Board of Supervisors meeting 5-19-2022, Item 15A
Date: Monday, May 16, 2022 3:51:22 PM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

May 16, 2022 – For the Board of Supervisors Agenda of May 19, 2022

Subject: Item 15A – First Reading of proposed ordinance establishing various provisions governing administrative appeals related to land use and zoning

Honorable Board of Supervisors,

I am writing to comment on the draft ordinance establishing various provisions governing administrative appeal related to land use and zoning.

My first preference is to NOT adopt a new ordinance governing administrative appeals. I believe there are substantive changes to the Municipal Code that, rather than clarify the policy for filing administrative appeals, will complicate it for residents and the general public. Several new sections are hard to understand for laypeople who are not attorneys. The ten-day time period is already grievously short in which a member of the public has file an appeal without adding numerous additional hurdles.

However, should the Board decide to move the ordinance forward, I would like to submit the following comments:

1 - Thank you for revising the text of the draft ordinance May 5, 2022, Section 12.(b)(2) relating to criteria for standing of an "aggrieved party" to replace it with "residents, property-owners or business owners" or as it was provided in this draft, to include "Resides in Carson City or possesses a right in real property or a lawful business located in Carson City."

Although this language is an improvement on the May 5 text and I would support the revision over the previous text, I would like to add that it might exclude legitimate groups or individuals such as: The Washoe Tribe, Lake Tahoe groups, historical groups, environmental groups, State or neighboring counties' officials who have an interest in land use matters, to name a few.

2 - Section 8. *"If more than one appeal concerning the same decision is filed pursuant to this section, the appeals may be consolidated..."*

The meaning of the term "consolidated" is ambiguous. In a recent appeal, the term "consolidated" had several very different meanings. I adamantly oppose the meaning of "consolidated" should it require multiple appellants to combine their appeals. There is a large financial burden and time constraint for people to appeal. **Every appellant must be given the separate and distinct opportunity to make their own case.**

3 - Section 3(e) *"A complete description of the project that is the subject of the appeal."*

Why must an appellant provide this, and who determines whether it is a complete description of the project? A member of the general public should be able to identify the decision by reference to the agenda item and date of the commission meeting. This requirement places an unnecessary burden on the appellant.

4 - Section 3(f) *"The date on which the written notice of decision which is the basis of the appeal was filed with the Clerk-Recorder."*

As with the previous comment, why is this required? A member of the general public would be required to figure out what this means and research the dates. In my personal experience with filing a recent appeal, during times around holidays, with short-staffing, staff are slow to respond to requests for information. The burden should not be placed on the appellant to research and provide this information. This requirement places an unnecessary burden on the appellant.

5 - Section 3(g) "*A clear and concise statement of the specific issue of fact or law raised on appeal.*"

Who determines the completeness or deficiency of "a clear and concise statement of the specific issue of fact or law raised on appeal"? This requirement provides another ambiguity upon which an appellant can be determined to have forfeited their right to appeal.

6 - Section 4. "*If a form that is submitted pursuant to subsection 3 is deemed incomplete or deficient ... The failure of a person to submit a completed form in the time prescribed shall constitute a forfeiture of any right to appeal...The time to complete or otherwise amend a submitted form:*" [continues with 4(a) and 4(b); see comment 7.]

What if the appellant becomes ill or is away, out of state or out of the country or otherwise unavailable to comply with a potentially ambiguous determination by staff that any of the above are incomplete or deficient? By default, this appellant will be determined to have forfeited their right to appeal.

7 - Section 4(a) "*Tolls any limitation in which a public hearing on the appeal must be heard...*" and Section 4(b) "*Does not toll any limitation in which a completed form must be submitted.*"

What in the world does this mean? "Toll"? I have never seen this word used in phrases like this, so I can only assume its meaning. Please put this into language so that a general member of the public can understand the clear meaning of it.

8 - Section 6 relating to a new issue of fact... Section 6(b) "*Proof that the supporting material was not available...*"

What is the standard of proof? How can this be qualified? Who qualifies it?

9 - Section 10. "*The standard of review ... is an abuse of discretion standard...*" and Sections 10(a) and 10(b).

What do these statements mean? Please put these statements into clear language that a member of the general public can understand.

In conclusion, in this ordinance, there are many substantive additions to the municipal code with innumerable ways for an appeal to be disqualified. The ordinance DOES NOT clarify administrative appeals, but adds confusion and ambiguity. It does not benefit the public. It DOES NOT foster the public trust by increasing governmental transparency. It gives many new opportunities to shoot down an appeal before it is even heard by the Board.

Respectfully,

Kathleen Franco Simmons
2108 Utah Street
Carson City, NV 89701

From: [Jennifer Verive](#)
To: [Stacey Giomi](#); [Public Comment](#)
Cc: [Bob Buttner](#); [Kathleen Franco Simmons](#); [Doreen Mack](#)
Subject: public comment on 5/19/22 meeting Agenda item 15A
Date: Monday, May 16, 2022 11:14:30 AM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Dear Supervisor Giomi:

My goals are twofold in writing to you this week regarding the proposed ordinance "establishing various provisions governing administrative appeals related to land use and zoning".

First, I want to express my appreciation for the work that you and the BOS did at the 5/5/22 meeting to more clearly and expansively define "aggrieved party". This broader definition was a welcome relief to those across our City concerned about our ability to actively participate in civic decisions. Thank you.

Second, I want to urge you to request that our DA more clearly define the intent and process regarding "consolidation" of appeals, as mentioned in Section II, subsection 8 of the proposed ordinance. There seems to already be a great deal of confusion about it, and I -- and many others -- are feeling concerned.

I missed this language the first time I read the the draft of the ordinance. The language around "consolidation" of appeals is brief and, honestly, was overshadowed by my great concern over the definition of "aggrieved party".

When I read the draft, I (and many others) take "consolidation" to mean the everyday use of the term. For example, when Bob Buttner and I, and the other appellants, filed our appeals to the proposed slaughterhouse decision last Fall, Community Development Director Hope Sullivan cautioned us to be prepared to "work together" because the appeals might be "consolidated". When we asked for clarification, Director Sullivan said she couldn't provide any details because this was the "first time" multiple appeals had been filed and that the appeals process was at the discretion of the Mayor.

Our understanding, at that time, was that "consolidation" meant that we'd have to share presentation time in front of the BOS. We were not OK with this. In our perspective, although the intent of that sort of "consolidation" may be to streamline the appeals process for the administrators, the outcome would be to diminish the voice of the public. We believed that, at least in our matter, each appellant had a different point of view and each needed to be heard. We felt that requiring us to "work together" would have harmed our ability to fully present our 'case'.

We ended up exchanging several emails with Deputy District Attorney Yu, who provided as much clarification as he could, given the expansive latitude over the appeals process afforded the Mayor. As you know, we ended up with all the appeals at one meeting, but each of us getting to make our own 'case'. We took that to mean that our appeals had **not** been

"consolidated" after all.

Now, however, there is confusion because of a response that Mayor Bagwell provided to our neighbor, Glenn Connant. Mr. Connant had expressed his concerns about "consolidation" to her via email. Her response suggested she was applying a legal definition of consolidation to the term.

The Mayor responded to Mr. Connant's email on 5/14 writing:

"Glenn, Thanks for your comments. I think you are misunderstanding the purpose of consolidation. We want to hear the appeals on the same subject at the same time. Each person who is an appellant speaks to the merit of their appeal. This is what was done on the Slaughterhouse. The applicant only spoke once, but the three appealers each spoke. So if one files on day 3 and another on day 4 and the last on day 10 they can be consolidated for one hearing within 60 days of the day 3 appeal. "

So, does the proposed ordinance mean "consolidation" in the legal sense, as prevailed previously, or in the everyday sense?

Clearly, the intent and procedures of these different definitions are substantial. And, open to interpretation because the term "consolidation" is **not** defined in the proposed ordinance.

Given that there is already confusion, and that there appears to be two different messages from City personnel regarding what is meant by the term, I respectfully request that you ask our District Attorney to revise and clarify the intent and procedures related to "consolidation" of appeals before accepting the first reading of this ordinance. Doing so would benefit all parties involved in the appeals process.

Thank you once again for listening. And thank you for all that you do for our community.

Sincerely,

Dr. Jennifer Verive
Carson City Resident
(Email from Glenn Connant shared with permission.)

From: [Paula Peters](#)
To: [Public Comment](#)
Subject: For the Board of Supervisors Agenda of May 19, 2022 - Subject: Item 15A
Date: Monday, May 16, 2022 6:38:52 AM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Subject: Item 15A - For Possible Action: Discussion and possible action to introduce, on first reading, a proposed ordinance establishing various provisions governing administrative appeals related to land use and zoning.

Dear Mayor Bagwell and Supervisors,

Based on my attendance of the May 5, 2022 BOS meeting, it was my understanding that the proposed change to the text in Section 12(b)(2) would have required that a person who wants to appeal a planning commission decision would need to have "a real or personal property right that has been adversely affected". At the meeting this was discussed and the general consensus was that this would have prevented many people from filing an appeal. The board directed DA Woodbury to replace that criteria with a requirement that the person must be a resident, property owner, or business owner within the city.

I will be absent from the meeting Thursday but as long as this change is made I see no reason, based on the last meeting's discussion, to oppose the changes put forth.

Respectfully yours,
Paula L. Peters
Carson City resident

From: [Karen Seaward](#)
To: [Public Comment](#)
Subject: Masonic Lodge Property in Ash Canyon
Date: Monday, May 9, 2022 12:06:03 PM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Dear Board of Supervisors:

I am very much in favor of CCPROS seeking an appraisal on, and bidding on, and obtaining the Masonic Lodge Property in Ash Canyon. The current lands and trails in that area are very important to have as public access for recreation, and the addition of this acreage would expand that. Along with numerous friends, I highly value being able to ride my bike or walk to the trails from my home. This is therapeutic in many ways. Stewardship of these types of public areas makes Carson City a great place to live.

Thank you,

Karen Seaward
Carson City

From: [Rev. Brad Jean Hall](#)
To: [Public Comment](#)
Subject: You all are becoming Fascist
Date: Monday, May 9, 2022 11:22:10 AM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

WARNING**WARNING*****WARNING*****

CARSON CITY CITIZENS YOUR RIGHTS ARE BEING VIOLATED

THIS LETTER IS SUBMITTED BY CHRIS CARVER

This Thursday, our Board of Supervisors will hear the first reading of a municipal ordinance that will drastically change the ability of citizens to voice their opposition to decisions made by the planning commission. Currently, our code allows any "aggrieved party" to appeal decisions made by the Planning Director, the Planning Commission, the Historical Commission, and the Growth Management Commission, to our elected Board of Supervisors. The proposed ordinance requires the "aggrieved party" must have participated in the planning commission process by submitting or making public comment and " possess a real or personal property right that has been adversely affected by the decision..." This definition of "standing" means that citizen groups and community advocates will not have a means to address issues beyond the three-minute public comment period or if the board of supervisors grants them an invitation to speak.

The District Attorney proposal will effectively limit your right: to redress by placing limits on your free speech, and this will give even more power to our city government to squash any opposition. This comes on the heels of the Planning Commission decision to approve a slaughter house on highway 50 despite overwhelming public opposition. Three courageous citizens filed appeals to the Board of Supervisors. At the meeting, the former President of the Planning Commission argued that the Board of Supervisors should reject the community opposition and support the Planning Commission's decision. You read that correctly: our planning commissioner essentially stated "Listen to us, not the community."

Fortunately, three members of our Board did listen to the community and voted to overturn the Planning Commission decision.

The issue for all of us is that in this age of reduced access to government and suppression of the Constitutional rights of redress, our Board of Supervisors has an agenda item that specifically intends to limit citizens' right to have a voice. The DA may be well intentioned, but our Board is not a court of law where the limiting definition of standing applies. Our Board is a deliberative body composed of our elected representatives who first, and foremost, serve the citizens of our community.

The city staff and administrative bodies this ordinance would shield from appeal make decisions that involve: our master plan, the downtown, the historical district, the corridors, housing density, zoning, growth, etc. I suspect the silent majority appreciated the citizens and organizations that stood up for your rights and were at least able to present their argument to the Board of Supervisors, on the slaughter house. This "citizen's right" will soon be dissolved if the DA measure passes.

The DA's proposal "is not" in the best interests of any voter, citizen or resident of our community. It is, quite literally, an effort to deprive our community of its voice. Please submit a public comment to publiccomment@carson.org and contact your elected Supervisor before Thursday to let them know you oppose this effort.

Bagwell, Lori Mayor, (775) 283-7144

Giomi, Stacey Supervisor Ward 1, (775) 283-7582

White, Maurice Supervisor, Ward 2 (775) 283-7934

Jones, Stan Supervisor, Ward 3 (775) 283-7932

Schuette, Lisa Supervisor, Ward 4 (775) 283-7933

Comment by Jim Shirk

The District Attorney's Office has been directed to prepare an amendment to CCMC 18.02.060. The DA must submit who directed him to prepare this amendment , NOT revealing this source is dishonest.

"Because Jesus Helps" us all.

1 Cor 1:18 - A Port of Entry

Rev. Brad Jean Hall, PhD.

Stand up for Christ with a loud voice, it's a wondrous thing to share and defend!

From: [mlpaine](#)
To: [Public Comment](#)
Subject: Public comment on public involvement draft ordinance
Date: Wednesday, May 18, 2022 12:24:15 PM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

This is in regard to item 15a Supervisors meeting, 5/19/22

After forty years in public service on federal, state and local levels, I see that CC is going in the opposite direction of representing the voters on Carson City. Setting up inconveniences and further limitations on public input to both governance and projects, the City may be making their life easier by obstructing public input but are not representing their tax paying and voting residents. The thrust of these efforts is plainly to discourage rather than encouraging public involvement. It is generally the policy and the law in this country to require easy access public involvement.

The City's active orders to the city attorney to generate ordinances to restrict, to impose added requirements on the residents trying to voice their opinion, and to preclude eligibility to voice an opinion is outrageous and certainly undemocratic. The city's assertion that such changes will make the CC government function more efficiently and pass protects more easily is only advantageous to city employees and leaders who want to keep their duties simple and quick. Or, in turn, quietly serve special interests. This approach does not serve their constituents who live in this community.

It is true that public involvement is complicated and messy because everyone has an opinion if they care to voice it (which is not usual in this community). Government is hard work...it, of course, consists of much more than sitting behind a desk and ruling from a distance on the future and lifestyle of their constituents.

A federal act was passed to address the foundation of project approvals -- it is called the National Environmental Policy Act -- the main focus of this law is to encourage and insure extensive public input. This is only one example.

I have never before lived in a community or worked a professional planning or infrastructure development position that has tried to restrict easy public access as Carson City is doing.

The thrust of these efforts, writing of new ordinances, etc. portrays a government of a community where many people would not want to live. The well-being of the community as a whole is being trampled by these shortsighted and self-serving actions. We do not need a tweaking of existing ordinances or new ordinances regarding public involvement imposed for the City's convenience.

Further, I support completely All the comments made by Kathleen Simmons in her letter to you.

Sent from my Verizon LG Smartphone

From: [Donna M. Gray](#)
To: [Public Comment](#)
Subject: Proposed ordinance governing administrative appeals related to land use and zoning
Date: Wednesday, May 18, 2022 9:39:44 AM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

I object to many of the proposed changes to the existing Carson City administrative appeals ordinance. They seem arbitrary and purposely designed to limit the appeals process. Most citizens are not attorneys and should not be required to employ an attorney in order to understand the requirements to file an appeal. Therefore, if a new ordinance is adopted the provisions should be simple to understand and result in the appeal process being more accessible to the average person. Thank you.

Donna Gray
6061 Rio Vista Ln
Carson City, NV 89701

May 18, 2022

Carson City Board of Supervisors

Subject: Public Comment Agenda 5/19/22; Item 15 Ordinance governing administrative appeals

Again I request that you reject this proposed ordinance. While the modifications to the original text are steps in the right direction, I must agree with fellow resident Kathleen Franco Simmons who questions why this ordinance necessary. In none of the initial arguments or the staff action supporting the ordinance is the case made for the necessity of this law. What dire problem exists that this hastily compiled ordinance, with its ambiguous language and shrouded legalese, fix? What public crisis does this address? What member of our community will be harmed if this new law is not created?

In the last two weeks, even our mayor has found it necessary to clarify the intent of the language in the text to members of the public and to you. If this ordinance is to apply to the lay person, can we make it understandable? In good conscience, you know this proposal does not serve the public good and in many respects, does the exact opposite by constraining the existing public process for redress and accountability.

Use this opportunity to require clarity and simplicity in making new law. Moreover, continue to make yourselves and our city government accountable to those who elected you. This proposed ordinance does neither.



Chris Carver

From: [Paula Peters](#)
To: [Public Comment](#)
Subject: For the Board of Supervisors Agenda of May 19, 2022 - Subject: Item 15A
Date: Tuesday, May 17, 2022 10:35:37 PM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Subject: Item 15A - For Possible Action: Discussion and possible action to introduce, on first reading, a proposed ordinance establishing various provisions governing administrative appeals related to land use and zoning.

Dear Mayor Bagwell and Supervisors,

After I sent my May 16th email I read the letter that Kathleen Franco Simmons submitted that same day. She made some very valid points. I think the matter deserves more discussion and clarification before any action is taken. I now agree with Kathleen's conclusion.

"In conclusion, in this ordinance, there are many substantive additions to the municipal code with innumerable ways for an appeal to be disqualified. The ordinance DOES NOT clarify administrative appeals, but adds confusion and ambiguity. It does not benefit the public. It DOES NOT foster the public trust by increasing governmental transparency. It gives many new opportunities to shoot down an appeal before it is even heard by the Board."

Respectfully yours,
Paula L. Peters
Carson City resident

From: Paula Peters <ppeterscpa@hotmail.com>
Sent: Monday, 16 May 2022 6:38 AM
To: Public Comment <PublicComment@carson.org>
Subject: For the Board of Supervisors Agenda of May 19, 2022 - Subject: Item 15A

Subject: Item 15A - For Possible Action: Discussion and possible action to introduce, on first reading, a proposed ordinance establishing various provisions governing administrative appeals related to land use and zoning.

Dear Mayor Bagwell and Supervisors,

Based on my attendance of the May 5, 2022 BOS meeting, it was my understanding that the proposed change to the text in Section 12(b)(2) would have required that a person who wants to

From: scott@scotthoen.com
To: [Lori Bagwell](mailto:Lori.Bagwell@carsoncitynv.gov); [Public Comment](mailto:Public.Comment@carsoncitynv.gov); [Sheri Russell](mailto:Sheri.Russell@carsoncitynv.gov)
Cc: [Maurice White](mailto:Maurice.White@carsoncitynv.gov)
Subject: Public Comment for May 19th Meeting - Agenda Item No 17-A
Date: Tuesday, May 17, 2022 2:09:34 PM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Good afternoon —

I will not be able to attend your May 19th Board of Supervisors meeting but would like you to consider one question when it comes to the FY 2023 Budget.

My comments relate to your possible action - discussion and possible action regarding the Carson City Final Budget for Fiscal Year (FY) 2023

On page 26 of the packet - page 12, Schedule B-10 regarding the budgeted expenditures for the Recorder, Elections and Public Administrator.

I am running for Carson City Clerk Recorder and would have to inherit the 2023 budget if successful with my campaign - regardless of who wins - Elections shows a estimated current year ending 6/30/2022 of \$624,987. Almost \$200k more than the previous year but with the mail in ballot costs and I am sure equipment / software costs this is understandable.

What you have tentatively approved for 2023 is \$491344 and I would recommend another look. In 2024 you will have three elections with the Presidential, Primary and General with even higher costs. You have a pending move and all of this has to be done with the utmost care when it comes to the election history and equipment.

With the 2/2024 Presidential election - you will be spending more resources in 2023 getting ready for that early in the year election - recruiting volunteers during the holidays will be difficult and of course, you will have the costs of mailing out the ballots, unless something changes with the NV Legislature.

Maybe just one more look at the resources dedicated to one of the most important functions in our democracy — Voting.

Thank you for your consideration

Scott Hoen
Scott@ScottHoen.com
2689 Danielle Drive
Carson City, NV 89706
(714) 270-9607

May 19, 2022

Honorable Board of Supervisors,

Over the past 8 months, I've spoken to you about historic Empire City, located at the bend of the Carson River, three miles west of downtown, and the importance of its history. I've shared that my family are a part of that history, as my grandfather was born and raised there.

I've spoken to you about Empire Cemetery on the hill just east of the site of Empire City, and the importance of protecting it. I've shared that I have numerous ancestors buried there. I've spoken to you about the fact that my uncle passed away in 2018 and had expected to be buried in Empire Cemetery with our ancestors, however, that my Aunt was not allowed to bury him there due to an inability for the city to find the records of where burial sites are. I've requested assistance with restoring my family's burial rights in Empire Cemetery. My father, who just turned 87, intends to be buried there alongside his father, grandfather, uncles and great-grandparents, and I hope to be buried there too.

I've spoken to you about the importance of rezoning Empire Cemetery from General Industrial (GI) and amending the Master Plan from Community / Regional Commercial ("C/RC") to match the zoning of Lone Mountain Cemetery. I understand there have been complications due to the fact that Carson City has never fully completed the requirements for gaining clear title of Empire Cemetery from Ormsby County.

I've spoken to you about the land corridor between the bend of the Carson River and Highway 50, that this has been used for over a century for ingress and egress to the river, for recreational uses, and is also a wildlife corridor.

At your last Board meeting, two weeks ago, I spoke to you a request to consider purchasing the last remaining parcels of undeveloped property that were a part of Empire City. The remaining parcels of land at the bend of the Carson River that once constituted Empire City have been advertised for sale since at least February 12th. I presented a request and written materials to the Open Space Advisory Committee at their meeting of February 28, 2022, asking that the City purchase these parcels for open space, recreational and historical purposes. This could be done using "Quality of Life Initiative" funds that are meant for that purpose. The land could be put to recreational and open space use purposes, with historical markers and signage.

On Friday, May 6th, a large "grading" and "erosion control" project commenced on the properties surrounding the north and west side of Empire Cemetery Hill. The bulk of the west slope of the hillside has been removed at a nearly 90-degree angle, coming to within 10 feet of the Empire Cemetery fence line. There are gravesites inside Empire Cemetery within 1 foot of the fence line. My great grandmother's grave is 8 to ten feet from the fence line, and 16 to 20 feet from the nearly vertical drop-off that was once the west slope of the hill.

I have spoken with staff in the Engineering Department, and I was told that the grading project is being done according to permit, and I was given a copy of the "Mass Grading" plans.

I can't tell you how very, extremely disappointed I am in my hometown city for allowing this very destructive revision of the west slope of Empire Cemetery Hill. The Master Plan includes visions, themes and guiding principles that speak to protection of hillsides, preservation of historic sites, stewardship of

the natural environment, to name a few that are applicable here. I also have concerns about archaeological remains in this area, and respectful treatment of them. None of these seem to have been taken into consideration by staff in approving this "grading" project.

I would like to formally request that you ask staff to:

- 1- Complete all requirements for gaining clear title and deed to Empire Cemetery.**
- 2- Upon gaining clear title to Empire Cemetery, amend the Master Plan and the Zoning Map and ordinances to designate Empire Cemetery to the same protective designations as Lone Mountain Cemetery.**
- 3- Provide funding for Parks and Recreation and/or Public Works staff to provide regular upkeep of Empire Cemetery, and to complete the search of records of the cemetery such that my family can have our burial rights restored.**
- 4- Take actions necessary for the purchase and preservation of the remaining undeveloped properties that once were historic Empire City.**

Thank you for your consideration.

Kathleen Franco Simmons

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Carson City, NV