

CARSON CITY BOARD OF SUPERVISORS

Minutes of the January 5, 2009 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 10:00 a.m. on Monday, January 5, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Robert Crowell, Mayor
Supervisor Robin Williamson, Ward 1
Supervisor Shelly Aldean, Ward 2
Supervisor Pete Livermore, Ward 3
Supervisor Molly Walt, Ward 4

STAFF: Larry Werner, City Manager
Alan Glover, Clerk - Recorder
Neil Rombardo, District Attorney
Kathleen King, Recording Secretary
Jano Barnhurst, Recording Secretary

NOTE: A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are on file in the Clerk - Recorder's Office, and available for review during regular business hours.

CALL TO ORDER AND DETERMINATION OF QUORUM (10:00:00) - Mayor Crowell called the meeting to order at 10:00 a.m., and advised that the pledge of allegiance and invocation had been previously covered at the swearing-in ceremony which began at 8:30 a.m. Roll was called; a quorum was present.

PUBLIC COMMENTS AND DISCUSSION (10:00:03) - Mayor Crowell called for public comment; however, none was forthcoming.

1. ACTION ON APPROVAL OF MINUTES - December 4, 2008 (10:00:23) - Supervisor Aldean moved to approve the minutes, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

2. CHANGES TO THE AGENDA (10:00:47) - None.

3. CONSENT AGENDA (10:00:56) - Mayor Crowell entertained requests to hear items separate from the consent agenda. Supervisor Aldean requested to hear item 3-5 separately. When no other requests were forthcoming, Mayor Crowell entertained a motion. **Supervisor Livermore moved approval of the consent agenda consisting of six items: 3-1, Assessor; 3-2, Justice Court with special recognition to the appointment of Thomas Armstrong; 3-3(A) and (B), including Resolution No. 2009-R-1 and Resolution No. 2009-R-2; 3-4(A) and (B), as published and advertised. Supervisor Aldean seconded the motion.** Supervisor Williamson acknowledged the appointment of Chick James, Jed Block, and Denise Gillott to the Board of Equalization, and that Mary Sanada had been appointed to the position of chair. Mayor Crowell called for a vote on the pending motion; **motion carried 5-0.**

3-1. ASSESSOR - ACTION TO APPOINT MEMBERS TO THE CARSON CITY BOARD OF EQUALIZATION AND TO CONFIRM THE DESIGNATION BY THE MAYOR OF A CHAIRPERSON OF THE CARSON CITY BOARD OF EQUALIZATION

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3-2. JUSTICE COURT - ACTION TO APPROVE THE APPOINTMENT OF THOMAS ARMSTRONG TO THE PANEL OF SUBSTITUTE JUSTICES OF THE PEACE

3-3. PURCHASING AND CONTRACTS

3-3(A) ACTION TO ADOPT A RESOLUTION DETERMINING THAT THE 2001 CHEVROLET IMPALA SEDAN, VIN 2G1WF52K519242481 HAS REACHED THE END OF ITS USEFUL LIFE AND WILL BE DONATED TO THE COMMUNITY COUNSELING CENTER (FILE 0809-167)

3-3(B) ACTION TO ADOPT A RESOLUTION DETERMINING THAT THE IDENTIX FINGERPRINT MACHINE AND PRINTER HAVE REACHED THE END OF THEIR USEFUL LIVES AND WILL BE DONATED TO THE CARSON CITY SCHOOL DISTRICT, ANOTHER GOVERNMENTAL ENTITY FOR EDUCATIONAL PURPOSES, AS SET FORTH IN NEVADA REVISED STATUTE 372.3261 (FILE 0809-166)

3-4. PUBLIC WORKS

3-4(A) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN MELVIN T. COWPERTHWAITTE AND JOSEPHINE G. COWPERTHWAITTE, TRUSTEES OF THE COWPERTHWAITTE FAMILY TRUST, DATED DECEMBER 15, 1995, AND CARSON CITY, WHEREBY MELVIN T. COWPERTHWAITTE AND JOSEPHINE G. COWPERTHWAITTE, TRUSTEES OF THE COWPERTHWAITTE FAMILY TRUST, DATED DECEMBER 15, 1995 AGREE TO: (1) GRANT PERMISSION TO CONSTRUCT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 007-572-06 FOR THE PURPOSE OF CONSTRUCTION RELATED TO THE ORCHARD ROAD WATER LINE PROJECT; (2) CONVEY A PERMANENT WATER LINE AND EMERGENCY ACCESS EASEMENTS FOR ASSESSOR'S PARCEL NUMBER 007-572-06; CARSON CITY AGREES TO: (1) AT ITS SOLE COST AND EXPENSE, CONSTRUCT OR HAVE CONSTRUCTED ALL THE "PUBLIC MAIN" WHICH CONSISTS OF WATER PIPES AND APPURTENANCES, UP TO AND INCLUDING THE WATER METER, TO PROVIDE POTABLE WATER SERVICE TO APN 007-572-06; (2) AT ITS SOLE COST AND EXPENSE, CONSTRUCT OR HAVE CONSTRUCTED "CUSTOMER SERVICE CONNECTION," CONSISTING OF THE CONNECTION BETWEEN THE "PUBLIC MAIN," AT THE CUSTOMER SIDE OF THE PROPOSED WATER METER, AND STRUCTURE TO SERVE SAID PROPERTY; CITY WILL ALSO PAY THE COST FOR "CAPPING" PROPERTY'S WELL TO STATE OF NEVADA STANDARDS; (3) TO WAIVE THE WATER CONNECTION FEES FOR A PERIOD OF TEN YEARS FROM THE DATE OF THIS AGREEMENT

3-4(B) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN WILLIAM HENRY THOMAS AND JENICE FLOYD THOMAS, AS TRUSTEES OF THE JENICE AND WILLIAM THOMAS - 1995 TRUST, DATED APRIL 25, 1995, AND CARSON CITY, WHEREBY WILLIAM HENRY THOMAS AND JENICE FLOYD THOMAS, AS TRUSTEES OF THE JENICE AND WILLIAM THOMAS - 1995 TRUST, DATED APRIL 25, 1995, AGREE TO: (1) GRANT PERMISSION TO CONSTRUCT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBER 007-572-07, FOR THE PURPOSE OF CONSTRUCTION RELATED TO THE ORCHARD ROAD WATER LINE PROJECT; CARSON CITY AGREES TO: (1) AT ITS SOLE COST AND

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EXPENSE, CONSTRUCT OR HAVE CONSTRUCTED ALL THE “PUBLIC MAIN” WHICH CONSISTS OF WATER PIPES AND APPURTENANCES, UP TO AND INCLUDING THE WATER METER, TO PROVIDE POTABLE WATER SERVICE TO APN 007-572-07; (2) AT ITS SOLE COST AND EXPENSE, CONSTRUCT OR HAVE CONSTRUCTED “CUSTOMER SERVICE CONNECTION,” CONSISTING OF THE CONNECTION BETWEEN THE “PUBLIC MAIN,” AT THE CUSTOMER SIDE OF THE PROPOSED WATER METER, AND STRUCTURE TO SERVE SAID PROPERTY; CITY WILL ALSO PAY THE COST FOR “CAPPING” PROPERTY’S WELL TO THE STATE OF NEVADA STANDARDS; (3) TO WAIVE THE WATER CONNECTION FEES FOR A PERIOD OF TEN YEARS FROM THE DATE OF THIS AGREEMENT

3-5. HEALTH AND HUMAN SERVICES - ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING AN INTERLOCAL AGREEMENT BETWEEN THE BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION ON BEHALF OF THE UNIVERSITY OF NEVADA, RENO ORVIS SCHOOL OF NURSING AND CARSON CITY, A CONSOLIDATED MUNICIPALITY AND POLITICAL SUBDIVISION OF THE STATE OF NEVADA, ON BEHALF OF THE CARSON CITY HEALTH AND HUMAN SERVICES DEPARTMENT, TO PROVIDE A TRAINING SITE FOR THE UNIVERSITY’S NURSING STUDENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (10:02:58) - Supervisor Aldean commended the opportunity provided to the University of Nevada, Reno Orvis School of Nursing students, and inquired as to the possibility of a similar partnership with the Western Nevada College (“WNC”) nursing school. Health and Human Services Department Director Marena Works advised of a current contract with WNC. She explained the distinction in that only the four-year Orvis School of Nursing has a section on community health. She assured the Board members that the Health and Human Services Department works as often as possible with the WNC nursing students. Mayor Crowell entertained a motion. **Supervisor Aldean moved to adopt a resolution adopting and approving an interlocal agreement between the Board of Regents of the Nevada System of Higher Education, on behalf of the University of Nevada, Reno Orvis School of Nursing and Carson City, a consolidated municipality and political subdivision of the State of Nevada, on behalf of the Carson City Health and Human Services Department, to provide a training site for the University’s nursing students, and other matters properly related thereto. Supervisor Livermore seconded the motion,** and noted the Resolution No. as 2009-R-3. Mayor Crowell called for public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 5-0.**

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

4. CITY MANAGER

4(A) PRESENTATION REGARDING THE ACTIVITIES OF THE NEVADA TAHOE CONSERVATION DISTRICT (10:04:50) - Mr. Werner introduced Nevada Tahoe Conservation District Manager Doug Martin and Board member Chris Freeman, and provided an overview of the purpose of this item.

(10:05:13) Mr. Martin reviewed Nevada Tahoe Conservation District (“NTCD”) 2008 accomplishments, including entering into an agreement with the Carson Water Subconservancy District to develop a community and residential best management practices erosion control project for which funding has been requested from the Nevada Division of Environmental Protection. He expressed appreciation for the

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assistance provided by Public Works Department Senior Project Manager Robb Fellows. Mr. Martin discussed additional projects which “will have implications for everyone” in conjunction with storm water and erosion control. One project will quantify the effectiveness of street sweepers to remove fine sediment from “the stream or the drain as far as movement of erosion through the streets.” The goal is to demonstrate the purchase of enhanced sweeping technology as a capital improvements project rather than a maintenance project in order to qualify for grant funding. Mr. Martin described details of the project. He expressed appreciation for Carson City’s participation and support in 2008 NTCD activities. In reference to the Angora fire, he discussed a meeting of area public works officials, arranged by the NTCD, to identify community resources associated with emergency storm water and runoff. He advised of the participation of Mr. Werner, Mr. Fellows, and Open Space / Property Manager Juan Guzman, and expressed appreciation for their individual expertise. He expressed appreciation for Supervisor Aldean’s participation as a TRPA Governing Board member. He congratulated the new and returning Board members, and provided a brief overview of his family’s residential history in Carson City.

4(B) ACTION TO REAPPOINT CHRIS FREEMAN TO THE NEVADA TAHOE CONSERVATION DISTRICT FOR A TWO-YEAR TERM ENDING DECEMBER 31, 2010 (10:10:13) - Mr. Martin commended Mr. Freeman’s service to the Nevada Tahoe Conservation District Board, and noted his excellent representation of Carson City. Mr. Freeman provided background information on his service as a NTCD Board member, his previous employment and current community service experience. He requested reappointment to the NTCD Board. Supervisor Williamson thanked Mr. Martin and Mr. Freeman for their hard work on behalf of Carson City and Lake Tahoe. Supervisor Aldean discussed improvements to the TRPA, and expressed appreciation for Mr. Freeman’s service to the NTCD. Mr. Freeman commended Mr. Martin’s experience and expertise. Mr. Martin expressed appreciation for John Singlaub’s leadership of the TRPA. Supervisor Livermore provided background information on Mr. Martin’s involvement in a comprehensive study of the City landfill, completed several years ago.

Mayor Crowell entertained additional Board member comments and public comment. When none were forthcoming, he entertained a motion. **Supervisor Williamson moved to reappoint Chris Freeman to the Nevada Tahoe Conservation District for a two-year term ending December 31, 2010. Supervisor Aldean seconded the motion. Motion carried 5-0.**

5. AIRPORT AUTHORITY - ACTION TO ADOPT, ON SECOND READING, BILL NO. 137, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 19, AIRPORT RULES AND REGULATIONS, TO RELOCATE SECTION 19.05 WHICH ADDRESSES FEES FOR DISSOLUTION OF MARRIAGE TO SECTION 2.33 (10:15:29) - Mayor Crowell disclosed that Airport Authority Counsel Steve Tackes is one of his law partners. Mayor Crowell advised of having consulted with Mr. Rombardo, whose staff advised of a potential conflict of interest pertinent to general Airport Authority matters. Mayor Crowell advised that he would abstain from voting on general Airport Authority matters, but noted the subject item as more relevant to correcting the Carson City Municipal Code. Mr. Rombardo acknowledged the propriety of Mayor Crowell’s procedure to disclose the relationship, and advised there was no ethics laws issue pertinent to this item.

Development Services Director Walter Sullivan introduced this item, and reviewed the agenda report. Mayor Crowell entertained public and Board member comments and, when none were forthcoming, a motion. **Supervisor Livermore moved to adopt Bill No. 137, an ordinance amending Carson City Municipal Code, Title 19, to relocate Section 19.05 which addresses Fees for Dissolution of Marriage**

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to **Section 2.33**. Supervisor Aldean noted the Ordinance No. as 2009-1. **Supervisor Williamson seconded the motion. Motion carried 5-0.**

6. PUBLIC WORKS - ACTION TO RECOMMEND THAT THE NEVADA STATE ENGINEER APPROVE WATER APPLICATION 77454 FOR THE USE OF WATER FROM CARSON CITY WELL NUMBER 40 (MORGAN MILL) TO SERVE USERS WITHIN THE COMBINED WATER SERVICE AREA OF CARSON CITY WATER UTILITY, AS WELL AS THE DAYTON VALLEY PORTION OF THE SERVICE AREA OF LYON COUNTY UTILITIES

(10:19:27) - Deputy Public Works Director Ken Arnold introduced this item, and reviewed the agenda report. Mr. Werner explained the statutory procedure for a water application to be reviewed by the governing bodies of each county, as an opportunity for public information. The governing bodies then provide their recommendation and public input to the State Engineer. "It's basically to keep water rights from moving from one county to another without having the proper notice and ... opportunity for public hearing." Mr. Arnold reviewed the public noticing process, as outlined in the agenda materials.

Mayor Crowell entertained public and Board member comments. When none were forthcoming, he entertained a motion. **Supervisor Williamson moved to recommend that the Nevada State Engineer approve Water Application 77454 for the use of water from Carson City Well Number 40 (Morgan Mill) to serve users within the combined water service area of Carson City Water Utility, as well as the Dayton Valley portion of the service area of Lyon County Utilities. Supervisor Livermore seconded the motion. Motion carried 5-0.**

7. DEVELOPMENT SERVICES - PLANNING AND ZONING

7(A) ACTION TO APPROVE A MASTER PLAN AMENDMENT APPLICATION FROM LUMOS & ASSOCIATES, INC. (PROPERTY OWNER: BOYS AND GIRLS CLUBS OF WESTERN NEVADA) TO MODIFY A PORTION OF THE MASTER PLAN LAND USE DESIGNATION FROM HIGH DENSITY RESIDENTIAL TO PUBLIC / QUASI-PUBLIC, ON PROPERTY LOCATED AT 1870 RUSSELL WAY, APN 002-101-85 (MPA 08-044); and 7(B) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE TO AMEND THE ZONING FROM SINGLE FAMILY 6,000 (SF6) TO PUBLIC REGIONAL (PR) AND MULTI-FAMILY APARTMENT (MFA), ON PROPERTY LOCATED AT 1870 RUSSELL WAY, APN 002-101-85 (ZMA-08-045) (10:22:42) - Planning Division Director Lee Plemel introduced these items, and reviewed the agenda reports. He advised that the Planning Commission had unanimously recommended approval of both applications. Supervisor Aldean noted that one of the questions addressed in the information provided by Lumos & Associates was relevant to the effect of the zoning map amendments on surrounding property owners. In response to a question, Mr. Plemel advised of a special use permit approved in 2003, which conditions required construction of a masonry wall on the west side of the project. A recently-approved special use permit "essentially replaces that old special use permit," and covers the entire site, incorporating the appropriate conditions. Mr. Plemel advised of extensive discussion at the December Planning Commission meeting and in neighborhood meetings conducted by Lumos & Associates representatives. As a result, a new condition of approval of the special use permit was a vinyl-coated chain link fence instead of a masonry wall. Mr. Plemel advised that discussion included issues over the location of the masonry wall, potential impacts to the neighbors, and sight and security concerns associated with an obstruction to the view between the existing residential properties and the Boys and Girls Clubs site.

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Supervisor Aldean suggested that if one objective of the masonry wall was to reduce noise impacts, landscape or vegetation is not an appropriate mitigation. Mr. Plemel advised that, at the most recent special use permit hearing, concerns over noise were not discussed. Supervisor Aldean expressed the opinion that if the vinyl-coated chain link fence does not serve as satisfactory mitigation between the two properties, the obligation for any subsequent remedy should be borne by the Boys and Girls Clubs and the Parks and Recreation Department. She expressed concern over the City being asked to remedy “a nuisance that was created by an omission.” Mr. Werner advised that since the City doesn’t have a sound ordinance, there is no standard. He expressed the understanding that the original requirement for the masonry wall was relative to visual impacts. Supervisor Aldean reiterated concern over the adjacent residents requesting mitigation after the project is complete. Mr. Werner reiterated that the City has no standard for noise violations. If the residents complained about a public nuisance, the Board would be responsible for determining a standard violation. Mr. Werner suggested requesting District Attorney’s staff to research the matter. Mr. Rombardo advised that the special use permit could have been conditioned regarding noise issues “because the property cannot have some detrimental effect to a neighboring property.” In response to a question, Mr. Werner reiterated that the City has no decibel limitation on sound. He acknowledged the existence of a public nuisance ordinance, and reiterated that a determination would have to be made by the Board of Supervisors regarding a violation.

Supervisor Aldean reiterated that mitigation after the fact should be considered as a project cost to be borne by the Parks and Recreation Department and the Boys and Girls Clubs, not the general fund. In reference to the special use permit conditions of approval, Mr. Plemel advised that facility hours of operation are limited. “That’s how the sound issue has been mitigated in this particular case; not with the physical structure.” In addition, any issue which becomes a nuisance in the future may be subject to a show cause hearing associated with the special use permit where the conditions of approval could be re-evaluated.

Supervisor Livermore reviewed the number of public meetings associated with the recreation facility, and advised that concerns over noise were raised by one adjacent property owner. He discussed issues of safety which are mitigated by a chain link fence rather than a masonry wall. In response to a comment, Mr. Plemel advised that the multi-family apartment zoned portion of the property is not immediately adjacent to the single-family residential neighborhood. Mayor Crowell summarized the discussion in that if noise becomes a future issue, it should be mitigated as a development cost. Supervisor Aldean acknowledged the accuracy of the statement.

Supervisor Walt inquired as to plans for development of the multi-family apartment property. Mr. Plemel advised there is no project yet associated with the property. “It would allow uses that are allowed in that MFA zoning, which includes apartments up to a certain density per code.” Mr. Plemel suggested the applicant may be able to provide additional information.

Development Services Director Walter Sullivan acknowledged having researched noise ordinances from other jurisdictions. He advised of a study conducted approximately ten years ago in Carson City, associated with development of a master plan, addressing noise and sound ordinances “but it was never adopted.” Supervisor Aldean recalled having served on the committee, as a Chamber of Commerce representative, and that the meetings were very contentious. She suggested that Mr. Sullivan’s research may result in “something that’s more user friendly that can, at least, provide some people with the comfort of knowing that excessive noises will not be tolerated.” Mr. Sullivan offered to share the research with Supervisor Aldean. Mr. Sullivan advised of having attended the December 17, 2008 Planning Commission meeting,

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and confirmed there were no concerns expressed regarding possible issues of noise. He acknowledged Supervisor Aldean's concerns regarding unintended consequences.

Mayor Crowell opened this item to public comment. (10:43:22) Lakeview Property Owners Association President Richard Schneider expressed support for Supervisor Aldean's comments in that "bells are very hard to unring." He suggested that if residents adjacent to the subject site are concerned over noise and privacy issues, a masonry wall should be constructed and covered with landscape "to preserve those people's property values and their expectations of the neighborhood when they initially bought that property." He acknowledged the need for recreation facilities, and advised he didn't "buy the graffiti argument because ... there are products out now that you can coat concrete walls ..." He suggested, "Let's do it right the first time and think about the neighbors that live next to that property ..."

In response to a question, Mr. Rombardo provided direction regarding the discussion and the Board's action to base a decision "on anything ... rationally related" to the agendized master plan amendment. He suggested avoiding discussion regarding a noise ordinance. In response to a question, Mr. Plemel advised that the special use permit had been approved with conditions which include the type of fencing. In response to a further question, he advised that the Planning Commission had approved the special use permit at their December meeting, and that said approval had not been appealed.

Supervisor Aldean expressed no opposition to the master plan and zoning map amendments, but reiterated the opinion that any future replacement of the vinyl-coated chain link fence should be considered as a project cost. She expressed opposition to the City allocating funding to remedy a problem created by the development.

(10:48:20) Lumos & Associates Planning Manager Audra Miller, representing the City Parks and Recreation Department and the Boys and Girls Clubs, advised that there were presently no plans for the property which is the subject of the zoning map amendment application. The Boys and Girls Clubs will market the property, and the buyer will have their own plan.

In response to a question, Mr. Werner explained that the number of apartment units is prescribed by the design code. "Whatever the zoning code, then the developer is allowed to build that amount." In response to a further question, he advised that the Board would not have purview to condition the development at this stage "other than the fact that it has to meet the requirements of the zoning code."

(10:49:53) With regard to the masonry wall, Ms. Miller reviewed the project history, including a public meeting held in May 2008 for which "every property owner that abuts the project on that west side" was notified. "Only one property owner showed up," including Ms. Kathe Green whose property "does not directly abut the property." Ms. Miller advised of a long discussion with Ms. Green, whose concern was with regard to trespassing. She further advised of having inquired of the "one adjacent property owner" what he wanted. "His basic response was he was okay with anything." In order to reach a compromise with Ms. Green, the chain link fence was suggested. Ms. Miller advised of "25 feet of landscape from the chain link fence ... to the east that will be providing another buffer." She further advised of having appeared before the Parks and Recreation Commission, with invitations to all the property owners that had attended the initial meeting. "At that meeting, no one spoke about the wall or noise ..." "It was the same at the Planning Commission meeting. ... Noise never was an issue." Ms. Miller provided background information on the revised application submitted to separate the buildings. In retrospect, she advised she

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“should have been more careful” to convey that noise had never been voiced as a concern. She further advised of having discussed the matter with Supervisor Livermore, Parks and Recreation Department Director Roger Moellendorf, and Lumos & Associates Engineering Manager Michael Bennett, none of whom had any recollection of noise being mentioned, by any adjacent resident, as a concern.

(10:54:20) Bruce Kittess advised that any development in California would require a masonry wall at the property line. He noted that density and infill are changing in Carson City, and reviewed development and planned development near the subject site. He expressed concern for the adjacent single-family neighborhood. “I feel sorry for those 15 or 20 people that are going to back up to this facility because first, they’ve had years with nothing there, then they were going to get the Boys and Girls Clubs, ... now it just got doubled with our rec center ... When you write in the master plan, ‘preserve the neighborhood,’ you are not preserving that neighborhood if you care about those single-family homes.” He referred to the Northridge subdivision adjacent to the Wal-Mart and Home Depot developments. He expressed the opinion that the City doesn’t really care about preserving residential neighborhoods, and that a masonry wall would help with “the encroachment.” He suggested the Board shouldn’t be surprised “when that neighborhood, five years or ten years goes downhill.”

Mayor Crowell called for additional public comment; however, none was forthcoming. Mr. Rombardo advised of having reviewed the pertinent portion of the Carson City Municipal Code, and that the Board cannot condition either of the applications. He suggested taking this into consideration with regard to concerns over noise. In response to a question, Mr. Plemel advised that up to 36 one-bedroom or studio apartments would be allowed per acre or 29 units per acre for two-bedroom or more. In consideration of setback, open space, and parking requirements, he advised that 20 units per acre would be a more realistic expectation.

Mayor Crowell entertained further discussion and, when none was forthcoming, a motion. **Supervisor Livermore moved to approve a master plan amendment application to modify a portion of the master plan land use designation from high density residential to public / quasi-public, on property located at 1870 Russell Way, APN 002-101-85. Supervisor Williamson seconded the motion. Motion carried 4-1.** Supervisor Aldean expressed support for the project, but the opinion that more foresight should have been used prior to allowing modification of the special use permit. She reiterated that the project proponent should not be held accountable if, in fact, sound generating from the project site becomes an issue.

Mayor Crowell entertained a motion for item 7(B). Supervisor Livermore moved to introduce, on first reading, Bill No. 101, an ordinance to amend the zoning from single family 6,000 to public regional and multi-family apartment, on property located at 1870 Russell Way, APN 002-101-85, based on the findings contained in the staff report. Motion died for lack of a second. Mayor Crowell entertained another motion; however, none was forthcoming.

Supervisor Aldean suggested considering alternatives. In response to a question, Mr. Rombardo reiterated the Board could not condition the special use permit. Mayor Crowell agreed that noise abatement should be a project cost. He noted, “That’s why we have a planning commission that reviews these special use permits.” He expressed the opinion that action should be taken on item 7(B) “because ... it’s equally unfair to proponents of the ... master plan change and the zone change” to hold them “to a standard that nobody knew about before you got here.” Supervisor Aldean explained her intent to resolve the impasse in order for the project to proceed. Mr. Rombardo reviewed various options with regard to action.

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Parks and Recreation Department Director Roger Moellendorf offered to construct a masonry sound wall if this was the reason for the impasse associated with item 7(B). He expressed the opinion that a chain link fence would be more secure than a solid, masonry wall. "The chain link fence ... eliminates the possibility of bad things happening on the other side ..." He explained that a masonry wall would have to be offset from the property line due to the required construction method. The footing would leave a "dead area," over which he expressed concerns associated with undesirable activities such as loitering, graffiti, and trash accumulation. These would not be visible from "our project's side of the property and, thus, would not get the attention that it needs to really protect the public ... or the private property owners on the other side." Mr. Moellendorf provided background information on a proposal to plant vines along the chain link fence to mitigate visual impacts. As mentioned by Ms. Miller, he confirmed "there was never any discussion about sound retention. It was all about ... trespass and blocking the visual observations." He advised that the Planning Commission expressed concern over vines from a maintenance standpoint, "so the compromise there ... resulted in a brown-color, vinyl-coated chain link fence." Mr. Moellendorf advised that said fencing will provide an "attractive barrier ... and security system between the private property and the public property," in addition to providing for maintenance and trash collection. He reiterated a willingness to construct a masonry wall if approval of the zoning map amendment was contingent.

Supervisor Aldean clarified she was not suggesting construction of the wall without a need. She reiterated opposition to the general fund being burdened with the cost "after the fact." Mr. Moellendorf agreed with her statement, but noted the difficulty of determining whether noise will be a problem prior to completion of the project. He agreed with including construction of a masonry wall as part of the project if it would mitigate a potential sound problem. He anticipated additional sustained costs over a period of years in maintenance of a solid block wall. He reiterated that, throughout the public process, there had never been any concerns voiced regarding noise. "It's all been traffic and visual concerns."

Supervisor Williamson expressed understanding for the multi-family apartment designation on the remaining 3.5 acres of property, and the opinion that it is not the Board's responsibility to "get the Boys and Girls Clubs the highest value." She expressed a preference for the zoning designation to remain single family 6,000 and that the Planning Division, Planning Commission, and the Board of Supervisors would have an opportunity to review projects to be constructed adjacent to the recreation facility. Mr. Moellendorf expressed reluctance to comment as this was a Boys and Girls Clubs issue.

(11:09:10) Ms. Miller advised she was unauthorized to agree to revisions on behalf of the Boys and Girls Clubs. She pointed out that the City's comprehensive master plan designates the entire area as high density residential, for which only two zoning categories are consistent: MFT and MFA. She requested the Board to defer action on the item in order to provide her the opportunity to consult with Boys and Girls Clubs representatives.

Supervisor Walt agreed with the suggestion to defer action. She expressed concerns over traffic increases, the number of proposed residential units, and the possible design of a multi-family residential development adjacent to the City recreation facility and the Boys and Girls Clubs. Ms. Miller advised that City ordinance provides for review of a potential development by the Planning Commission. The zoning map amendment application requires consideration of the land use and consistency with the City's comprehensive master plan.

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Mayor Crowell entertained a motion. **Supervisor Livermore moved to table item 7(B) for discussion at a future meeting. Supervisor Walt seconded the motion. Motion carried 4-1.** Mayor Crowell advised of having voted against deferring action in consideration of the Planning Commission's purview.

7(C) ACTION TO ADOPT BILL NO. 138, ON SECOND READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, BY AMENDING SECTION 4.4, ADMINISTRATION, 4.4.7(S), EXEMPTIONS, TO MODIFY THE TIME LIMITS AND PLACEMENT REGULATIONS FOR TEMPORARY BANNERS USED AS ON-SITE ADVERTISING, AND OTHER MATTERS PROPERLY RELATED THERETO (11:12:35) - Mr. Plemel introduced this item, and reviewed the agenda report. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to adopt Bill No. 138, on second reading, Ordinance No. 2009-2, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, by amending Section 4.4, Administration, 4.4.7(S), Exemptions, to modify the time limits and placement regulations for temporary banners used as on-site advertising, based on the findings contained in the staff report. Supervisor Williamson seconded the motion.** In response to a question, Mr. Plemel advised that the Code Enforcement Division, under the Development Services Department, is responsible for enforcement of the sign ordinance. Mayor Crowell called for additional discussion and, when none was forthcoming, a vote on the pending motion. **Motion carried 4-0-1,** Supervisor Livermore had left the meeting room.

7(D) ACTION TO APPROVE A REQUEST FOR A ONE-YEAR EXTENSION OF THE FINAL MAP FOR A TENTATIVE INDUSTRIAL SUBDIVISION MAP KNOWN AS ARROWHEAD BUSINESS PARK (PROPERTY OWNER: CNM FAMILY, LLC), LOCATED AT 4500 RYAN WAY (FILE TSM-06-031) (11:15:44) - Mr. Plemel introduced this item, and reviewed the agenda report. Mayor Crowell entertained public and Board member comments and, when none were forthcoming, a motion. **Supervisor Williamson moved to approve a request for a one-year extension of the final map recordation for the Arrowhead Business Park tentative subdivision map, located at 4500 Ryan Way. Supervisor Aldean seconded the motion. Motion carried 5-0.**

8. CITY MANAGER - ACTION TO APPOINT TWO MEMBERS TO THE 9-1-1 SURCHARGE ADVISORY COMMITTEE FOR TWO-YEAR TERMS TO EXPIRE DECEMBER 31, 2010 (11:16:59) - Mr. Werner introduced this item, Fire Chief Stacey Giomi, and former Fire Chief Bernard Sease. On behalf of the Fire Department, Chief Giomi welcomed Supervisor Aldean back, and welcomed Mayor Crowell and Supervisor Walt. Chief Giomi provided background information on the purpose of the 9-1-1 Surcharge Advisory Committee, as provided in the agenda materials, and reviewed the agenda report. He explained that Karen Mracek was unable to attend this meeting due to a previously-planned, out-of-town trip. He advised that Ms. Mracek is very interested in continuing service to the committee, and referred to the letter of recommendation from Chief Deputy Sheriff Jack Freer which was included in the agenda materials. Chief Giomi reviewed Ms. Mracek's qualifications.

Chief Giomi introduced Bernard Sease, "the second paid fire chief in Carson City." (11:19:09) Mr. Sease requested reappointment to the committee, and discussed its benefit to the community. He responded to questions regarding plans to assess a 9-1-1 surcharge fee, and Chief Giomi provided additional clarification. In response to a further question, Chief Giomi discussed the time frame associated with developing the five-year master plan.

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Mayor Crowell called for public comment and, when none was forthcoming, entertained a motion. **Supervisor Livermore moved to appoint Bernard Sease and Karen Mracek to the 9-1-1 Surcharge Advisory Committee to two-year terms, expiring December 31, 2010. Supervisor Aldean seconded the motion. Motion carried 5-0.**

9. BOARD OF SUPERVISORS

9(A) ACTION TO APPOINT MEMBERS OF THE BOARD OF SUPERVISORS TO VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES (11:22:58) - Mayor Crowell introduced this item, and proposed a format for addressing the same. He **moved to appoint Supervisor Aldean as Mayor Pro Tem. Supervisor Livermore seconded the motion.** Mayor Crowell inquired as to any other Supervisor's interest in serving as Mayor *Pro Tem*. Supervisor Aldean acknowledged her willingness to serve, and Mayor Crowell called for a vote on the pending motion. **Motion carried 5-0.**

Mayor Crowell requested input of the Supervisors with regard to the boards, commissions, and committees listed in the agenda materials. He expressed concern over a perception that boards, commissions, and committees have a certain status by virtue of the mayor serving as a member. He expressed a willingness to serve on any board, commission, or committee, but emphasized a sensitivity to avoiding the perception of special credence.

Supervisor Williamson expressed support for making a decision at this meeting on assignments to boards, commissions, and committees. "We all ran for office to try to do good things for Carson City." Supervisor Williamson noted the challenges facing the City, and the importance of identifying the energy and enthusiasm of each individual Board member in order to share the work load.

Mayor Crowell suggested reviewing the list included in the agenda materials, and making recommendations / appointments according to discussion. Supervisor Aldean suggested it would be entirely appropriate for the Mayor to serve on the V&T Railway Reconstruction Commission. Mayor Crowell agreed to do so. Supervisor Walt volunteered to serve as the Board's representative to the Carson City Convention and Visitors Bureau. Supervisor Williamson acknowledged she is the Nevada Association of Counties Board of Directors President-Elect, and volunteered to continue. She noted that Supervisor Livermore was also a representative to the NACo Board of Directors. Supervisor Livermore expressed a willingness to continue serving, or to allow another Supervisor to serve. Supervisor Walt volunteered to serve. Supervisor Williamson advised that Carson City is no longer represented on the Western Nevada Development District Board.

Discussion took place regarding the Western Nevada Home Consortium, and the Board designated Mr. Werner or his designee to serve as the representative. With regard to the Redevelopment Authority, Mr. Rombardo advised that appointment of a chair would have to be done at the next Redevelopment Authority meeting. The Board members suggested that Supervisor Williamson continue as chair of the Redevelopment Authority. Supervisor Williamson suggested that Supervisor Aldean serve as vice chair. In response to a question, Mr. Rombardo suggested agendaizing an item for the next Redevelopment Authority meeting. Mayor Crowell suggested forwarding a recommendation to the Redevelopment Authority that Supervisor Williamson continue as its chair and that a vice chair position be created and filled by Supervisor Aldean. With regard to the Redevelopment Authority Citizens Committee, Mr. Werner advised that the ordinance provides for the Redevelopment Authority chair to also serve as chair of the citizens committee. Supervisor Aldean advised of having discussed the importance of the citizens

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committee being as independent and objective as possible, and the possibility of amending the bylaws such that the citizens committee could elect a chair from among its membership. She recommended presenting a proposed amendment to the Redevelopment Authority to provide for any eligible Redevelopment Authority Citizens Committee member to serve as its chair. Supervisor Williamson expressed support, and advised of the possibility of creating a second Redevelopment Authority Citizens Committee for redevelopment area two. Discussion took place regarding the provisions of the resolution pertinent to the Redevelopment Authority Citizens Committee.

In response to a question, Supervisor Williamson advised that her term on the Western Nevada Resource Conservation District will expire concurrent with the expiration of her Board of Supervisors term. Supervisor Livermore explained the similar arrangement for his and Supervisor Williamson's seats on the Carson Water Subconservancy District Board. Mr. Werner further clarified there is no requirement for a Board of Supervisors member to serve on these two boards; "it can be any citizen."

Supervisor Aldean acknowledged an interest in continuing as the Board's representative to the Regional Transportation Commission. She requested Mayor Crowell's participation, as well, and noted this would include his participation in the Carson Area Metropolitan Planning Organization. Mayor Crowell agreed to serve. Supervisor Aldean acknowledged a willingness to continue as a member of the Tahoe Regional Planning Agency Governing Board. Supervisors Williamson and Livermore commended Supervisor Aldean's service to the TRPA Governing Board.

In response to a question, Supervisor Livermore expressed an interest in continuing as a Parks and Recreation Commissioner. Supervisor Walt discussed her interest in participating, and expressed appreciation for Supervisor Livermore's 23-year involvement with the commission. She inquired as to the possibility of having two Board members participate, and discussion ensued. Mayor Crowell suggested that Supervisor Walt serve as an ex-officio commissioner, and Mr. Rombardo agreed to look into the possibility.

Mayor Crowell noted Supervisor Livermore's appointment by Governor Gibbons to the State Land Use Planning Committee. In response to a question, Supervisor Livermore expressed an interest in continuing as a member of the Audit Committee. Supervisor Aldean noted the need to decide, at some point in the future, the question of whether two Board members should serve on the Audit Committee. Supervisor Livermore advised that the next meeting of the Audit Committee is scheduled for Tuesday, February 10th. Mayor Crowell suggested confirming Supervisor Livermore's appointment to the Audit Committee and leaving the question of a second Board member subject to a possible amendment of the ordinance. The Board members agreed. In response to a question, Supervisor Livermore advised of having spoken with Supervisor Walt regarding her interest in serving as a member of the Cultural Commission. Supervisor Walt so acknowledged her interest, and the Board members appointed her to the position by acclamation.

In response to a question, Supervisor Livermore offered to serve as a member of the Debt Management Commission. With regard to the Airport Authority, Mayor Crowell recommended appointing Development Services Director Walter Sullivan as the City's representative, leaving the citizen-at-large position open to competitive application. Mr. Sullivan acknowledged his willingness to accommodate the recommendation. Supervisor Livermore expressed confidence in Mr. Sullivan's ability to represent the

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City, and requested Mr. Werner to ensure the Board of Supervisors' authority to continue appointing Airport Authority members. Mr. Werner advised this is a statutory provision. Supervisor Aldean advised that she receives regular updates regarding Airport Authority activities.

With regard to the previous suggestion for Supervisor Walt to serve as an ex-officio Parks and Recreation Commissioner, Mr. Rombardo advised that the Carson City Charter provides for one Board of Supervisors member to serve on the commission. He expressed the opinion that Supervisor Walt serving as a non-voting, ex-officio commissioner would be appropriate. He cautioned the Board members regarding an Open Meeting Law violation if an additional member of the Board of Supervisors was to attend a Parks and Recreation Commission meeting. Supervisor Walt agreed to serving as an ex-officio commissioner. In response to a question, Mayor Crowell explained Supervisor Walt's role as an ex-officio commissioner in addition to Supervisor Livermore's role as the Board's commission representative. Discussion ensued, and Supervisor Livermore expressed an interest in continuing to serve as the Board's representative to the Parks and Recreation Commission through the remainder of his term in consideration of seeing through completion of the recreation facility. Mayor Crowell reiterated his preference that the Board members not serve on any advisory boards, commissions, and committees. He discussed the importance of ensuring the general public has the opportunity to serve. He reiterated the concern that the members of an advisory board, commission, or committee on which a Board member serves not perceive an "automatic pipeline to the Board as a collective decision-making body ..." He listed the strengths of both Supervisor Livermore and Supervisor Walt and expressed the opinion "Carson City couldn't be better served ..." as pertinent to the Parks and Recreation Commission.

Supervisor Walt expressed an interest in looking into the Senior Citizens Center Advisory Council and the Community Council on Youth. In reference to Partnership Carson City, Mayor Crowell advised of consideration given to blending Partnership Carson City and the Community Council on Youth. He requested Supervisor Walt to serve on the Mayor's Partnership Carson City Ad-Hoc Committee, and to work with him on any transition issues pertinent to the Community Council on Youth.

Mayor Crowell entertained public comment. (11:54:51) Richard Schneider expressed an interest in the Board "paying more attention to neighborhoods." He discussed the need for more emphasis on Code enforcement "to keep neighborhoods safe and clean, and ... keep the bad element out of our neighborhoods."

Supervisor Aldean officially welcomed Mayor Crowell and Supervisor Walt, and looked forward to working together. Mayor Crowell discussed the importance of working together, and reviewed procedures pertinent to the Board of Supervisors meeting agendas.

Mayor Crowell entertained a motion. **Supervisor Livermore moved to ratify the actions of the Board to appoint the members to boards, commissions, and committees, as discussed. Supervisor Aldean seconded the motion. Motion carried 5-0.**

9(B) NON-ACTION ITEMS:

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (11:58:46) - Mr. Glover introduced Jano Barnhurst, the new recording secretary, and provided background information on her experience. The Board members welcomed Ms. Barnhurst.

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CORRESPONDENCE TO THE BOARD OF SUPERVISORS - None.

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS - None.

STAFF COMMENTS AND STATUS REPORT (12:01:03) - Mr. Werner discussed the upcoming orientation meeting scheduled for the elected officials and department heads. At Mayor Crowell's request, Mr. Rombardo provided an overview of the orientation meeting agenda, and discussion followed. In response to a question, Mr. Werner advised that the Board's strategic planning meetings are tentatively scheduled for a February / March time frame.

10. ACTION TO ADJOURN (12:07:25) - Supervisor Williamson moved to adjourn the meeting at 12:07 p.m. Supervisor Aldean seconded the motion. Motion carried 5-0.

The Minutes of the January 5, 2009 Carson City Board of Supervisors meeting are so approved this _____ day of February, 2009.

ROBERT S. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder