

# CARSON CITY BOARD OF SUPERVISORS

## Minutes of the June 18, 2009 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, June 18, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell  
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

**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 public record. These materials are available for review, in the Clerk-Recorder's Office, during regular business hours.

**1-4. CALL TO ORDER, DETERMINATION OF QUORUM, INVOCATION, AND PLEDGE OF ALLEGIANCE** (8:32:31) - Mayor Crowell called the meeting to order at 8:32 a.m. Roll was called; a quorum was present. Supervisor Williamson was absent. Mayor Crowell read into the record an inspirational quote from Helen Keller. Mr. Glover led the pledge of allegiance.

**5. ACTION ON APPROVAL OF MINUTES - May 18, 2009 and May 21, 2009** (8:34:25) - Supervisor Aldean moved to approve the minutes, as presented. Supervisor Livermore seconded the motion. Motion carried 4-0.

**6. ACTION TO ADOPT THE AGENDA** (8:35:07) - Mr. Werner advised that item 8-4(B) would be deferred to a future meeting. (8:36:49) Mayor Crowell entertained a motion to adopt the agenda with the following changes: withdrawing item 8-4(B), and separating items 8-1 and 8-3(A) and (B) from the consent agenda. **Supervisor Livermore moved approval of the agenda with the noted changes. Supervisor Aldean seconded the motion. Motion carried 4-0.**

**7. PUBLIC COMMENTS AND DISCUSSION** (8:37:27) - Mr. Werner introduced Human Resources Department Director Jennifer Schultz, who introduced John Wilkinson, the new Information Technology Department Director, and provided background information on his qualifications and experience. Mr. Wilkinson expressed appreciation for the warm welcome he has received in the City, and discussed his 26-year experience in local government. He commended the excellent Information Technology Department staff, and noted the potential opportunities. Mayor Crowell called for additional public comment; however, none was forthcoming.

**8. CONSENT AGENDA** (8:35:24) - Following discussion and, at Mr. Werner's request, Mayor Crowell pulled item 8-1 for discussion. Mayor Crowell entertained additional requests to hear items separate from the consent agenda. Supervisor Aldean requested to hear items 8-3(A) and (B) separately. Mayor Crowell entertained requests of the public to hear items separately; however, none were forthcoming. (8:40:09) Mayor Crowell entertained a motion to approve the consent agenda. **Supervisor Livermore moved approval of the consent agenda, consisting of item 8-2, Parks and Recreation,**

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including Resolution No. 2009-R-32; item 8-4(A), Public Works; items 8-5(A) and (B), City Manager, with special recognition to Randy Pahl and Mark McCubbin on their reappointment to the Carson River Advisory Committee, and with special recognition to Terrie McNutt on her reappointment to the Convention and Visitors Bureau; item 8-6, Public Works Capital Projects, as presented and published. Supervisor Aldean seconded the motion. Mayor Crowell entertained public comment and, when none was forthcoming, called for a vote on the pending motion; **motion carried 4-0.**

**8-1. ASSESSOR - ACTION TO APPROVE THE PARTIAL REMOVAL OF TAXES FOR PARCEL NUMBERS 008-303-15, 008-303-16, 008-303-21, 008-303-36, 008-303-37, AND 008-303-39, LOCATED ON GORDON STREET AND BROWN STREET, FROM THE 2008 / 2009 REAL PROPERTY TAX ROLL, PURSUANT TO NRS 361.060, IN THE AMOUNT OF \$405.18 (8:41:59)** - Mayor Crowell introduced this item, and Assessor Dave Dawley provided background information and reviewed the agenda report. Mr. Werner reviewed a June 18, 2009 letter from Lyon County Manager Dennis Stark, copies of which were distributed to the Board members and the Clerk prior to the start of the meeting. Mr. Werner responded to questions of clarification. In response to a question, Mr. Dawley advised that neither the Assessor nor the Treasurer have jurisdiction over waiving prior taxes.

Mayor Crowell entertained public comment; however, none was forthcoming. In response to a question, Mr. Rombardo expressed the opinion that Lyon County's request was sufficiently relevant to the agenda item for the Board to take action. Mayor Crowell expressed agreement with Mr. Werner's earlier comments that "we're just taking money out of one government pocket and putting it in the other one." He expressed understanding for Mr. Dawley's earlier statement that "we don't do this on a routine basis." Mayor Crowell entertained a motion. **Supervisor Aldean moved to approve the partial removal of taxes for parcel numbers 008-303-15, 008-303-16, 008-303-21, 008-303-36, 008-303-37, and 008-303-39, located on Gordon Street and Brown Street, from the 2008 / 09 real property tax roll, pursuant to NRS 361.060 in the amount of \$405.18, and further to waive the associated delinquent 2007 / 2008 and 2008 / 2009 taxes, penalties, and interest that have accrued from July 1, 2007 through April 14, 2009. Supervisor Livermore seconded the motion. Motion carried 4-0.**

**8-2. PARKS AND RECREATION - ACTION TO ADOPT A RESOLUTION ADOPTING AND APPROVING AN INTERLOCAL CONTRACT ADDRESSING FUNDING FROM THE SUBCONSERVANCY DISTRICT TO CARSON CITY FOR BEST MANAGEMENT PRACTICES (BMPs) AND A WATER QUALITY TREATMENT PROJECT FOR CLEAR CREEK**

#### **8-3. PURCHASING AND CONTRACTS**

**8-3(A) ACTION TO DETERMINE THAT CONTRACT NO. 0910-041 IS A CONTRACT FOR PROFESSIONAL SERVICES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0910-041, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY PHYSICIAN SELECT MANAGEMENT, LLC, THROUGH JUNE 30, 2010, FOR A NOT-TO-EXCEED COST OF \$90,000.00, TO BE FUNDED FROM THE PROFESSIONAL SERVICES FUND, AS PROVIDED IN FY 2008 / 2009 (8:47:18)** - Supervisor Livermore advised that Physician Select Management, LLC has contracts with Carson-Tahoe Regional Medical Center, and that he serves as a member of the Carson-Tahoe Regional Medical Center Board of Trustees. He further advised of no direct financial benefit, and of the intent to participate in discussion and action on items 8-3(A) and (B).

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Purchasing and Contracts Coordinator Sandy Scott noted corrections to the agenda report and the attached contract. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to determine that Contract No. 0910-041 is a contract for professional services and, therefore, not suitable for public bidding, pursuant to NRS 332.115, and to approve Contract No. 0910-041, a request for professional services to be provided by Physician Select Management, LLC, through June 30, 2010, for a not-to-exceed cost of \$90,000.00, to be funded from the professional services fund, as provided for in FY 2009 / 2010. Supervisor Livermore seconded the motion. Motion carried 4-0.**

**8-3(B) ACTION TO DETERMINE THAT CONTRACT NO. 0910-042 IS A CONTRACT FOR PROFESSIONAL SERVICES AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 0910-042, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY PHYSICIAN SELECT MANAGEMENT, LLC, FOR A NOT-TO-EXCEED COST OF \$140,000.00 TO BE FUNDED FROM THE NURSING GRANT / TITLE X, AS PROVIDED IN FY 2009 / 2010 (8:49:43) -** Ms. Scott noted corrections to the contract. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to determine that contract no. 0910-042 is a contract for professional services and, therefore, not suitable for public bidding, pursuant to NRS 332.115, and to approve contract no. 0910-042, a request for professional services to be provided by Physician Select Management, LLC, for a not-to-exceed cost of \$140,000.00, to be funded from the Nursing Grant / Title X, as provided in FY 2009 / 2010. Supervisor Livermore seconded the motion. Motion carried 4-0.**

**8-4. PUBLIC WORKS**

**8-4(A) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A RIGHT-OF-ENTRY AGREEMENT BETWEEN DOUGLAS COUNTY AND CARSON CITY, WHEREBY CARSON CITY AGREES TO GRANT TO DOUGLAS COUNTY A RIGHT-OF-ENTRY FOR THE PURPOSE OF LOCATING, CONSTRUCTING, ACCESSING, MAINTAINING, REPAIRING, AND REPLACING DOUGLAS COUNTY'S PUBLIC UTILITIES, INCLUDING A SEWAGE FORCE MAIN AND NECESSARY INCIDENTS THERETO, UPON, OVER, UNDER, ACROSS, AND THROUGH REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 009-303-05, 009-303-02, AND 009-303-03**

**8-4(B) ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT FOR THE ADJUSTMENT OF UTILITY FACILITIES BETWEEN THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION ("NDOT") AND CARSON CITY, FOR CARSON CITY FREEWAY, PHASE 2B-1, KOONTZ LANE TO CLEARVIEW DRIVE SECTION, ALLOWING THE CITY TO BE REIMBURSED FOR DIRECT COSTS ASSOCIATED WITH WATER FACILITY RELOCATIONS AS A RESULT OF THE NDOT FREEWAY PROJECT**

**8-5. CITY MANAGER**

**8-5(A) ACTION TO APPOINT RANDY PAHL AND MARK McCUBBIN TO THE CARSON RIVER ADVISORY COMMITTEE FOR THREE-YEAR TERMS EXPIRING JULY 2012**

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**8-5(B) ACTION TO APPOINT TERRIE McNUTT TO THE CONVENTION AND VISITORS BUREAU TO FILL THE HOTEL / MOTEL POSITION FOR A TWO-YEAR TERM ENDING JULY 2011**

**8-6. PUBLIC WORKS CAPITAL PROJECTS - ACTION TO ACCEPT AN EASEMENT AMENDMENT FROM STATE OF NEVADA DIVISION OF STATE LANDS, APN 010-032-07, TO ALLOW AN EXPANDED PEDESTRIAN SIDEWALK IMPROVEMENT AT THE NORTHEAST CORNER OF THE ROUNDABOUT INTERSECTION OF EAST FIFTH STREET AND FAIRVIEW DRIVE**

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**9. ITEMS PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME -** [Please refer to the consent agenda for the minutes.]

**10. FIRST JUDICIAL DISTRICT COURT - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 12, ADMINISTRATION AND PERSONNEL, BY ADDING CHAPTER 2.33, FEES ON COURT ACTIONS TO SUPPORT PROGRAMS FOR COURT SECURITY, ADDING SECTION 2.33.010, FEES IN DISTRICT COURT, WHICH REQUIRES A TWENTY-DOLLAR FEE TO BE PAID WHEN COMMENCING AN ACTION IN DISTRICT COURT OR ANSWERING AN ACTION THAT HAS BEEN COMMENCED, AND ADDING SECTION 2.33.020, COLLECTION - PAYMENT TO TREASURER, WHICH DELINEATES HOW THE FEE IS COLLECTED AND HOW IT CAN BE USED, AND OTHER MATTERS PROPERLY RELATED THERETO (8:51:04)** - Mayor Crowell introduced this item. Court Administrator Max Cortes introduced Alternative Sentencing Chief Rory Planeta, and reviewed the agenda report and the provisions of the proposed ordinance. Chief Planeta provided background information on a courthouse security assessment conducted by the U.S. Marshal Service in 2006. He discussed security threats at the courthouse in 2007, and a 2008 security assessment conducted at the Juvenile Probation / Detention Center.

Mayor Crowell advised of the intent to support the proposed ordinance, but questioned the fairness of requiring a civil defendant to pay a fee for an action they didn't commence. In addition, he suggested that the fee increase forces the civil justice system to pay for the criminal justice system. Chief Planeta expressed understanding, but noted the frequency of high-risk civil trials. He responded to questions of clarification regarding the provisions of the proposed ordinance. In response to an additional question, Ms. Cortes advised that the revenue can be used for training and education. Chief Planeta agreed to provide the previously-noted list of capital projects to the Board members. Supervisor Livermore noted that the anticipated \$90,000 revenue will be ongoing, and that other City departments don't have the opportunity to raise fees "for their personal use." He described the revenue as a "set-aside fund for a special use for a facility that is only part of this organization." Chief Planeta acknowledged the specific purpose of the revenue for security issues. At Mayor Crowell's request, he distributed to the Board members and the Clerk copies of the previously-referenced security assessment reports. Mr. Werner advised that the projects referenced by Chief Planeta are included in the City's capital improvement program, copies of which have been provided to the Board members in the past. Supervisor Aldean noted that the \$20 fee will be required for filing an action as well as for responding to an action. Ms. Cortes noted the opportunity, for a prevailing party in a civil action, to recoup their attorney fees and court costs.

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Mayor Crowell entertained public comment; however, none was forthcoming. Ms. Cortes commented on the volatile nature of family law cases. Mayor Crowell entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 111, an ordinance amending Title 2, Administration and Personnel, by adding Chapter 2.33, Fees on Court Actions to Support Programs for Court Security, adding Section 2.33.010, Fees in District Court, which requires a twenty dollar fee to be paid when commencing an action in district court or answering an action that has been commenced, and adding Section 2.33.020, Collection - Payment to Treasurer, which delineates how the fee is collected and how it can be used, and other matters properly related thereto; fiscal impact - anticipated \$90,000 in additional revenue per year. Supervisor Walt seconded the motion. Motion carried 3-1.**

#### **11. CITY MANAGER - DISCUSSION AND UPDATE ON 2009 LEGISLATIVE MATTERS**

(9:04:10) - Mr. Werner introduced Mary Walker, of Walker & Associates, who reviewed the June 10, 2009 memo included in the agenda materials. Mayor Crowell commended Ms. Walker on a "fine job for Carson City." (9:19:22) Mayor Crowell commended Bob Hadfield on his chairmanship of the V&T Railway Commission. Mr. Hadfield agreed with Ms. Walker's description that "we are in the eye of a hurricane." He expressed the opinion that "this all began when they took the \$.02 out of the capital projects fund from Clark County in a prior session." He expressed concern over the emphasis on existing revenues in consideration of the depressed construction trade industry in Clark County. "We're squabbling over an inadequate revenue system that isn't broad enough to do the job that the State ... and local government needs to have done." In consideration of the State and Local Tax Structure and Stabilization Study, Mr. Hadfield discussed the importance of a "broad focus." He additionally discussed the importance of "getting the information we need ahead of time." He advised of having attended every budget session, and stated, "It was the governor that started all of this with his budget." He expressed concern over the executive branch of government partnering with local government "instead of advocating taking away our money ..." He expressed appreciation for the opportunity to work with and for Carson City.

(9:26:28) As outlined in the previously referenced memo, Steve Walker, of Walker & Associates, provided an overview of the following bills: AB18; AB54, a Washoe County bill with the potential of eventually impacting Carson City; AB119, a Washoe County bill with the potential for regional significance; AB236; AB377; AB416; AB480; SB37; SB66; SB105; and SB111.

Mayor Crowell opened this item to public comment; however, none was forthcoming. He thanked the Walker & Associates representatives for their presentations. Mr. Werner thanked them for their diligence through the legislative session.

Supervisor Aldean referred to the legislation requiring the marking of sewer mains. Ms. Walker acknowledged there will be an interim period in which to recover costs. She advised of having worked closely with Public Works Department staff, and reviewed the provisions of the legislation. "All we do now ... is continue with what we're doing."

#### **12. FINANCE**

**12(A) ACTION TO RENEW THE CARSON CITY CONTRACT WITH NEVADA PUBLIC AGENCY INSURANCE POOL; THE TOTAL PREMIUM WILL BE \$584,385 FOR PROPERTY, LIABILITY, CRIME, AND BOILER AND MACHINERY INSURANCE COVERAGES FOR FY 09 / 10** (9:35:04) - Finance Department Director Nick Providenti introduced this item, and reviewed the agenda report. He introduced Wells Fargo Insurance Services Senior Vice President Gary Roberts and

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Nevada Public Agency Insurance Pool representative Doug Smith. Mayor Crowell entertained public comment; however, none was forthcoming. Mr. Smith acknowledged the accuracy of Supervisor Aldean's statement that the increase in premium relates to system-wide claims. Supervisor Aldean noted a decline in the number of Carson City claims. Mr. Smith described the method by which actuarial and financial projections are calculated for "the entire membership," and then allocated "as fairly as possible across the spectrum based on ... number of policemen, ... firemen, ... total employees, payrolls, property values ..." He further explained the overall increase "for the pool this year" was between 8 and 10 percent, and noted that Carson City, for its size, is "considerably below the average pool increase." He advised that the "main increases for most members this year were as a result of increased property values because of appraisals catching up ... over a four-year period."

(9:38:59) Mr. Roberts explained that of the 4.5 percent increase, approximately 2 to 3 percent was the loss ratio "where Lloyds of London did increase the property insurance approximately 8 to 10 percent." He discussed an increase in exposures due to a corresponding increase in replacement values. He provided information on his background and experience. In response to a question, he advised of a generally "flat renewal for most of our entities." Liability is increasing from zero to five percent. For those entities without losses in this year, the rate for property insurance has decreased from two to five percent. The City's umbrella liability has "stayed stable" concurrent with the stable crime rates. Mr. Roberts advised of a "flattening of the market place" for "the first quarter of this year."

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to renew Carson City's contract with Nevada Public Agency Insurance Pool; the total premium will be \$584,385.00 for property, liability, crime, and boiler and machinery insurance coverage for FY 09 / 10 from the insurance fund; fiscal impact \$584,385.00. Supervisor Aldean seconded the motion. Motion carried 4-0.**

**12(B) ACTION TO RENEW THE CARSON CITY CONTRACT WITH PUBLIC AGENCY COMPENSATION TRUST; THE TOTAL PREMIUM WILL BE \$1,440,364 FOR THE WORKERS' COMPENSATION COVERAGE FOR FY 09 / 10** (9:42:01) - Mr. Providenti introduced this item, and reviewed the agenda report. (9:42:47) In response to an earlier question, Mr. Smith explained the modifier representing worker's compensation experience, and advised that Carson City's is .89 "which relates to a base line of one." Carson City is therefore "significantly below [the] average member from an experience standpoint. There is a credit that comes back as a result of that experience modification." Mr. Smith further explained that surplus funding was reviewed this year such that costs were reduced for all members by approximately five percent. He introduced Nevada Public Agency Insurance representatives responsible for all program safety coordination.

(9:44:36) Mr. Roberts pointed out the limited number of alternatives for public entities with police and fire exposure. He was unaware of any insurance company willing to fully insure public entities with heart / lung exposure. The City of Sparks, Washoe County, and the City of Reno are purchasing excess insurance. Mr. Roberts advised that the Public Agency Compensation Trust is the "only alternative that will fully insure the worker's compensation because of ... the heart / lung law."

Supervisor Aldean inquired as to the decline in the class code rates for schools, medical facilities and other entities. Mr. Smith advised of having commenced a new rate study approximately a year and a half ago. "That ... steps backward and looks at the experience of the individual three groups ... just mentioned. ...

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We try to see whether or not things have trended in the same direction for all three groups. ... We found that the loadings had shifted a little bit too much toward those latter two groups” which resulted in fairly significant decreases this year. In reference to the Walker & Associates presentation, Mr. Smith agreed that worker’s compensation “received a lot of attention in this session.” He discussed AB521 which had “substantial fiscal impact ... that was documented in the materials that landed in the governor’s office.” He advised of having anticipated that the governor would veto the bill or allow it to lapse. “To our surprise, the governor signed it.” Mr. Smith advised of increased exposure in the police / fire area as a result of said legislation. He suggested that Mr. Providenti contact him early next year for budget purposes. Mr. Smith acknowledged Supervisor Walt’s suggestion to conduct the rate study every five years rather than every ten. Mr. Werner acknowledged Supervisor Livermore’s suggestion to review the rates for Fire Department and Sheriff’s Office volunteers.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Walt moved to renew the Carson City contract with Public Agency Compensation Trust; the total premium will be \$1,440,364 for the workers’ compensation coverage for FY 09 / 10 from the workers’ compensation fund; fiscal impact \$1,440,364. Supervisor Aldean seconded the motion. Motion carried 4-0.**

Mayor Crowell thanked Mr. Smith and Mr. Roberts. (9:50:41) Mr. Roberts thanked Mayor Crowell and the Board of Supervisors for the opportunity to serve the City since 1980 / ‘81. He expressed appreciation for the opportunity to have worked with Mr. Providenti, Mr. Werner, and Mr. Rombardo, and thanked them for their assistance.

**12(C) ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 2008 / 2009 BUDGET IN THE AMOUNT OF \$6,732,206** (9:51:26) - Mr. Providenti introduced this item, and reviewed the agenda report and the figures attached to the resolution which was included in the agenda materials. Mayor Crowell entertained public comment; however, none was forthcoming. In response to a question, Mr. Providenti advised that no funding will be allocated from the stabilization fund. \$381,479 will be reallocated from the contingency line item to other line items within the general fund.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to adopt Resolution No. 2009-R-33, a resolution to augment and amend the Carson City FY 2008 / 2009 budget in the amount of \$6,732,206. Supervisor Aldean seconded the motion. Motion carried 4-0.**

**13. RECESS BOARD OF SUPERVISORS** (9:57:57) - Mayor Crowell recessed the Board of Supervisors at 9:57 a.m.

### REDEVELOPMENT AUTHORITY

**14. CALL TO ORDER AND DETERMINATION OF QUORUM** (9:58:13) - Chairperson *Pro Tem* Aldean called the Redevelopment Authority to order at 9:58 a.m. A quorum was present; Chairperson Williamson was absent.

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**15. ACTION ON APPROVAL OF MINUTES - May 18, 2009 and May 21, 2009 (9:58:25)** - Member Livermore moved to approve the May 18, 2009 minutes, as presented. Member Crowell seconded the motion. Motion carried 4-0. Member Walt moved to approve the May 21, 2009 minutes, as presented. Member Crowell seconded the motion. Motion carried 4-0.

**16. FINANCE - ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY REDEVELOPMENT AUTHORITY FY 2008 / 2009 BUDGET IN THE AMOUNT OF \$4,968,582 (9:59:08)** - Chairperson *Pro Tem* Aldean introduced this item. Mr. Providenti reviewed the agenda report and the figures attached to the resolution included in the agenda materials. Chairperson *Pro Tem* Aldean entertained public comment and, when none was forthcoming, a motion. **Member Livermore moved to adopt Resolution No. 2009-RAR-3, a resolution to augment and amend the Carson City Redevelopment Authority fiscal year 2008 / 09 budget in the amount of \$4,968,582. Member Crowell seconded the motion. Motion carried 4-0.**

**17. ACTION TO ADJOURN THE REDEVELOPMENT AUTHORITY (10:01:33)** - Chairperson *Pro Tem* Aldean adjourned the Redevelopment Authority at 10:01 a.m.

**18. RECONVENE BOARD OF SUPERVISORS (10:01:42)** - Mayor Crowell reconvened the Board of Supervisors, recessed the meeting at 10:01 a.m., and reconvened at 10:10 a.m.

**19. PUBLIC WORKS**

**19(A) ACTION TO ADOPT, ON SECOND READING, BILL NO. 108, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.01, WATER CONNECTION CHARGES AND USE RATES, SECTION 12.01.020, SCHEDULE OF RATES, BY INCREASING ALL RATES FIVE PERCENT (5%), EFFECTIVE ON BILLS DATED ON OR AFTER JULY 1, 2009; AMENDING SECTION 12.01.030, SCHEDULE OF WATER CONNECTION CHARGES, LATERAL, AND METER BOX SETS, AND METER SET FEES, BY INCREASING ALL CHARGES AND FEES, EXCEPT WATER CONNECTION CHARGES, FIVE PERCENT (5%), ON BILLS DATED ON OR AFTER JULY 1, 2009; AND OTHER MATTERS PROPERLY RELATED THERETO (10:10:35)** - Public Works Department Director Andrew Burnham introduced this item and items 19(B) and (C), and advised of having received no comments since first reading of each of the proposed ordinances. Mayor Crowell entertained public comments and, when none were forthcoming, a motion. **Supervisor Livermore moved to adopt, on second reading, Bill No. 108, an Ordinance 2009-9, amending Title 12, Water, Sewerage, and Drainage, Chapter 12.01, Water Connection Charges and Use Rates, Section 12.01.020, Schedule of Rates, by increasing all rates five percent, effective on bills dated on or after July 1, 2009; amending Section 12.01.030, Schedule of Water Connection Charges, Lateral and Meter Box Sets, and Meter Set Fees, by increasing all charges and fees, except water connection charges, five percent on bills dated on or after July 1, 2009; and other matters properly related thereto. Supervisor Aldean seconded the motion. Motion carried 4-0.**

**19(B) ACTION TO ADOPT, ON SECOND READING, BILL NO. 109, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.03, SEWER CONNECTION CHARGES AND USE RATES, SECTION 12.03.020, SCHEDULE OF RATES, BY INCREASING ALL RATES FIVE PERCENT (5%); AND OTHER MATTERS PROPERLY RELATED THERETO (10:12:15)** - Mayor Crowell introduced this item, and called for public comment.

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When none was forthcoming, he entertained a motion. **Supervisor Aldean moved to adopt, on second reading, Bill No. 109, Ordinance No. 2009-10, an ordinance amending Title 12, Water, Sewerage, and Drainage, Chapter 12.03, Sewer Connection Charges and Use Rates, Section 12.03.020, Schedule of Rates, by increasing all rates five percent, and other matters properly related thereto; this rate increase will be effective as of July 1, 2009. Supervisor Livermore seconded the motion. Motion carried 4-0.**

**19(C) ACTION TO ADOPT, ON SECOND READING, BILL NO. 110, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.17, STORM WATER SERVICE CHARGES, SECTION 12.17.040, SERVICE CHARGE RATES, BY INCREASING THE SERVICE CHARGE RATES BY TEN PERCENT (10%), ON BILLS DATED ON OR AFTER JULY 1, 2009; AND OTHER MATTERS PROPERLY RELATED THERETO (10:13:04) - Mayor Crowell introduced this item and called for public comment. When none was forthcoming, he entertained a motion. Supervisor Walt moved to adopt, on second reading, Bill No. 110, Ordinance No. 2009-11, an ordinance amending Title 12, Water, Sewerage, and Drainage, Chapter 12.17, Storm Water Service Charges, Section 12.17.040, Service Charge Rates, by increasing the service charge rates by ten percent on bills dated on or after July 1, 2009, and other matters properly related thereto. Supervisor Livermore seconded the motion. Motion carried 4-0.**

**20. PARKS AND RECREATION - ACTION TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT BETWEEN THE CITY OF CARSON CITY AND THE BOYS AND GIRLS CLUBS OF WESTERN NEVADA TO ACQUIRE AN OPTION TO DEVELOP A RECREATION CENTER, WHICH SHALL INCLUDE A GYM, ON PROPERTY OFFERED BY THE BOYS AND GIRLS CLUBS, LOCATED AT 1870 RUSSELL WAY, FOR A PERIOD OF TEN YEARS AND FOR A ONE-TIME PAYMENT OF \$375,000 (10:13:59) - Parks and Recreation Department Director Roger Moellendorf introduced this item, and advised of having received a positive recommendation from the Parks and Recreation Commission at a meeting held Tuesday, June 16<sup>th</sup>. He reviewed the agenda report. He acknowledged that the agreement effects “what has been talked about for a number of years between the Boys and Girls Clubs and the City.” He advised of a joint use agreement which was recommended for approval by the Parks and Recreation Commission in April or May. The intent was to present the joint use agreement to the Board of Supervisors “bundled with a couple other action items” relative to construction of the facility. At the time the Board suspended the project, the joint use agreement was set aside, but “can be brought forward at any time.”**

Boys and Girls Clubs of Western Nevada President Ryan Russell acknowledged having provided a revised and executed agreement to the Clerk. Supervisor Aldean reviewed the revisions. In response to a question regarding the provisions of Section 2, Option Term, Mr. Moellendorf explained there is no interim agreement. “It’s just basically saying that they’re going to allow us to have joint use.” Supervisor Walt expressed concern over a joint use agreement not being executed first. She expressed additional concern over maintenance of the playing fields and the anticipated amount of use by the Parks and Recreation Department. Mr. Moellendorf reviewed the planning and design of the facility in consideration of the restricted budget. He advised of no recreation / leisure programs which could “immediately take advantage of” the recreation facility. The potential for youth enrichment programs is being considered. Mr. Moellendorf discussed the immediate need for the outdoor facilities planned at the Boys and Girls Clubs location. In consideration of the design of the fields, he advised of having previously presented a site plan to both the Parks and Recreation Commission and the Board of Supervisors. The field is located in the

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southwest corner of the site, and will serve multiple purposes including baseball and soccer practices. In response to an additional question, Mr. Moellendorf explained the “standard practice” not to light City parks or athletic practice fields. Supervisor Walt suggested addressing time in the joint use agreement in consideration of athletic programs which begin in the autumn, during standard time. She expressed the opinion that the Boys and Girls Clubs location is not an ideal site for the new recreation facility. Mr. Moellendorf acknowledged that the \$375,000 would revert back to the City only in the event of the Boys and Girls Clubs terminating the agreement.

In response to a further question, Mr. Moellendorf advised of a “long negotiation” over the past couple years with the Boys and Girls Clubs, and of having presented all the issues to the Board of Supervisors. A memorandum of understanding was presented to the Board of Supervisors over a year ago “just to begin this process so that we would have ... a common vision of what we’re trying to accomplish by going into partnership with the Boys and Girls Clubs for this joint venture.” Mr. Moellendorf reviewed the provisions of the memorandum of understanding, including a “theory and a spirit of joint use of the facilities,” “who would be responsible for what type of development,” etc. He acknowledged that the memorandum of understanding doesn’t have the same legal basis as an agreement. In consideration of diminishing revenues, he pointed out the “wave of the future” represented by memoranda of understanding and partnerships with other governmental entities and non-profit organizations. “To accomplish the services that we want to provide for our citizens, we’re going to have to rely on these types of partnerships in the future.” Mr. Moellendorf described the subject agreement as representative of a “groundbreaking opportunity for the City ... to go forward in this manner.” In reference to Supervisor Walt’s concerns over the Boys and Girls Clubs site, Mr. Moellendorf expressed the opinion that “it’s a very good site. It’s centrally located ... east and west. It has great transportation routes, ... great non-motorized transportation routes, ... very good access to the freeway. It’s a very good site.” Mr. Moellendorf agreed it’s not an ideal site. “We don’t have an ideal site ... within the City, unfortunately.” In response to an additional question, Mr. Moellendorf advised that the Boys and Girls Clubs will be responsible for maintaining the fields. He acknowledged “diminished light” in the “shoulder seasons,” but noted the probable addition of “a couple hundred thousand dollars” to light the fields at the Boys and Girls Clubs site. In response to an additional question, he estimated an hour and a half of use for the Boys and Girls Clubs fields after 6:00 p.m. He suggested this represents “a lot more than we’re able to get in right now.”

Supervisor Livermore pointed out that the fields at the Boys and Girls Clubs location will also be available all day on Saturdays and Sundays. He advised that the joint use agreement between the City and the Carson City School District has been in place for over 20 years. He noted that the agreement doesn’t specifically provide for hours of use “because things change.” “We trust the Director of Operations of the School District and the Director of Operations of the Parks Department to meet and negotiate terms and conditions.” Supervisor Livermore pointed out that the arrangement “has worked well for 20-plus years,” and expressed confidence that the Boys and Girls Clubs joint use agreement will work “in the same fashion.”

In response to a question, Mr. Moellendorf explained that Paragraph 6, Miscellaneous, of the subject agreement is standard verbiage. Supervisor Walt reiterated concern over executing the subject agreement without having previously executed the joint use agreement. Mr. Moellendorf expressed understanding for the concern, and reiterated that the joint use agreement has been presented to the Parks and Recreation Commission, which recommended it for approval by the Board of Supervisors. He agreed with Supervisor Livermore’s comments that “we’re talking about reasonable people who have the same goals in mind as

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us to serve the youth of our community. ... it's a good relationship between the Boys and Girls Clubs and the Parks and Recreation Department." Mr. Moellendorf acknowledged that the \$375,000 will be allocated from Question #18.

Supervisor Aldean expressed understanding for Supervisor Walt's concerns over the joint use agreement, and assurance regarding the fact that the Parks and Recreation Commission had reviewed the subject agreement. She noted the opportunity, represented by the subject agreement, to work cooperatively with the Boys and Girls Clubs at an operational level. "Generally, when you option a piece of property, you have to pay some option money and that's essentially what we're doing here to preserve this ... as a potential site for a future rec center." Supervisor Aldean noted the "huge investment already," and that the plans "unfortunately or fortunately are site specific." She suggested that the subject agreement will serve as an indication of "how cooperatively we can work with one another because if, in fact, we do move ahead with the project and make a substantially greater investment, we want some assurance that the City and the Boys and Girls Clubs will continue to work cooperatively to our mutual benefit." Mr. Moellendorf acknowledged the point and, on behalf of the Parks and Recreation Department, expressed the hope that completing the project will not take ten years. He suggested considering that the Boys and Girls Clubs are giving up the opportunity to develop the land for their benefit during the option period. "That's not an insignificant contribution to this project."

Mayor Crowell opened this item to public comment and, when none was forthcoming, entertained a motion. **Supervisor Livermore moved to authorize the mayor to sign an agreement between the City of Carson City and the Boys and Girls Clubs of Western Nevada to acquire an option to develop a recreation center which shall include a gym, on property offered by the Boys and Girls Clubs, located at 1870 Russell Way, for a period of ten years and for a one-time payment of \$375,000; funding source is Question #18. Supervisor Aldean seconded the motion. Motion carried 4-0.**

**21. HEALTH AND HUMAN SERVICES - ANIMAL SERVICES - ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 7, ANIMALS, BY AMENDING CHAPTER 7.13, LICENSES AND REGULATIONS, AMENDING SECTION 7.13.010, DEFINITIONS, AMENDING SECTION 7.13.030, ANIMAL SERVICES DIRECTOR - ANIMAL SERVICES OFFICER - POWER AND DUTIES, AMENDING SECTION 7.13.090, VACCINATION OF DOGS AND CATS REQUIRED - REVACCINATION REQUIRED, EXCEPTIONS, AMENDING SECTION 7.13.100, ANIMAL SERVICE TAGS, PERMITS, AND FEES, AMENDING SECTION 7.13.110, RESTRAINING ANIMALS - SANITATION, REPEALING SECTION 7.13.130, FEMALE DOGS OR CATS RUNNING AT LARGE IN COPULATION SEASON - IMPOUNDS, AMENDING SECTION 7.13.140, CONDITIONS FOR RELEASE OF IMPOUNDED DOG, AMENDING SECTION 7.13.145, CONDITIONS FOR RELEASE OF IMPOUNDED CATS AND ADDITIONAL CONDITIONS FOR RELEASE OF IMPOUNDED DOGS, AMENDING SECTION 7.13.190, KEEPING OF ANIMALS IN ZONED AREAS, REPEALING SECTION 7.13.195, FERRETS, AMENDING SECTION 7.13.200, VICIOUS OR DANGEROUS ANIMALS, AMENDING SECTION 7.13.220, KEEPING OF AN ANIMAL POSSESSING VICIOUS OR DANGEROUS TENDENCIES, AMENDING SECTION 7.13.230, MISKEEPING OF A VICIOUS OR DANGEROUS ANIMAL, AMENDING SECTION 7.13.240, VICIOUS OR DANGEROUS ANIMAL MAY BE KILLED, ADDING SECTION 7.13.265, RABIES CONTROL AUTHORITY, AMENDING SECTION 7.13.280, IMPOUNDING OR DESTROYING OF RABID ANIMALS, AMENDING SECTION 7.13.450, POISONING ANIMALS,**

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**AMENDING SECTION 7.13.605, UNLAWFUL ACTS - STEALING, BUTCHERING, HARMING, INHUMANE KILLING; AND OTHER MATTERS PROPERLY RELATED THERETO (10:38:47) -**

Mayor Crowell passed the gavel to Mayor *Pro Tem* Aldean due to his “strong, personal interest in this matter” and stepped from the dais. Mayor *Pro Tem* Aldean introduced this item. Mr. Rombardo advised of the requirement for a unanimous vote on this item. Animal Services Director Pat Wiggins reviewed the agenda report and, at Supervisor Walt’s request, the proposed amendments to the ordinance, which was included in the agenda materials.

In consideration of Section 7.13.020, Dogs Running at Large - Impounds, Mr. Wiggins acknowledged sufficient staff to accommodate the anticipated number of complaints. The Board members expressed support for the proposed amendment providing for loaning live animal cage traps. In response to a question, Mr. Wiggins advised that rabies is the only required pet vaccination in northern Nevada. In response to an additional question, he recommended the parvo, distemper, and heart worm vaccines. Mayor *Pro Tem* Aldean expressed concern over diseases transmitted between animals, and the belief that no one has the right to place another’s pet at risk because of refusing to vaccinate an animal. She suggested considering additional vaccinations as part of the ordinance, and Mr. Werner offered to discuss the matter with Health and Human Services Director Marena Works and Mr. Wiggins.

Mayor *Pro Tem* Aldean advised of correspondence from Richard Schneider which was sent to each of the Board members. Mr. Wiggins acknowledged that a tagged animal running loose will be returned to the owner, provided the tag includes the owner’s address. He further acknowledged that an untagged animal will be impounded. He explained situations in which returning the animal or impounding it is impossible, and for which the owner is subsequently fined. In response to a question, he advised that the first-time impound fee is \$20; Washoe County charges \$35. At Mayor *Pro Tem* Aldean’s request, he reviewed the impound fee schedule. In response to an additional question, Mr. Wiggins expressed satisfaction with the current fee schedule. He explained that, in a serious situation, a citation would be issued for subsequent resolution in court. Mayor *Pro Tem* Aldean explained the Board’s concern over cost recovery, and requested Mr. Werner to consider analyzing the fee schedule.

In consideration of the proposed amendment to Section 7.13.110, Restraining animals - Sanitation, Supervisor Walt expressed concern over excepting cats. In response to a question, Mr. Wiggins explained the purpose for the proposed amendment. Mayor *Pro Tem* Aldean noted corrections to Section 7.13.190. In consideration of residentially-zoned properties, in Section 7.13.090(2)(b), discussion took place with regard to rental properties. Mr. Werner offered to discuss the matter further with Mr. Wiggins and Ms. Works. Mr. Wiggins responded to questions of clarification regarding the special use permit noticing provisions relative to Section 7.13.190(2)(c), and discussion followed.

In reference to Section 7.13.200(1)(c), “Vicious”, Mayor *Pro Tem* Aldean suggested including language to address “injuries sustained by other animals” as a result of an unprovoked attack by an animal. At Section 7.13.220(1), Mayor *Pro Tem* Aldean suggested changing the language to “under the *physical* control of an adult.” She thanked Mr. Wiggins for his presentation, and opened this item to public comment.

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(11:10:27) Richard Schneider advised of having discussed complaint and impound records with City staff. He discussed the importance of records in consideration of possible litigation. He expressed the opinion that a fine should be imposed for returning an at-large animal to its owner in consideration of associated costs. He responded to questions of clarification regarding the importance of records.

Mayor *Pro Tem* Aldean entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Livermore moved to adopt Bill No. 112, an ordinance amending Carson City Municipal Code, Title 7, Animals, as published and advertised and as amended today. Supervisor Walt seconded the motion. Motion carried 3-0-1.** Mayor Crowell returned to the dais, and Mayor *Pro Tem* Aldean returned the gavel.

**22. CITY MANAGER**

**22(A) PRESENTATION AND UPDATE BY NEVADA RURAL HOUSING AUTHORITY REGARDING THE 2009 PRIVATE ACTIVITY BOND CAP ALLOCATION, THEIR NEW PROGRAMS, AND FUTURE PLANS** (11:15:15) - Nevada Rural Housing Authority (“NRHA”) Executive Director Gary Longaker distributed, to the Board members and the Clerk, the NRHA 2008 Annual Report and informational materials on the Home at Last program. He reviewed details of NRHA programs, as outlined in the annual report. Mayor Crowell opened this item to public comment; however, none was forthcoming.

**22(B) ACTION TO ADOPT A RESOLUTION PROVIDING FOR THE TRANSFER OF CARSON CITY’S SHARE OF THE 2009 PRIVATE ACTIVITY BOND CAP TO THE NEVADA RURAL HOUSING AUTHORITY, AND OTHER MATTERS PROPERLY RELATED THERETO** (11:20:18) - Mr. Longaker requested the Board to consider transferring the City’s share of the 2009 private activity bond cap. In response to a question, Mr. Werner provided background information on this item and explained that, by the resolution, the NRHA will be designated as the City’s agent for the private activity bond cap funds. In response to a question, Mr. Longaker advised that the private activity bond cap allocation will be held for at least 90 days to determine demonstration of a demand. He further advised that Carson City has transferred between \$3 and \$6 million over the years, and that the community’s “lenders have done over \$11 million in loans.”

Mayor Crowell entertained a motion. **Supervisor Aldean moved to adopt Resolution No. 2009-R-34, a resolution providing for the transfer of Carson City’s share of the 2009 Private Activity Bond Cap to the Nevada Rural Housing Authority, and other matters properly related thereto. Supervisor Walt seconded the motion. Motion carried 4-0.**

**23. PUBLIC WORKS - PLANNING**

**23(A) ACTION TO ADOPT A RESOLUTION APPROVING AN INTERLOCAL AGREEMENT, BY AND BETWEEN CARSON CITY AND THE NEVADA RURAL HOUSING AUTHORITY, TO AUTHORIZE THE NEVADA RURAL HOUSING AUTHORITY TO ACT ON BEHALF OF CARSON CITY AS THE FACILITATOR OF THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (“HUD”) DOLLAR HOMES PROGRAM** (11:22:39) - Planning Director Lee Plemel introduced this item, and reviewed the agenda report and the provisions of the proposed agreement. He discussed HUD’s definition of “affordable housing,” and reviewed information from a recent planning magazine article regarding a 2008 survey of community land trust homeowners.

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Mayor Crowell entertained public comment; however, none was forthcoming. In response to a question, Lisa Dayton, of the Nevada Rural Housing Authority, advised that no sale has yet been completed on a trust home. Supervisor Aldean provided additional descriptive information of the Dollar Homes program. In response to a question, Ms. Dayton advised that property taxes would be paid by the homeowner. Ms. Dayton responded to questions of clarification regarding the provisions of the proposed agreement, and financing sources. Mr. Werner advised that, as part of the program, the NRHA will monitor the homeowner's financial condition on a monthly basis.

Mayor Crowell entertained a motion. **Supervisor Walt moved to adopt Resolution No. 2009-R-35, approving of an Interlocal Agreement by and between Carson City and the Nevada Rural Housing Authority to authorize the Nevada Rural Housing Authority to act on behalf of Carson City as the facilitator of the U.S. Department of Housing and Urban Development Dollar Homes Program. Supervisor Aldean seconded the motion. Motion carried 4-0.**

**23(B) ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, TO MODIFY THE DEFINITION OF "WIND ENERGY / CONVERSION FACILITY" TO "WIND ENERGY CONVERSION SYSTEM, PRIVATE USE," AND TO ADD A DEFINITION FOR "WIND MACHINE;" AND AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.05, GENERAL PROVISIONS, BY ADDING SECTION 18.05.080, PRIVATE USE WIND ENERGY CONVERSION SYSTEMS TO SET FORTH SPECIFIC STANDARDS AND CRITERIA FOR THESE SYSTEMS; AND OTHER MATTERS PROPERLY RELATED THERETO (11:31:54)** - Mr. Plemel introduced and provided background information on this item in conjunction with a PowerPoint presentation. In response to a question, Senior Deputy District Attorney Joel Benton reviewed the definition of "reasonably interfere" as provided in the pertinent statute. He expressed the belief that the proposed ordinance meets the statutory requirements.

Supervisor Aldean discussed her Internet research into wind turbines. In reference to Section 18.05.080(2) (a), Standards, Location, she noted that vertical axis turbines are offered in a "plethora" of sizes, shapes, and designs. She suggested incorporating the definitions of horizontal-axis and vertical-axis turbines, as outlined in Mr. Plemel's June 18, 2009 memo, which was included in the agenda materials. In response to a previous comment, Mr. Plemel offered to change the word "axial" to "axis" throughout the document. In response to Supervisor Aldean's suggestion, Mr. Plemel explained that unless defined differently in the code, the standard dictionary definition is understood. He advised of specific discussion at the Planning Commission level, and that the Planning Commissioners deferred to the current technology with the understanding that future technology could be addressed at a future date. He expressed reluctance to include the definitions from the staff report in consideration of uncertainty that they would be helpful to the standard definitions of "horizontal" and "vertical." Discussion ensued, and Mr. Plemel advised that the noise requirement would address the distinction between the horizontal and vertical-axis turbines. In response to a question, he explained the differences between dB and dB(A). Mr. Werner advised that informational materials will be available in the Planning Division office to assist interested persons in making an appropriate wind turbine choice. In response to an additional question, Mr. Plemel advised that the noise impacts should be "lower" in a more dense residential area.

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In reference to Section 18.05.080(2)(h), Supervisor Aldean suggested adding the words “as long as the report confirms that the applicable decibel levels are being exceeded” to the end of the sentence, stating “Upon review and acceptance of the third-party noise level report, Carson City will allow operation of the affected wind machine(s).” In response to a question regarding the provisions at Section 18.05.080(2)(I), Aesthetics and Maintenance, Mr. Plemel explained the purpose of the “non-obtrusive color” is to mitigate visibility “not necessarily to try to match the building.” He acknowledged an attempt to avoid approving wind turbine colors. Supervisor Aldean requested staff to provide a status report to the Board in twelve months. In response to a question, Mr. Plemel advised of having developed a distribution list over the past several months. He further advised of having met with Dave Campbell, and of having offered to meet with anyone on the distribution list. He acknowledged having received considerable input from both proponents and opponents of the proposed ordinance. In response to a further question, he advised of having had no inquiries from any School District representative.

Mayor Crowell opened this item to public comment. (12:01:11) Dave Campbell, a resident of Gentry Lane, disagreed that an ordinance disallowing windmills would be unreasonable. “We do ordinances because of certain underlying principles. For instance, you cannot discharge a firearm around occupied structures. ... Eventually, the City grows until nobody can shoot a gun. Does that make it a bad rule? Hardly. It’s still a good rule.” Mr. Campbell suggested that an ordinance drafted with the best of reasonable intentions which “winds up that nobody can have a windmill. ... It’s still a good ordinance.” In consideration of the noise requirements, he suggested a huge difference between one acre and larger and larger than one acre. In response to a question, Mr. Plemel reviewed the proposed provisions pertinent to noise. Mr. Campbell suggested revising the ordinance provisions to allow a “higher noise level” at greater than one acre rather than one acre or greater. He discussed the value of the view from his residence.

(12:04:53) Gary Kilty, a resident of Carson City, expressed the opinion that noise levels are not an issue. “The only time these wind generators are generating any power is when the wind’s blowing.” Mr. Kilty expressed the opinion that the wind turbines would create no impact if the wind is blowing at 5 to 10 miles per hour. He expressed the understanding that 50 dB “is no worse than walking by a transformer ... or an A/C unit ...” With regard to the provisions relative to aesthetics and maintenance, he advised that wind turbines are shipped with a baked-on enamel. “From an aesthetics standpoint, it’s probably better just to leave the color that comes on the unit. ... It’s designed to last a lot longer.” Mr. Kilty expressed support for renewable energy, and the opinion that the country “needs to do a lot more with it.” He advised that he works in the renewable energy industry; that his company works in Canada, Spain, Germany, France, and Italy. He expressed the opinion that wind energy “is a good place to start to get renewable energy moving in that direction.” He expressed support for the proposed ordinance.

(12:07:33) Tim Howard expressed support for “wind generation” and for Carson City to “come into compliance with federal ... and state law.” He expressed agreement with Mr. Kilty’s comments that “the color should not be tampered with that comes from the manufacturer.” He discussed his opinion of aesthetics and maintenance in reference to a photograph which was part of Mr. Plemel’s PowerPoint presentation. With regard to a site wind analysis, he expressed the opinion “that should be dependent on the personal resident ...” He requested the Board to pass the ordinance.

(12:10:22) Brad Bonkowski, a commercial real estate broker, expressed support for the ordinance. He advised that he has been working with a wind machine manufacturer “that’s considering Carson City as a site.” The outcome of the proposed ordinance will affect the manufacturer’s decision, and Mr.

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Bonkowski requested the Board to consider the referenced manufacturer and “any other, similar companies that consider this area at a time when Nevada is looking to become the resource for the west as an alternative energy site.”

Mayor Crowell called for additional public comment; however, none was forthcoming. Mr. Plemel reviewed the previously discussed revisions. In response to a question, the Board members concurred with the proposal to revise the language at Section 18.05.080(h)(I) to provide for 25 dBA at one acre or less and 50 dBA at more than one acre.

Mayor Crowell entertained a motion. **Supervisor Aldean moved to introduce, on first reading, Bill No. 113, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined, to modify the definition of “Wind Energy / Conversion Facility” to “Wind Energy Conversion System, Private Use” and to add a definition for “Wind Machine;” and amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.05, General Provisions, by adding Section 18.05.080, Private Use Wind Energy Conversion Systems, to set forth specific standards and criteria for these systems, and other matters properly related thereto, based on the findings contained in the staff report, and subject to the changes approved on the record and to a mandatory review of the ordinance twelve months from adoption. Supervisor Livermore seconded the motion. Motion carried 4-0.**

**24. SUPERVISOR LIVERMORE - ACTION TO ADOPT A RESOLUTION OF THE CARSON CITY BOARD OF SUPERVISORS OPPOSING THE LOCATION OF THE BUREAU OF LAND MANAGEMENT HOT SHOTS BARRACKS AT THE PRISON HILL RECREATION AREA (12:13:28)** - Supervisor Livermore introduced and provided background information on this item. He read into the record portions of the “Statement of Senator Harry Reid on Introduction of the Carson City Vital Community Act of 2008,” given to Congress on July 31, 2008. Supervisor Livermore noted the repeated references, in Senator Reid’s statement, to Prison Hill and the Silver Saddle Ranch and “the process that this community went through.” He displayed the charrette summary, and noted references to Prison Hill and “the access to the recreation area on the western portal of which there’s only one western portal and that’s the Koontz Lane area.” He advised that the forty acres designated for the hot shots barracks were “carved out of the lands bill ... very late in the process.” He expressed concern over the community’s previous priority designation of the Prison Hill recreation area and over the adjacent residential neighborhood. He advised of extensive testimony in opposition to the facility provided at a neighborhood meeting held in April. “The only access we had at that point ... is to communicate that way through a public hearing process.” Supervisor Livermore noted that the public hearing process had commenced as part of the environmental assessment of the property.

Supervisor Livermore reviewed the proposed resolution included in the agenda materials, and expressed the opinion that not opposing construction of the facility will translate to “allowing a commercial zoning to take place in this ... sanctity of the open space and the protection of the neighborhood values.” He requested the Board to adopt the resolution in support of the neighbors. He advised of having met with Congressman Heller, who inquired as to whether the Board of Supervisors had taken a position. He pointed out that the resolution would send a message to the Congressional delegation which “has some oversight of federal agencies. We don’t. We’re limited. We don’t have the supremacy rule ...” He distributed copies of Senator Reid’s statement to the Board members and the Clerk, and read the language of the proposed resolution, copies of which were included in the agenda materials, into the record. He circulated

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among the Board members a petition which was signed, at the April 8<sup>th</sup> neighborhood meeting, by over 50 people, and to which additional signatures had been added following the neighborhood meeting. He reiterated the request for the Board to adopt the proposed resolution to “uphold the quality of life, the recreation, and the open space qualities that this community has stepped up, not only in its personal view, but it stepped up with its willingness to put forth its tax money to operate and maintain and sustain open space for its long-term residential use. Carson City has invested substantial monies in the purchase of open space for its quality of life and, by not opposing this, we are contrary to what ... the public elected and put its money towards ...”

Mayor Crowell read into the record a June 17, 2009 letter from Supervisor Robin Williamson to Bureau of Land Management Sierra Front Field Office Manager Linda Kelly. Supervisor Aldean advised of having attended the April neighborhood meeting, together with Supervisor Livermore, “and it was quite clear that we have a number of residents in that area who feel that their quality of life would be severely impacted by the building of this facility.” Supervisor Aldean advised of having contacted a Lyon County Planning Department staff person, who expressed his enthusiasm over the prospect of working with the BLM “because they do have property that they own that currently has some access problems, but those are likely to be resolved as a result of some of the improvements being planned by NDOT.” The property does not currently have wastewater facilities; however, Lyon County would be inclined to accommodate the BLM by allowing the use of a vault as a short-term alternative until such time as wastewater facilities are extended to the property. Supervisor Aldean advised of having subsequently contacted a Douglas County representative. Douglas County representatives are not interested in having the BLM property in northern Douglas County used for a hot shots facility “because they would like to obtain that property for commercial development.” Supervisor Aldean advised of having subsequently contacted a Minden-Tahoe Airport representative, who confirmed the BLM’s operational presence at the airport, but advised that the BLM leases the property from the Nevada Division of Forestry. She further advised of the BLM’s preference to own the property developed for the hot shots facility. She further advised of having been informed of the Minden-Tahoe Airport representative’s opinion that, from an operational standpoint, the Minden-Tahoe Airport is a superior location.

Supervisor Aldean expressed the opinion that the hot shots facility “shouldn’t be planned in a vacuum,” and, therefore, suggested convening a multi-jurisdictional task force to consider various locations throughout the area to determine the appropriate location relative to cost, operations, and local opposition. She advised that both the Lyon County and Douglas County representatives expressed a willingness to participate in such a task force. She expressed the hope that the task force will “still be an option,” and the opinion that “it’s the best approach to finding a suitable location for this facility.” She noted the federal government’s unique position to “prepare their own environmental documents and then rule on the sufficiency of those documents.” She expressed the hope that the proposed resolution will persuade the congressional delegation and the Deputy Secretary of the Interior “to step back, take a breath, organize some additional community meetings, perhaps engage multiple jurisdictions ... to really look for the very best location for this facility.” In reference to Supervisor Livermore’s comments, she advised that the subject parcel was recommended for open space or residential development. “Residential development, although it wouldn’t be open space, is certainly more compatible with existing surrounding uses.” Supervisor Aldean expressed support for the resolution in consideration of an ongoing dialogue with the Bureau of Land Management. She expressed the hope that Bureau of Land Management representatives

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will be persuaded of the importance of being good neighbors and to engage in further discussion with Carson City and other jurisdictions “that may offer them, frankly, a better opportunity to realize their objective of having this fire fighting facility.”

Mayor Crowell opened this item to public comment. (12:33:33) Dave Campbell expressed the understanding that the BLM is not permitted to fight structural fires. He could see no benefit to locating the hot shots facility adjacent to the neighborhood near the Prison Hill recreation area.

(12:34:45) Fran McClain, a resident of Koontz Lane, expressed the opinion that the attendees of the April neighborhood meeting “expressed ourselves quite clearly that this is an inappropriate area to put a commercial development surrounded by residential and recreational.” She recommended approval of the proposed resolution.

(12:35:35) Molly Sinnott expressed surprise that the BLM has been unable to find any other feasible site “out of 3.5 million acres between Washoe, Storey, Lyon, and Douglas Counties and Carson City.” She noted the substantial amount of time invested by Carson City residents in the public lands bill process, and suggested that said investment was “totally disregarded by pulling those 40 acres out.” She referred to the charrette process as another substantial investment by community residents. She suggested that the lack of planning on the part of the BLM when constructing their Morgan Mill facility “should not be allowed to become a problem or an eyesore for the residents of Carson City.” She inquired as to the reason no consideration seems to have been given to a “land swap, some sort of hundred-year lease.” She noted that the environmental assessment was “written by the BLM for the BLM,” and inquired as to its impartiality. She quoted from the environmental assessment, as follows: “This may attract attention but should not dominate the view of the casual observer.” Ms. Sinnott advised that the total build out of the complex is 20,914 total square feet, and inquired as to “how that will not dominate your view when you’re driving along Edmonds. ... That’s the gateway to Prison Hill. You’re going to be looking at metal roofs.” Ms. Sinnott advised that the facility will be an eyesore day and night “because the complex is above the horizontal plane of the City.” She further advised that the environmental assessment is the “first that we have heard from the BLM that they intend additional square footage of buildings if this is funded.” She noted “that was not brought up in the neighborhood meeting; that was not brought up at the Planning Commission.” She continued quoting from the environmental assessment, and noted that “there are no residences that total almost 21,000 square feet ... on this hillside or in the area below.” In comparison with the BLM’s Palomino Valley facility, she stated “we’re talking about ten to forty acre parcels.” She noted that the proposed landscape amounts to “the bare minimum,” and advised that it will not “lessen the visual impact” of the facility. She stated, “It’s an absolute insult to Carson City. Because BLM claims supremacy, they’re making no attempt to even come close to matching what Carson City would require of any other business of this size.” Ms. Sinnott advised that the north side of the complex will have no screening. “That’s the gateway into this area.” Ms. Sinnott further advised that no screening is proposed for the east side of the facility. She referred to the photographs in the environmental assessment, and inquired as to “how an eight-foot cyclone fence around seven acres ... with barbed wire along the top of it *should* lessen the visual impact.” She inquired as to the reason for referencing a proposed Public Works detention basin which is noted as being independent of the BLM facility. She advised that the environmental assessment notes that the detention basin will not be constructed if the BLM facility is not constructed. She suggested that the environmental assessment indicates that “Carson City taxpayers have to foot the bill for a detention basin that is only needed if this facility is built.” Ms. Sinnott advised that the “main BLM employees involved with getting this complex approved” do not live in Carson City. Upon

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having inquired of the BLM Carson District Manager whether “he felt that this was being a good neighbor by placing this complex at the gateway to the Prison Hill open space and in the middle of a residential neighborhood, his direct quote, ‘I didn’t see anything over there except a road with a prison at each end and a highway going through it.’” Ms. Sinnott stated, “It’s this disrespectful attitude that is leading this BLM Carson District and this EA reflects it all the way through.” She requested the Board members to “please represent [their] residents and vote to oppose this facility location and, if it ever comes up in someone else’s residential neighborhood, to oppose it.”

Because of the agenda schedule, Mr. Rombardo suggested it would not be unreasonable for the Mayor to limit public comment, under the Open Meeting Law, to only those who are against the proposed resolution. Mayor Crowell requested a show of hands in support of the resolution and in opposition to the resolution. He noted that the majority of the citizens present were supportive of the resolution, and requested brevity in the remaining citizen comments.

(12:46:14) Tim Howard expressed support for the resolution, and stated that “the BLM has continued to force this down the throats of Carson City.” He requested the Board to consider requiring more “accountability of the tax money that they’re using for the building of this project.”

(12:47:25) Bill Davies, a resident of Conte Drive, requested the Board to adopt the resolution. “The only people that can bring sanity to this process are you folks.” Mr. Davies criticized BLM and City representatives “that I’ve been talking to in the last three or four months.” He expressed opposition to a “commercial, metal building in a neighborhood and co-mingle it where people live.” He listed the titles of City staff to whom he has spoken in the past several months, and advised that no one has validated his concerns. He reiterated a request for the Board to adopt the proposed resolution, and offered to participate in any task force to consider “a reasonable solution to this problem.”

(12:49:25) Bureau of Land Management Sierra Front Field Office Manager Linda Kelly distributed to the Board members and the Clerk her written comments. She advised that the environmental assessment is still in the comment process. She reviewed her written comments. Mayor Crowell expressed uncertainty as to the reason the proposed resolution would be inconsistent with the procedural status of the environmental assessment. In response to a question, Ms. Kelly advised that public comments received as part of the DEA comment period will be compiled in light of the environmental assessment and the project itself. In consideration of the public comments, mitigation measures may be considered and additional “homework” may be required. She reiterated that the Board doesn’t have the “complete picture of all the comments received regarding the environmental assessment and our proposed action.” She acknowledged having received comments in support of the facility and that they will be included in the environmental assessment. In response to a question, she advised that a U.S. Forest Service District Ranger Office is not part of the design. In response to a further question, she explained that the “interagency barracks is part of phase 1,” as is the U.S. Forest Service facility. The U.S. Forest Service facility funding was “pulled and put on another project” a couple months ago. Ms. Kelly advised of having recently spoken with the U.S. Forest Service District Ranger, who informed her of the intent to “build the barracks.” “Phase 2 is the wildland fire facility, ... and we don’t have any funding on that part of it.” Ms. Kelly acknowledged that the wildland fire facility was not included in a previously presented drawing. She further acknowledged that the wildland fire facility will be constructed once funding is available, and advised that it is included in the environmental assessment.

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Supervisor Livermore thanked Ms. Kelly for her attendance and participation. He inquired as to who will provide oversight of the environmental assessment. Ms. Kelly advised that her staff wrote the environmental assessment, “and we have a planning and environmental coordinator that works with the staff to develop the environmental assessment. Once the comment period is over, which started about two weeks ago and will conclude on June 29, that is the public review process of it.” Ms. Kelly advised that the public comments will be reviewed and analyzed to determine whether or not to incorporate comments into the document, whether any changes should be made to the document or to the plans, “and then I will make a decision on whether or not we will move forward.” In response to a question, Ms. Kelly advised that the public has the opportunity to participate during the comment period. Supervisor Livermore inquired as to whether the public would have the opportunity to participate with BLM staff in analyzing the comments received. Ms. Kelly advised “typically, it’s my decision.”

Mayor Crowell expressed the opinion that the BLM has worked very well with Carson City. Depending upon the outcome of the resolution, he requested Ms. Kelly to consider that Carson City is a “small ... community and we need to live together and work together.” Mayor Crowell noted the “level of opposition” expressed against construction of the barracks. In response to a question, Mr. Werner advised of having sent correspondence last November, after having considered the zoning and the facility in light of the Carson City Municipal Code. He further advised of having informed BLM representatives that, “because of the nature of this kind of arrangement, it required a public process because it was a public zone and required a special use permit process and also the Board of Supervisors, at some point, would probably need to weigh in on this.” Mayor Crowell noted the importance of considering the record that “it’s not been one-sided on BLM just driving a train down here ...”

Supervisor Aldean expressed an issue with the process, reiterating concern over the BLM authoring and evaluating the environmental assessment. She read a portion of Mr. Werner’s November 10, 2008 letter into the record, as follows: “Neither the Board of Supervisors nor staff can authorize the site for the construction of a hot shots facility without due process. Site development will be the subject of a public process in accordance with the provisions of the Carson City Municipal Code.” Supervisor Aldean “wish[ed] that were the case, but I’m under the impression that we have ... very little control over what is ultimately developed at that location because of the government’s insistence that they don’t need permits from the local jurisdiction to move forward with this development.” She expressed a “serious philosophical issue with that.” She expressed a desire to be cooperative in consideration of the City’s past relationship with the BLM, “but this kind of smacks of arbitrariness and capriciousness only because it’s allowed by the law.” She expressed the hope that the proposed resolution will not negate an opportunity to continue dialogue with the BLM to consider other, equally-suitable locations.

In response to a question, Open Space / Property Manager Juan Guzman advised that the land use designation of the 40-acre parcel is public use. Mr. Werner explained that the public use designation indicates ownership by a public entity, i.e., city, state, or federal government. The City’s zoning code indicates the requirement for a special use permit for development on a public use-designated parcel. Mr. Werner further explained that the BLM facility is a permitted use according to the zoning code, “but had this been anybody other than the federal or state government, what we would be talking about is how much mitigation do we do, but the process would probably allow the issuance of a building permit at some point.” He further explained that the BLM is not required to apply for a building permit from the City “so really the special use permit process doesn’t ... apply, but we were trying to do the same kind of mechanism” in consideration of mitigation for the adjacent neighborhood.

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Supervisor Livermore reiterated that the 40 acres was carved out of the public lands bill at the last minute. He advised that the City could propose to use the property, under a recreation and public purpose designation, for open space or trailheads. Mayor Crowell entertained a motion. **Supervisor Livermore moved to approve Resolution No. 2009-R-36, a resolution of the Carson City Board of Supervisors opposing the location of the Bureau of Land Management hot shots barracks at the Prison Hill recreation area. Supervisor Aldean seconded the motion. Motion carried 4-0.** Mayor Crowell recessed the meeting at 1:10 p.m.

### 25. BOARD OF SUPERVISORS NON-ACTION ITEMS:

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** - None.

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS** - None.

**STATUS REPORTS AND COMMENTS FROM THE BOARD MEMBERS** - None.

**STAFF COMMENTS AND STATUS REPORT** - None.

**26. CITY MANAGER - ACTION TO APPOINT TWO MEMBERS TO THE LIBRARY BOARD OF TRUSTEES FOR FOUR-YEAR TERMS EXPIRING JUNE 2013 (1:33:27)** - Mayor Crowell reconvened the meeting at 1:33 p.m., introduced this item, and reviewed the list of applicants. He advised that Jeffery Cherpeski was unable to attend the meeting. In keeping with past Board practice, he noted that anyone unable to participate in the interview process would not be considered for appointment. He entertained a motion to approve the reappointment of Caren Jenkins and Maxine Nietz. **Supervisor Livermore moved to reappoint Caren Jenkins and Maxine Nietz to the Carson City Library Board of Trustees for four-year terms ending June 2013. Member Walt seconded the motion. Motion carried 4-0.**

Mayor Crowell congratulated Ms. Jenkins and invited her to the podium. (1:34:49) Caren Jenkins thanked the Board and expressed appreciation for the opportunity to serve as a member of the Library Board of Trustees. She expressed delight over Jeffery Cherpeski's application, and the hope that "in the future we have at least half a dozen people applying for these positions on boards appointed by the Board of Supervisors because it's so critically important that our community participate in its own fate." Ms. Jenkins noted that the Library Board serves "the entirety of the range of residents of Carson City from the very, very young to the very, very old and everybody in between. Every language spoken, every culture experienced finds a place at the Library." She reiterated the hope that there will be more applicants for future openings, and thanked the Board for the reappointment. Supervisor Walt encouraged Ms. Jenkins to continue supporting children and youth programs. She expressed support for a new and larger library. Ms. Jenkins advised that the Library Board of Trustees "certainly focused its attention on the future of potentially a new facility and an expansion of our resources." She noted that the Board of Supervisors is responsible for keeping the Library open, and that Library hours have been cut due to budget constraints. She expressed the belief that the Board of Supervisors has done everything possible to financially support the Library. "Certainly, the restoration of those hours and the positions is something that the Library Board of Trustees, representing the public, and the Board of Supervisors, representing the public, can work together to achieve."

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(1:39:09) Maxine Nietz thanked the Board of Supervisors for the reappointment, and expressed her support for downtown. She discussed the Library Board of Trustees' vision for a new library facility, and expressed appreciation for Library Director Sarah Jones and the Library staff. She discussed the importance of serving children and youth to establish a foundation for life-long Library use. She requested the Board members to be open to considering a new Library facility in light of its benefits to the community.

Mayor Crowell expressed appreciation for Mr. Cherpeski's application, and explained the Board's practice to not appoint any applicant who does not participate in the interview process. He encouraged public participation in the City's advisory boards, commissions, and committees.

**27. ACTION TO ADJOURN** (1:42:05) - Mayor Crowell adjourned the meeting at 1:42 p.m.

The Minutes of the June 18, 2009 Carson City Board of Supervisors meeting are so approved this 16<sup>th</sup> day of July, 2009.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder