

# CARSON CITY BOARD OF SUPERVISORS

## Minutes of the October 20, 2011 Meeting

### Page 1

A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, October 20, 2011 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell  
Supervisor Karen Abowd, Ward 1  
Supervisor Shelly Aldean, Ward 2  
Supervisor John McKenna, Ward 3  
Supervisor Molly Walt, Ward 4

**STAFF:** Larry Werner, City Manager  
Alan Glover, Clerk - Recorder  
Randal Munn, Chief Deputy District Attorney  
Kathleen King, Deputy Clerk / 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 part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

**1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:28:33)** - Mayor Crowell called the meeting to order at 8:28 a.m. Mr. Glover called the roll; a quorum was present. Shepherd of the Sierra Lutheran Church Pastor Norm Milz provided the invocation. Mayor Crowell led the pledge of allegiance.

**5. PUBLIC COMMENTS AND DISCUSSION (8:30:28)** - Mayor Crowell entertained public comment. (8:30:38) Hope Tingle, a 47-year resident of Carson City, advised that she lives "off of Northridge Drive." In consideration of the traffic on Northridge Drive, she discussed concerns relative to the proposed location for the multi-use athletic center. She expressed serious concern "about putting in another facility that will just increase the traffic." In response to a question, Ms. Tingle advised that the radar signs have had no effect on the traffic speed. Supervisor Aldean offered to share the radar sign data with Ms. Tingle, noting that "it doesn't reflect an excessive speed in most cases." Supervisor Aldean requested Ms. Tingle to leave her contact information with Mr. Glover. Ms. Tingle clarified that the volume of traffic is more of a problem. She advised of having talked with Sheriff Ken Furlong about "putting some sort of traffic impediments along that route instead of just the roundabouts. ... maybe stop signs at varying intervals or speed bumps ..." She expressed the opinion "there needs to be something done to make it less attractive as a thoroughfare. And if you're just getting from point A to point B in the neighborhood, not a problem." Mayor Crowell entertained additional public comment; however, none was forthcoming.

**6. POSSIBLE ACTION ON APPROVAL OF MINUTES - September 15, 2011 (8:35:36)** - Supervisor Aldean moved to approve the minutes, with minor clerical corrections. Supervisor Abowd seconded the motion. Motion carried 5-0.

**7. POSSIBLE ACTION TO ADOPT THE AGENDA (8:36:13)** - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed it adopted.

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the October 20, 2011 Meeting**

**Page 2**

**8. SPECIAL PRESENTATION OF A PROCLAMATION FOR “COLONIAL HERITAGE MONTH,” OCTOBER 2011** (8:36:26) - Mayor Crowell introduced this item, passed the gavel to Mayor *Pro Tem* Shelly Aldean, and invited National Society Colonial Dames XVII Century President General Jan Lockhard to join him at the podium. Mayor Crowell read into the record the language of the Proclamation, copies of which were included in the agenda materials. He presented the original Proclamation to Ms. Lockhard, and the Board members, City staff, and citizens present applauded.

(8:39:22) Ms. Lockhard thanked the Board for the honor, and discussed the mission of the Colonial Dames XVII Century to help the values of courage, patriotism, and honor “live in the present.” She invited the Board members to visit the Colonial Dames national headquarters in Washington, D.C. The Board members temporarily left the dais for photographs. Mayor *Pro Tem* Aldean returned the gavel to Mayor Crowell upon returning to the dais.

**9. CONSENT AGENDA** (8:42:18) - Mayor Crowell entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion to adopt the consent agenda, as published. **Supervisor Aldean moved to adopt the consent agenda, consisting of one item from Purchasing and Contracts; one item from Finance; one item from Public Works, Planning; four items from the City Manager’s Office; and one item from Public Works, Resolution No. 2011-R-35. Supervisor Walt seconded the motion. Motion carried 5-0.**

**9-1. PURCHASING AND CONTRACTS - POSSIBLE ACTION TO DETERMINE THAT CONTRACT NO. 1112-110 IS A SOLE SOURCE PURCHASE FOR EQUIPMENT WHICH, BY REASON OF THE TRAINING OF THE PERSONNEL OR OF AN INVENTORY OF REPLACEMENT PARTS MAINTAINED BY THE LOCAL GOVERNMENT, IS COMPATIBLE WITH EXISTING EQUIPMENT AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 332.115, AND TO APPROVE CONTRACT NO. 1112-110, A REQUEST TO PURCHASE DOMESTIC WATER METERS FROM BADGER METER, INC. FOR A NOT-TO-EXCEED COST OF \$160,000.00, TO BE FUNDED FROM WATER FUND ACCOUNT - WATER METERS AND SERVICES, AS PROVIDED IN FY 2011 / 2012; P.O. NO. 2012-032**

**9-2. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY, THROUGH OCTOBER 11, 2011, PURSUANT TO NRS 251.030**

**9-3. PUBLIC WORKS DEPARTMENT, PLANNING DIVISION - POSSIBLE ACTION TO APPROVE A QUITCLAIM DEED AND REVERSIONARY INTEREST AGREEMENT BETWEEN CARSON CITY AND THE SIERRA NEVADA COMMUNITY LAND TRUST FOR THE CONVEYANCE OF A PROPERTY AT 1104 PALO VERDE DRIVE TO CONSTRUCT A SINGLE-FAMILY AFFORDABLE HOME, PURSUANT TO THE PROVISIONS OF NRS 244.287**

**9-4. CITY MANAGER**

**9-4(A) POSSIBLE ACTION TO ACCEPT THE QUARTERLY SUMMARY REPORT FOR ALL ACTIVE GRANTS MADE TO CARSON CITY AS WELL AS A LISTING OF ALL PENDING GRANTS**

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the October 20, 2011 Meeting**

**Page 3**

**9-4(B) POSSIBLE ACTION TO RATIFY THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER FOR THE PERIOD OF SEPTEMBER 7, 2011 THROUGH OCTOBER 11, 2011**

**9-4(C) POSSIBLE ACTION TO APPROVE THE PROPOSAL FROM ACTIVE STRATEGY, INC. TO PROVIDE AN ENTERPRISE-WIDE ACTIVE STRATEGY ENTERPRISE (ASE) LICENSE, ACTIVE DI, AND THE ASSOCIATED TRAINING, IN THE AMOUNT OF \$84,900.00, PLUS TRAVEL AND EXPENSES, AS NEEDED, FROM THE CITY MANAGER'S PROFESSIONAL SERVICES ACCOUNT**

**9-4(D) POSSIBLE ACTION TO RATIFY THE CITY MANAGER'S SIGNATURE ON A LETTER SENT TO JEFFREY FONTAINE, EXECUTIVE DIRECTOR OF THE NEVADA ASSOCIATION OF COUNTIES ("NACO"), FOR THE U.S. DEPARTMENT OF TRANSPORTATION TIGER III DISCRETIONARY GRANT PROGRAM; SUPPORT WAS GIVEN TO THE HISTORIC VIRGINIA AND TRUCKEE RAILWAY RECONSTRUCTION PROJECT EASTGATE STATION 1 IMPROVEMENTS**

**9-5. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT, BY AND BETWEEN CARSON CITY, STOREY COUNTY, LYON COUNTY, AND DOUGLAS COUNTY, WHICH PROVIDES MUTUAL AID ASSISTANCE FOR PUBLIC WORKS FUNCTIONS**

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**10. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:43:19) - None.**

**11. HUMAN RESOURCES DEPARTMENT - POSSIBLE ACTION REGARDING A PRESENTATION BY CHUCK SHIELDS, PRESIDENT, TALENT PLUS, INC., REGARDING THE VOICES 360-DEGREE© SURVEY, ACTION BY THE BOARD OF SUPERVISORS TO SELECT THE SKILLS / COMPETENCIES FROM THE LOMINGER PLACEMENT MAP THAT WILL BE USED IN THE EVALUATION AND ACTION BY THE BOARD OF SUPERVISORS TO ESTABLISH CATEGORIES OF RATERS FOR PARTICIPATION IN THE EVALUATION (8:43:27) - Mayor Crowell introduced this item. Human Resources Department Director Melanie Bruketta introduced Talent Plus, Inc. President Chuck Shields, and reviewed the agenda report. Ms. Bruketta distributed to the Board members and the Clerk copies of a skills list, which Mr. Shields reviewed. Mr. Shields responded to questions of clarification relative to the skills list. In response to a further question, he discussed the value and benefits of the proposed evaluation.**

Mayor Crowell entertained public comments; however, none were forthcoming. In response to an earlier question, Mr. Werner expressed belief in the process, and discussed his participation in previous 360-degree evaluations. He expressed concern that "if your rater is somebody that the only time you've met is in confrontation ..., you don't get a fair analysis." In consideration of rater selection, Mr. Shields discussed the importance of raters having observed the subject "for at least a year. And we've actually found ... that if raters have observed you for over ten years, the validity goes down somewhat. So the ideal

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 4

rater has known you from ... at least a year to up to ten years.” He expressed agreement that someone who has only interacted with the subject in a confrontational manner will not be able to maintain objectivity and “we should take them off the list.” In response to a question, he advised that not much validity would be assigned to a rater group which has not had a chance to observe a particular skill.

Mr. Shields discussed the importance of rater confidentiality and the method by which the same is assured. In response to a question, he expressed the opinion that “the Board and the direct reports are the critical and most valid raters. Anybody outside of that, you really have to be selective and make sure they can ... be objective and ... that they’ve had a chance to observe the participant enough to be valid.” He advised that study results indicate external customers to be “not that valid.” He cautioned against using “anybody outside of the organization.” In response to a further question, he advised that “unless there’s someone [the City Manager] has to deal with on a regular basis and has a chance to observe him frequently in a situation that’s important to you, as the Board, [he] wouldn’t use anybody on the outside.” Discussion followed.

Mayor Crowell entertained a motion. **Supervisor Aldean moved to select the following skills competencies for the Voices 360-degree evaluation, consisting of decision quality, problem solving, dealing with ambiguity, creativity, innovation management, strategic agility, timely decision making, priority setting, planning, delegation, developing direct reports and others, informing, conflict management, sizing up people, perseverance, drive for results, organizational agility, presentation skills, written communications, interpersonal savvy, boss relationships, customer focus, motivating others, negotiating, building effective teams, integrity and trust, composure, listening, patience, and self-knowledge; in addition, to select the following categories of raters for participation in the evaluation that will consist of peers, direct reports, supervisors, customers, and self. Supervisor Abowd seconded the motion.** In response to a question, Supervisor Aldean provided clarification relative to the various rater categories. In response to a further question, Mr. Shields suggested that Mr. Werner nominate raters for the customers category. Following a brief discussion, **Supervisor Aldean amended her motion to include elected officials in the rater category. Supervisor Abowd continued her second.** Ms. Bruketta requested direction from the Board relative to the method by which to compile the list of raters. Following discussion, consensus of the Board was to have Mr. Werner nominate the raters and submit the list to Ms. Bruketta, who will forward it to the Board members. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 5-0.** Mayor Crowell thanked Mr. Shields for his presentation.

**12. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 119, AN ORDINANCE AMENDING TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.12, SOLID WASTE MANAGEMENT, SECTION 12.12.047, LANDFILL RATES AND FEES, BY LOWERING THE FEE FOR OUT-OF-COUNTY CLASS III; ADDITIONALLY, THE MINIMUM FEE FOR THIS CATEGORY IS LOWERED TO \$20.00 FROM THE EXISTING \$30.00, EFFECTIVE OCTOBER 21, 2011, AND OTHER MATTERS PROPERLY RELATED THERETO (9:23:07)** - Mayor Crowell introduced this item. In response to a question, Public Works Department Director Andy Burnham advised of having received support for the proposed ordinance since its introduction on first reading. Mayor Crowell entertained public comment; however, none was forthcoming.

Mr. Burnham acknowledged there will be no significant difference in the amount of revenue generated from the subject increase based on the model. Supervisor McKenna advised that he had not voted to

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 5

support any earmark for the City Center project from this particular funding source. He expressed the understanding that revenue generated from the proposed increase will be allocated to the general fund for general fund purposes.

Mayor Crowell entertained a motion. **Supervisor Aldean moved to adopt, on second reading, Bill No. 119, Ordinance No. 2011-19, an ordinance amending Title 12, Water, Sewerage, and Drainage, Chapter 12.12, Solid Waste Management, Section 12.12.047, Landfill Rates and Fees, by lowering the fee for out-of-county Class III; additionally, the minimum fee for this category is lowered to \$20 from the existing \$30, effective October 21, 2011, and other matters properly related thereto. Supervisor Abowd seconded the motion. Motion carried 5-0.** Mayor Crowell thanked Mr. Burnham for working with the out-of-county haulers.

### 13. PURCHASING AND CONTRACTS

**13(A) POSSIBLE ACTION TO DETERMINE THAT HERBACK GENERAL ENGINEERING'S BID SUBMITTAL IS NOT RESPONSIVE AND, THEREFORE, STAFF RECOMMENDS THE REJECTION OF THEIR BID AND BID PROTEST (9:26:10)** - Mayor Crowell introduced this item, and Purchasing and Contracts Manager Kim Belt reviewed the agenda materials. She acknowledged the possibility that Herback General Engineering representatives had misconstrued the bid submittal requirements. "... but out of five of the bid responses, two firms actually filled it out correctly." In response to a question, Mr. Munn reviewed the provisions of the applicable statute. He acknowledged that, based on the statutory provisions, a bid submittal which is deemed to be non-responsive is required to be rejected. In response to a comment, Ms. Belt advised that revisions to the forms are in the process of being made to ensure there is no future misunderstanding. In response to a further question, she advised of having informed Herback General Engineering by telephone of the bid rejection. In response to a further question, she clarified that the bids are sealed and cannot be opened until the bid opening date.

In response to a question, Mr. Munn expressed the belief that the bid protest does not specify a violation of law. The form meets the intent of the law and, therefore, there is no choice but to reject the bid. Mr. Munn noted the Board's purview, under the following agenda item, to either award the bid or reject all of them and start the bidding process again.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor McKenna moved to determine that Herback General Engineering's bid submittal is not responsive and to accept staff's recommendation to reject their bid and bid protest. Supervisor Walt seconded the motion.** In response to a question, **Supervisor McKenna agreed to amend his motion to indicate the bid submittal is not responsive, pursuant to the law. Supervisor Walt continued her second.** Supervisor McKenna explained the reason for rejecting a non-responsive bid. "... it's imperative that the bidder fill out the forms correctly ..." Supervisor McKenna commended City staff in "just opening the bids and evaluating them based upon what was there on the day that they were opened up." He expressed support for clarifying the forms to avoid the possibility of having to reject a bid from "a perfectly good company with a perfectly good bid ... a low bid ..." Mayor Crowell called for a vote on the pending motion. **Motion carried 5-0.**

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the October 20, 2011 Meeting**

**Page 6**

**13(B) POSSIBLE ACTION TO DETERMINE THAT HORIZON CONSTRUCTION, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 1112-105, CARSON RIVER PARK, PHASE 2A - 5013 CARSON RIVER ROAD, TO HORIZON CONSTRUCTION, INC. FOR A BID AMOUNT OF \$166,039.99, PLUS A CONTINGENCY AMOUNT NOT TO EXCEED \$11,546.01, TO BE FUNDED FROM THE CARSON RIVER PARK GRANT FUND AND RCT ACCOUNTS, AS PROVIDED IN FY 2011 / 2012 (9:34:47)** - Mayor Crowell introduced this item, and Ms. Belt reviewed the agenda materials. She acknowledged that the City has used Horizon Construction, Inc. on a number of projects and has been satisfied with the quality of their work.

Mayor Crowell entertained public comment; however, none was forthcoming. Mayor Crowell expressed support for the recommended Board action, but concern over the need to clarify the bid submittal forms. In response to a question regarding commencement of the project, Project Manager Tom Grundy advised of grant funding and paving deadlines. Supervisor Abowd advised that she shared Mayor Crowell's reservations. Park Planner Vern Krahn provided additional clarification relative to the grant funding deadline. Discussion followed.

Mayor Crowell called again for public comment and, when none was forthcoming, a motion. **Supervisor McKenna moved to determine that Horizon Construction, Inc. is the lowest responsive and responsible bidder, pursuant to NRS 338, and to award Contract No. 1112-105, Carson River Park, Phase 2A - 5013, Carson River Road, to Horizon Construction, Inc. for a bid amount of \$166,039.99, plus a contingency amount not to exceed \$11,546.01, to be funded from the Carson River Park Grant Fund and the RCT accounts, as provided in FY 2011 / 2012. Supervisor Aldean seconded the motion. Motion carried 5-0.**

**13(C) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1112-120, PURSUANT TO NRS 332.115(1)(b) AND NRS 625.530, WITH VALENTINER CRANE ARCHITECTS TO PROVIDE PROFESSIONAL SERVICES FOR CARSON CITY MULTI-PURPOSE ATHLETIC COMPLEX PLANNING, ARCHITECTURAL, AND ENGINEERING, THROUGH DECEMBER 31, 2013, FOR A NOT-TO-EXCEED AMOUNT OF \$326,800.00, TO BE FUNDED FROM THE Q18 CAPITAL PARK IMPROVEMENTS / NEW GYM, AS PROVIDED IN FY 2010 / 2011, FY 2011 / 2012, AND FY 2012 / 2013 (9:42:13)** - Mayor Crowell introduced this item, and Ms. Belt reviewed the agenda materials. In response to a question, Parks and Recreation Department Director Roger Moellendorf estimated that twice the amount of the subject contract had been spent in "earlier renditions and versions of the recreation center." He discussed the history between Architect Brent Tippetts, of Valentiner Crane Architects, and the Parks and Recreation Department relative to the recreation center project. He assured the Board that local contractors and local professional firms will be used in the development process. Mr. Moellendorf acknowledged that the multi-purpose athletic complex is "a smaller project, but it's still highly specialized. ... there's a lot of specialization and details in the type of materials, surfacing, ... equipment used. It takes a firm with a lot of knowledge in how to design these types of facilities still to be involved in this type of project." In response to a question, Mr. Werner advised that portions of the work previously completed, such as soils evaluations, surveys, etc. can be used. "But the actual intellectual design that went into the facility ... is proprietary," and cannot be used by a subsequent architect. In response to a further question, Mr. Moellendorf advised of having reviewed the proposed fees. "We feel that overall the proposed fee by Valentiner Crane ... including the Lumos [& Associates] portion is ... reasonable ... We think that they've gone to great measures to try to reduce that fee as much as possible." Supervisor Aldean

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 7

suggested the possibility of reducing the number of personal visits to Carson City through videoconferencing or other, similar means. Mr. Moellendorf advised of having negotiated a reduction in the travel costs "to that point," but agreed to consider the possibility of reducing the costs even further.

In response to a question, Mr. Moellendorf and Mr. Werner explained the City's requirements associated with a request for proposals process. Supervisor McKenna expressed a preference for using a local architect, "but this thing has been delayed so long, it has so many iterations, ... we owe it to the voters to get it done." He expressed a preference for the contractor to use as many Carson City firms as possible, and noted the importance of hiring local contractors for future projects.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor McKenna moved to approve Contract No. 1112-120, pursuant to NRS 332.115(1)(b) and NRS 625.530, with Valentiner Crane Architects, to provide professional services for Carson City multi-purpose athletic complex planning, architectural, and engineering, through December 31, 2013, for a not-to-exceed amount of \$326,800.00, to be funded from the Question #18 Capital Park Improvements / New Gym, as provided in FY 2010 / 2011, FY 2011 / 2012, and FY 2012 / 2013. Supervisor Abowd seconded the motion.** Discussion took place with regard to appropriating funds from FY 2012 / 2013 without having an approved budget. Mr. Werner acknowledged that the contract amount is available in the FY 2011 / 2012 budget. **Supervisor McKenna amended his motion to delete the reference to the FY 2012 / 2013 budget. Supervisor Abowd continued her second.** Mayor Crowell expressed agreement with Supervisor McKenna's earlier comments relative to the importance of moving the project forward and utilizing local contractors and professional firms. Mayor Crowell called for a vote on the pending motion. **Motion carried 5-0.**

#### 14. PARKS AND RECREATION DEPARTMENT

**14(A) POSSIBLE ACTION TO APPROVE AN AMENDED OPTION AGREEMENT BETWEEN THE BOYS AND GIRLS CLUBS OF WESTERN NEVADA AND THE CITY OF CARSON CITY FOR THE PURCHASE OF BOYS AND GIRLS CLUBS PROPERTY ALONG RUSSELL WAY FOR THE PURPOSE OF BUILDING AN INDOOR RECREATION CENTER (MULTI-PURPOSE ATHLETIC CENTER) (9:56:10)** - Mayor Crowell introduced this item, and Deputy District Attorney Tina Russom advised that she would be representing the Parks and Recreation Department. Parks and Recreation Department Director Roger Moellendorf provided background information on this item, and reviewed the agenda materials in conjunction with displayed slides.

In response to a question, Mr. Moellendorf advised of discussions with Boys and Girls Clubs of Western Nevada representatives relative to shared use of parking lots. In response to a comment, he reviewed revisions to the Amended Option Agreement, as suggested by Supervisor Aldean. Mr. Moellendorf noted the reference in the agenda report that this item had been presented to the Parks and Recreation Commission at their October 4, 2011 meeting, at which time action was taken to recommend approval to the Board of Supervisors.

Mayor Crowell entertained comment from Boys and Girls Clubs of Western Nevada representatives, who were present in the meeting room. He disclosed that Boys and Girls Clubs of Western Nevada Board member Jason Woodbury is a member of his law firm. (10:13:03) Mr. Woodbury expressed agreement with the presentation by Parks and Recreation Department staff, and requested the Board to approve the amended option agreement.

## CARSON CITY BOARD OF SUPERVISORS

Minutes of the October 20, 2011 Meeting

Page 8

Mayor Crowell entertained public comment and, when none was forthcoming, a motion to approve the amended option agreement with the changes, as discussed on the record. **Supervisor Abowd moved to approve an amended option agreement, with the changes as discussed on the record, between the Boys and Girls Clubs of Western Nevada and the City of Carson City, for the purchase of Boys and Girls Clubs property along Russell Way for the purpose of building an indoor recreation center, the multi-purpose athletic center.** Supervisor McKenna seconded the motion. Motion carried 5-0.

**14(B) POSSIBLE ACTION TO DIRECT STAFF TO UTILIZE A FACILITY RENTAL AGREEMENT WITH THE BOYS AND GIRLS CLUBS OF WESTERN NEVADA FOR THE PROPOSED MULTI-PURPOSE ATHLETIC CENTER** (10:14:12) - Mayor Crowell introduced this item, and Mr. Moellendorf reviewed the agenda materials. Supervisor McKenna noted the value of the Boys and Girls Clubs of Western Nevada to the community that “we would have to pay for, either through law enforcement or through parks and rec type of activities, and we can’t really put a dollar amount on that.” He suggested that “any agreement needs to reflect that ... the Boys and Girls Club is actually providing Carson City with a very significant financial benefit.” Supervisor Aldean acknowledged the value of the Boys and Girls Clubs to the community. She expressed the understanding that the Boys and Girls Clubs portion of the rental rate would be allocated from the annual Quality of Life fund allocation. In reference to previous concerns expressed by District Attorney’s staff, she expressed concern over “the legality of locking up \$120,000 worth of Question #18 money for one specific purpose, to benefit one specific non-profit.” She expressed support for the facility rental agreement, and concerns regarding the proposed budget. Mr. Moellendorf acknowledged that the budget will be an integral part of the actual facility rental agreement at the time it is presented to the Board of Supervisors for review and approval. He explained that the budget will be largely based on final design of the facility and the materials used. “We have ... at least a whole budget cycle to determine what we think the costs of operating that facility will be. ... And that’s going to help determine ... the rental rate ...” Supervisor Aldean noted the most important benefit as the co-location of the facility adjacent to the Boys and Girls Clubs. Mr. Moellendorf expressed the hope that, as the economy recovers and sales tax revenues continue to increase, the Question #18 maintenance fund would take over an increasingly larger role in offsetting the cost of the MAC and that the general fund percentage would decrease over time.

Supervisor McKenna expressed an interest in hearing any concerns from the Boys and Girls Clubs representatives. (10:21:27) Mr. Woodbury discussed the position of the Boys and Girls Clubs of Western Nevada “to avoid making the perfect the enemy of the good. We thought that the original agreement ... was perfect and what we contemplated by that was just an exchange of use rather than an exchange of dollars. But, our ultimate objective ..., is consistent with the ultimate objective of the City ... being to have a gym for our kids to access and for ... the public to access. That is a good objective and we don’t want to sacrifice that to what we viewed as the perfect agreement ... Unfortunately, from our perspective, ... the thing that is the hardest for the Boys and Girls Clubs to give ... is cash; cash for operating. And just to put our position in some perspective, we recently projected our budget to the year end and it looks like we are going to lose money this year. ... We actually had a very good fund raising year, considering the time that we’re in, but that is where we are now. So there’s no concern or confusion about that, we are okay. We’re making some adjustments and we’re going to be fine but it is going to take an adjustment. Based on that and based on the current situation that we’re in and looking forward, there’s only so much that we can responsibly promise. And we do think it’s important to make a promise to the Board that we can fulfill and that we are confident that we can fulfill because it doesn’t do anybody any good to put a number on paper and for us to come back a year or two years later and say, ‘We just cannot do that.’ So what we’ve tried



## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 9

to do is to look at the non-monetary kinds of things to make this project more feasible for the City. ... Whereas before we were looking at being the hole of a donut, now we are looking at continuing ownership of our parking lot and our fields.” In reference to previous comments by Mr. Moellendorf, Mr. Woodbury clarified, “we’re not in the property ownership business; we’re in the kid business and we viewed that as an advantage of the joint use agreement of not having to maintain those fields and not having to maintain those parking lots but that is something that we will take on and have agreed to take on. In addition, we have reduced the number of hours that the Boys and Girls Clubs would have access to the gym facility. We have agreed to share use rather than to have exclusive use of that facility.” Mr. Woodbury suggested that joint use of the facility may be underestimated “because it wasn’t just restricted to parks and rec. It was the City’s joint use so if there was a public forum or something else that could occur in our facility ... that’s what that contemplated.” He expressed the hope that “those kinds of things as well as Supervisor McKenna’s comments on the service that we feel we provide will be taken into account in determining the funding level that the City needs from the Boys and Girls Clubs. We have made no secret of the dollar amount that we believe that we can contribute. If our funding comes in as anticipated, we believe that we can responsibly do \$20,000 a year to pay for our use. We hope that ... can be subject to some review after we get this thing up and running; that we can take a look at it, see what the operating costs actually are, see what our use actually is and, if there is an adjustment that can be made or needs to be made, that we can have that kind of discussion.” Mr. Woodbury assured the Board that the Boys and Girls Clubs is “doing everything that we can responsibly do to assist the City and stretch ourselves and be a partner to the City like you’ve been a partner to us.”

In response to a question, Mr. Moellendorf advised that a joint use agreement had never been previously approved by the Parks and Recreation Commission or the Board of Supervisors. “We had various iterations of a joint use agreement in our working relationship with the Boys and Girls Clubs that were brought forward to the Parks and Recreation Commission. We never brought it to the Board of Supervisors ...” Mr. Moellendorf expressed appreciation for Mr. Woodbury’s comments in consideration of the increased flexibility of a facility rental agreement over a joint use agreement “because it can be reviewed annually. We can take a look at those costs and we can make adjustments if it looks like the costs need to be adjusted and it does provide some flexibility on the use and setting the terms of the fees for the facility as well.” He discussed the benefit of the City being able to jointly use the Boys and Girls Clubs facility. In response to a question, Mr. Woodbury expressed a willingness to consider “any fund raising opportunity ... that doesn’t interfere with the mission we have to provide the service we do to our members. We’re not open on weekends,” which he noted as the optimal time to consider sports tournaments and other events.

Supervisor McKenna reviewed the various iterations of the joint use facility, noting that “it’s kind of gone to a stand-alone building of a different entity next to the Boys and Girls Clubs.” He inquired as to the interest of the Boys and Girls Clubs to have the proposed facility in the proposed location. He further inquired as to the amount the Boys and Girls Clubs saves Carson City “because we don’t have this type of activity.” Mr. Woodbury expressed support for the value of having a gym in the proposed location. “Our original plans which ... we had to scale down included a gym of our own. ... A gym enhances our ability to serve our members ... particularly during the winter months when it’s too cold to be outside ...” Mr. Moellendorf expressed a willingness to attempt to determine a figure relative to the value of the Boys and Girls Clubs to the community. “The services the [Boys and Girls Clubs] provide for this community are tremendously valuable, tremendously important but it’s one of those quality of life programs and those are difficult to try to put dollars and cents to. It’s difficult to pen it because you really don’t know what would happen if the Boys and Girls Clubs went away. Would juvenile crime increase? And what is the cost of

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 10

prosecuting and sending kids through the court system and taking care of kids as a result of the opportunities not being there with the Boys and Girls Clubs? So you have a lot of intangible issues that are really hard to put dollars and cents to. We could simply look at the amount of programs they provide and what the cost is to that and what the cost would be if the City had to provide those same type of programs, but I don't think that would really, adequately cover the full benefit that the City derives from the services provided by the Boys and Girls Clubs."

Mayor Crowell entertained public comment; however, none was forthcoming. (10:33:52) Boys and Girls Clubs Executive Director Hal Hansen advised that several Boys and Girls Clubs organizations have funded a study to determine the economic impact on a community. "It's pretty impressive figures, ... but it's quite a bit of the impact that you talked about that the Boys and Girls Clubs provides and we're happy to do that and we look forward to a gym there and it makes a world of difference to Carson City kids that are all members of the Boys and Girls Clubs if we have that." Mr. Hansen thanked the Board for working with the Boys and Girls Clubs over the past several years "to make this happen."

Mayor Crowell called again for public comment. (10:34:54) In reference to previous comments, Juan Guzman, a member of the Boys and Girls Clubs Board of Directors, discussed a Parks and Recreation Department activity which "necessitated the use of bathrooms and the Boys and Girls Clubs ... were more than happy to open their facility on a Saturday ... We also, quoting our master plan, that the parking lot that is ... constructed is really the parking lot to be used for the trail head and our trail that goes around our wetland and around the freeway. We're trying to cost out and do legal documents that really do not truly reflect the close relationship we have and we hope that we'll continue to have."

Mayor Crowell entertained additional public comment; however, none was forthcoming. He acknowledged the difficulty associated with assigning a dollar amount relative to the value of the Boys and Girls Clubs to the community. He noted the "special place" the Boys and Girls Clubs has in the community, and suggested reviewing it consistently in consideration of the fact that the Boys and Girls Clubs was specifically mentioned in the Question #18 supporting documentation. In reference to Mr. Woodbury's comments, he expressed understanding that "nobody anticipated a cash transaction here. We're changing that ... as we go down the road." He acknowledged Mr. Moellendorf's commitment to review cost allocations as time goes on in order to identify "offsets to help the Boys and Girls Clubs."

Mayor Crowell entertained a motion. **Supervisor Walt moved to direct staff to utilize a facility rental agreement with the Boys and Girls Clubs of Western Nevada for the proposed multi-purpose athletic center. Supervisor Abowd seconded the motion. Motion carried 5-0.** Mayor Crowell thanked the Boys and Girls Clubs for their continued cooperation. Mayor Crowell recessed the meeting at 10:38 a.m. and reconvened at 10:53 a.m.

**15. PARKS AND RECREATION DEPARTMENT, OPEN SPACE PROGRAM - POSSIBLE ACTION TO ACCEPT THE RECOMMENDATION OF THE OPEN SPACE ADVISORY COMMITTEE TO SUBMIT A GRANT APPLICATION FOR THE SOUTHERN NEVADA PUBLIC LANDS MANAGEMENT ACT - PARKS, TRAILS, AND NATURAL AREAS, FOR THE DEVELOPMENT OF A TRAIL CONNECTOR BETWEEN EMPIRE RANCH TRAIL AND RIVERVIEW PARK** (10:53:50) - Mayor Crowell introduced this item, and Open Space Property Manager Juan Guzman reviewed the agenda materials in conjunction with displayed slides. He advised that maintenance of the trail connector will be included in the routine maintenance of the subject trail system.

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 11

In response to a question, Mr. Guzman advised that the Lumos & Associates donation cannot technically be considered as part of the match. He clarified that he will “explain that the cost of the design should be counted as a match. The regulations of the program do not allow ... any of the preliminary work that you need to present to them ... Until you have a signed agreement for the project, any expenditure toward the project doesn’t count. So they are really looking for cash.” In response to a comment, he noted one of the ranking categories is a determination of importance to the community. “By showing that a private engineering firm decided it’s important enough to spend money and effort, ... it’s very significant.” Mr. Guzman responded to questions of clarification relative to the fiscal impact and the match. Supervisor McKenna discussed volunteer work as match funding. Mr. Guzman explained that once the project is ranked, a funding agreement is entered into and “if you have stated in your project description that you are going to be using voluntary labor and that equates to “x” amount toward your project, it can be counted as a match.” He clarified that the subject trail and bridge “requires, for the most part, professional labor ... so it’s very difficult to integrate into the grant a request that can be used as a match.” He advised of discussions with Muscle Powered representatives regarding an agreement “where we can use them as our main arm for voluntary labor for building ... and maintaining trails. They are very interested and we are very interested.” He anticipates making a presentation to the Board in the near future.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Aldean moved to accept the recommendation of the Open Space Advisory Committee to submit a grant application for the Southern Nevada Public Lands Management Act - Parks, Trails, and Natural Areas for the development of a trail connector between Empire Ranch Trail and Riverview Park, which includes authorization to offer up to \$100,000 from the Quality of Life Open Space account as a potential match. Supervisor Abowd seconded the motion. Motion carried 5-0.** At Mayor Crowell’s request, Mr. Guzman discussed the award to be conferred by the Nevada Chapter of the American Planning Association, and the Pine Code Award to be conferred by EcoNet for the City’s work on the federal lands bill.

#### **16. BOARD OF SUPERVISORS NON-ACTION ITEMS:**

**STATUS REVIEW OF PROJECTS (11:10:27)** - Mr. Werner reported that paving in the southeastern portion of the City started two to three days ago. “That’ll continue until we’re done as long as the weather holds ...” The Clearview bridge, which was supposed to have been opened tomorrow, has been delayed. Mayor Crowell noted the extent of the concern expressed by area residents. In response to a comment, Mr. Werner discussed the methods by which the Public Works Department ensures sufficient communication with the community and affected area residents. He acknowledged that the Line Drive project is completed. He anticipates that the Butti Way project will be completed in the near future.

**PUBLIC WORKS WATERLINE PROJECT (11:09:34)** - Mr. Werner reported that the project is moving forward. A portion of the project, which crosses Saliman Road in a westerly direction, will be delayed due to funding issues. “The issue is bond coverage so we’re not going to sell bonds unless we can show we’ve got the bond coverage. So we’re delaying a small piece and that’s not essential to getting the water in from Douglas County because it connects up, but it ultimately will impact how much water we get to distribute to the west part of town.”

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (11:13:32)** - Mr. Werner advised of having been discussing the commercial area revitalization project with Supervisor Abowd. He anticipates being able to present information to the entire Board in the near future. He

## **CARSON CITY BOARD OF SUPERVISORS**

### **Minutes of the October 20, 2011 Meeting**

#### **Page 12**

described the funding mechanism associated with the commercial area revitalization project. He advised of having been working on boards, committees, and commissions, and that he will agendize a presentation to the Board in the near future. He further advised of having met with School District and Carson City Arts Initiative representatives to discuss arts and culture in education. He recommended monitoring the progress, unless there are specific issues in which the Board is interested. He reported on the library project, noting "very detailed meetings with our financial advisors, our bond counsel, ... [and] with Wells Fargo Bank." (11:26:44) Mr. Werner advised that the City's emergency management personnel had recently discussed the length of time since any City representative had attended the FEMA Academy to update the community-wide emergency management program. A funding application has been submitted to FEMA for emergency management personnel to participate in a community-based emergency management exercise.

### **CORRESPONDENCE TO THE BOARD OF SUPERVISORS**

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS** (11:19:30) - In reference to comments relative to item 12, Supervisor Aldean read into the record the motion relative to item 23 of the September 15, 2011 Board of Supervisors meeting minutes. A brief discussion ensued.

Supervisor McKenna thanked Mr. Glover for his work on the redistricting plan. Supervisor Aldean expressed appreciation for the decision to re-open the IHOP Restaurant. Mayor Crowell announced a fund raising event to be held at Gold's Gym on Saturday, October 22<sup>nd</sup>, and that he would be speaking at the Nevada Day Committee's benefit for the IHOP Restaurant and the Reno Air Races to be held Thursday, October 27<sup>th</sup> at the Siena Hotel and Casino. He advised of discussions with Governor Sandoval to establish a memorial at the Legislative Mall. He further advised that the IHOP Restaurant employees have continued to be paid. He commended the IHOP CEO, who arrived in Carson City within two and a half hours after the incident occurred on September 6<sup>th</sup>.

### **STAFF COMMENTS AND STATUS REPORTS**

**RECESS AND RECONVENE BOARD OF SUPERVISORS** (11:29:53) Mayor Crowell recessed the meeting at 11:29 a.m. and reconvened at 5:01 p.m.

#### **17. CITY MANAGER**

**17(A) POSSIBLE ACTION TO APPOINT TWO MEMBERS TO THE PLANNING COMMISSION FOR TERMS THAT WILL EXPIRE IN JUNE 2015** (5:02:21) - Mayor Crowell introduced this item and provided an overview of the interview procedure.

(5:03:25) Mayor Crowell welcomed Jerry Cinani to the podium, and thanked him for his application on behalf of the Board and the community. In response to a question, Mr. Cinani discussed his interest in serving as a Planning Commissioner, and his qualifications and experience. Mayor Crowell posed a hypothetical scenario involving an applicant whose proposed project complied with all provisions of the Carson City Municipal Code, "but there was a room full of people who objected ... and very few, if any, who supported it." In response to question, Mr. Cinani advised that he would first clarify the citizens' objections and whether or not they were unified. In addition, he would consider the applicant's rights and

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 13

whether or not they were entitled to proceed with their proposed project. “And hope then to develop some consensus among people in terms of ... an adjustment ... in the permit that would accommodate some of the needs or concerns of the people who had some objections.”

Supervisor Abowd noted the anticipated increased use of wind turbines and solar panels. In response to a question, Mr. Cinani advised that his background was not unique to wind turbines and solar panels “other than ... general knowledge of environmental things and what kinds of benefit they might have.” He expressed the opinion that the anticipated issues relative to solar panels and wind turbines will “be more acceptability among the community than ... efficien[cy] in terms of generating energy.” He discussed a solar panel developed by Dow Chemical to look like a roof shingle, and expressed the opinion “that’s kind of the direction that some of the green things will need to go; that is, they’ll need to come up with methods of harnessing that energy that are going to be acceptable to people as well as effective in the generation of energy.” Supervisor Abowd expressed the opinion that “the issue comes down to technology, timing, and cost,” and commended Mr. Cinani’s answer.

Supervisor Aldean thanked Mr. Cinani for his application, and reviewed the various responsibilities of the Planning Commission, including requests for changes of land use. In reference to the City’s comprehensive master plan, Supervisor Aldean inquired as to Mr. Cinani’s philosophy with respect to approving changes in land use in terms of balancing the expectations of surrounding property owners with the implementation of a master plan that has been thoroughly vetted by the community and adopted by the Planning Commission and this Board. Mr. Cinani noted the complexity associated with approving land use changes “whether it’s an individual or a business or a group of people.” He expressed the understanding that the City’s comprehensive master plan was approved in 2006 and is periodically reviewed. He described the planning document “as pretty static,” and the community as “dynamic, as well as the conditions that the community lives in, such as the economy ...” In consideration of a particular parcel of land and the adjacent residents, he discussed the importance of reviewing the zoning requirements, as created, and the comprehensive master plan, as well as the existing conditions at the time “that issue has arisen and then try to evaluate where people are at, where the City is at, and how you might best meet those needs and keep them, to some extent with the plan itself and with the zoning requirements.”

Supervisor McKenna posed a hypothetical situation with a project proponent and an impacted homeowner. The proponent meets all of the qualifications under the law and it’s a good project. The homeowner has proven an adverse impact. In response to a question, Mr. Cinani suggested considering that “adverse is pretty general ... and you have to look at the severity ... If it’s an extremely severe adverse affect on the homeowner and the homeowner really doesn’t have any alternatives, ... [he] would tend to try to find something that ... would fit the homeowner.” He noted that homeowners “have their lives invested in this and in their place, whatever their home is. They’ve invested a great deal in that and they may not have many alternatives; whereas, a project from a business or some major enterprise may have a lot more flexibility.” Mr. Cinani advised that he would “try to accommodate that homeowner because they are the people who really have contributed the most to the City in many cases.”

Supervisor Walt inquired as to Mr. Cinani’s vision for the community in the next 20 to 30 years. Mr. Cinani advised of having been “in and out of this area for a long time,” and reviewed his history in the community. He described the growth in Carson City, since the 1960s, as enormous and that the City since that time is “totally unrecognizable.” He expressed difficulty in envisioning Carson City in 30 years, but expressed a preference for the City “to become more economically viable,” for “fewer kids to leave the

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 14

City,” for the “health care part of the City grow a great deal more than what it has,” for “the City to have more development in terms of a variety of things that may be available for people to do here,” for Carson City to “become a little bit more of a destination place for people ... in the surrounding area,” for “the City ... to grow in terms of population.” Supervisor Walt inquired as to Mr. Cinani’s position on the City Center Project. Mr. Cinani advised of “limited knowledge of the details of the project.” He expressed uncertainty relative to the project, in consideration of its evolution. He expressed support for the “library as it’s envisioned in the City project ...” He expressed uncertainty with regard to financing and sustaining the project.

Mayor Crowell commended Mr. Cinani’s articulate interview, and thanked him for his application. Mr. Cinani thanked the Board for considering his application.

(5:24:22) Paul Esswein introduced himself for the record. Mayor Crowell proposed a hypothetical scenario with a special use permit application which met all Code and statutory requirements, for which ten people were in attendance in support and fifty people were in attendance in opposition. In response to a question, Mr. Esswein advised that the numbers of people would not affect his judgment. “... what the people had to say would be weighed ...” in his judgment.

Supervisor Walt thanked Mr. Esswein for his application, and inquired as to his vision for the community in the next twenty years. Mr. Esswein expressed strong support for “revitalization of downtowns,” and described downtown Carson City as “a perfect place for real redevelopment.” He expressed the opinion that the downtown area “has the building structure to have that happen.” The traffic problems are being mitigated with construction of the freeway. Mr. Esswein expressed the opinion that “the plans ... are giant steps forward to having a viable downtown.” Supervisor Walt inquired as to Mr. Esswein’s opinion of the City Center Project. Mr. Esswein expressed general support for the project, but advised he had not followed it closely. He was uncertain as to project financing, but advised of having seen no alternatives “other than do nothing which is an inappropriate response for the City to take.”

Supervisor McKenna posed a hypothetical situation with a project proponent and an impacted homeowner. The proponent meets all legal and financial qualifications. The homeowner has proven an adverse impact. In response to a question, Mr. Esswein suggested first considering any possible mitigation to the adverse impact. He expressed the belief that it’s the general obligation of a Planning Commissioner to decide whether the project meets the requirements and, if it does, than to vote to approve it.

Supervisor Aldean noted that Mr. Esswein had been the most recent Carson Area Metropolitan Planning Organization chair. She inquired as to Mr. Esswein’s philosophy relative to land use changes which are made or suggested to comply with the City’s comprehensive master plan. Mr. Esswein advised of having considered the question relative to Lyon County, and expressed the belief that “we have become too ensconced in looking at zoning as a ‘this use goes here’ and ‘this use goes here’ rather than looking at the effect of that use; how it’s used rather than what the use is.” He expressed the opinion that “going forward, the City, in redoing zones and looking at land use, would be well advised to look at the effects of land use ...” He acknowledged the fluidity of master planning documents.

In consideration of the contention associated with wind turbines and solar panels, Supervisor Abowd inquired as to elements in Mr. Esswein’s background and experience which would give him the ability to make educated decisions. Mr. Esswein advised of having worked with cell towers and large structures.

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 15

He expressed the opinion that “if the Code that ... regulates that use is well written, ... there should be a way to accommodate those kinds of uses without major impacts on a neighboring use.”

Mayor Crowell thanked Mr. Esswein for his application, expressed appreciation for the citizens who serve on the City’s advisory boards, commissions, and committees, and thanked him for his service to the Carson Area Metropolitan Planning Organization.

(5:35:04) Mayor Crowell welcomed George Wendell to the podium. Mr. Wendell acknowledged an interest in serving another Planning Commission term. In response to a question, Mr. Wendell discussed his Planning Commission experience and his interest in serving another term. He reviewed his experience and qualifications relative to the commission’s responsibility. Mayor Crowell posed a hypothetical situation in which a special use permit application meets all the legal requirements, but the majority of the citizens present object to the application. In response to a question, Mr. Wendell advised that the Planning Commission had been faced with such scenarios during his term of service. He expressed the belief that the Planning Commissioners, who are “fulfilling a quasi-judicial role need to consider the findings of fact and the conclusions of law,” in consideration of the “liability faced by the individual Planning Commissioners and primarily the City.” In consideration of a “tremendous influx of people [who] have taken objection,” Mr. Wendell discussed the importance of “listen[ing] very carefully to the facts that they present. ... there may be some mitigating circumstances.” He emphasized the importance of meeting the criteria specified in the law, the master plan, and the facts of the application. Mayor Crowell commended Mr. Wendell’s answer in consideration of the rule of law.

In consideration of the contention often associated with solar panels and wind turbines, Supervisor Abowd inquired as to Mr. Wendell’s experience to “deal with that scenario.” Mr. Wendell advised that a great deal of effort was invested in developing the City’s wind energy ordinance. He discussed the importance of adhering to the provisions of the ordinance and the City’s comprehensive master plan. He reiterated the importance of basing decisions on findings of fact and conclusions of law. He expressed the opinion that many of the issues associated with solar panels and wind turbines can be addressed by the Planning Division because of the ordinance and the comprehensive master plan. He expressed the further opinion “there has to be a tremendous amount of justification to deviate from that and, in most cases, ... [he] hasn’t found it.” He noted the importance of flexibility, however.

Supervisor Aldean inquired as to the most challenging decision made by the Planning Commission in the last four years. Mr. Wendell advised of several, and expressed the belief that the most challenging are those which will affect employment, the economy and, “at the same time, you have facts ... presented that would provide legitimate reasons why not to proceed because of ... danger to participants, environmental hazards for the residents living in an area.” He referred to a race track development proposed for just north of Highway 395, noting that it would have provided income and employment for the community. He expressed the opinion, however, that the proposed location was very hazardous and advised that he had voted against it.

Supervisor McKenna reviewed his previous hypothetical scenario and, in reference to Mr. Wendell’s answer to Mayor Crowell and Supervisor Abowd’s questions, provided him the opportunity to add to his answers. Mr. Wendell reviewed examples wherein an individual had built too close to the property line and would have to incur costs to remedy the situation. “But the law was very clear in that they had, without a building permit, infringed on the property line of the other party.” Mr. Wendell advised of having voted

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 16

to require the property owner to incur the costs necessary to make the modifications. He provided additional examples.

Supervisor Walt inquired as to Mr. Wendell's vision for community development over the next twenty years. Mr. Wendell described the community as "beautiful," currently, but anticipates it will "look a whole lot different." He expressed the opinion that the City continues to make progress. "We have a tremendously wonderful Planning Department that has an awful lot of expertise." Mr. Wendell noted that Planning Division staff is unaffected by politics and "do it the way it needs to be done and they're very professional." He expressed the belief that "with the expertise of the Planning Department, at the present time, and as careful as they are and the wisdom that they have, everything's going to be well planned according to our master plan ..." He anticipates that the community will continue to be "well planned and organized," and expressed the belief that the excellent quality of life will prevail. He anticipates an increase in green building, and expressed confidence in the professionalism of the Board of Supervisors. Supervisor Walt commended Mr. Wendell on his Planning Commission meeting attendance, and inquired as to his opinion of the City Center Project. Mr. Wendell expressed the opinion that the City Center Project represents "progress in the community." He acknowledged the costs associated with the project, but emphasized the importance of having "faith in your department heads." He expressed confidence that the involved City staff and the Board members will count the cost prior to making the decision.

Mayor Crowell thanked Mr. Wendell for his Planning Commission service, and commended his articulate interview. He expressed appreciation for Mr. Wendell's community service. Mr. Wendell requested the Board's consideration of his application.

(5:52:56) Mayor Crowell welcomed Craig Mullet to the podium, and thanked him for his Planning Commission service. In response to a question, Mr. Mullet discussed his interest in being reappointed to the Planning Commission. Mayor Crowell posed a hypothetical scenario involving a special use permit applicant, whose application fully complies with the law and all the Code requirements, and there is a "room full of people who are opposed to the granting of that permit and the only people who are for it are the applicants." In response to a question, Mr. Mullet expressed the opinion that "if the applicant is in front of the Planning Commission, ... the process requiring a special use is either that there's an issue with setbacks, height, something ... At that point, then, you have to look at how that affects the neighbors and if that is going to ... jeopardize their property, their values and, yes, under the special use, if it's granted, the project might go but that would be really the only reason they're before us ..."

Supervisor McKenna thanked Mr. Mullet for his application and for his previous service. Supervisor McKenna posed a hypothetical scenario involving a project proponent and an impacted homeowner. The project meets all legal requirements, all Planning Division requirements, it's ready to go, there's financing available, etc. The homeowner has proven an adverse impact. In response to a question, Mr. Mullet advised he would consider how the homeowner is impacted. At Mr. Mullet's request, Supervisor McKenna provided additional clarification of the hypothetical scenario. In response to a further question, Supervisor McKenna suggested considering the Eagle Valley Middle School solar panel project as an example. Mr. Mullet suggested that the property owner, in that case, "had some options and, here again, you've got a neighborhood so you're trying to be a good neighbor and, rightly so, he could place it right next to the property line with a thirty-foot setback or whatever ... But, if the homeowners or the adjacent properties have some concerns because of the visual look, sound, and you have some options, why can't we maybe make it fit and, in fact, it was my suggestion to have them move it more to the middle of the property ..."



## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 17

To me, it was taking ... part of the quality of life away from those adjacent neighbors and if you really don't have to impact them, why not?" He discussed the difficulties experienced by the neighbors adjacent to the North Carson Crossing Wal-Mart store. "... if you do your due diligence, you should have known that that was industrial or ... commercial and known that there was a possibility that a box store could go there. And, in that case, just by having Wal-Mart ... mitigate some of the concerns by putting up sound walls or moving the docks to the other side to try to accommodate the neighborhood, we still said, 'they have all the right to develop it that way.'"

Supervisor Aldean inquired as to the most challenging decision Mr. Mullet had to make during his Planning Commission tenure. Mr. Mullet listed the first and second proposed locations for the Silver State Charter School adjacent to the Comstock Casino and the Carson City Airport, respectively. He expressed opposition to the density of the project proposed for the parcel adjacent to the Save-Mart store at the south end of town. He listed "windmills" and billboards as challenging decisions. Supervisor Aldean expressed the opinion that any Planning Commissioner who takes their job seriously "should be agonizing over everything that comes before you in order to give everyone a fair hearing." Mr. Mullet discussed the wind turbine project recently approved for the parcel adjacent to Highway 50.

In reference to the four-plex project recently proposed for a parcel in the historic district, Supervisor Abowd inquired as to Mr. Mullet's opinion as to "the letter of the law over the best use of the property." Mr. Mullet noted that the project required a "variance or a special use because it didn't just fit a residential lot. And this is where I say in our decision making, ... you still have to step back and say, 'Is that what we were envisioning as infill and does it really fit in to the neighborhood to kind of keep the neighborhood as a neighborhood?'" He advised of having requested staff to provide findings in favor and for denial for each project.

Supervisor Walt thanked Mr. Mullet for reapplying, and commended his Planning Commission attendance record. She inquired of Mr. Mullet his vision for the community over the next twenty years. Mr. Mullet expressed the opinion "we've got a very good base here. The quality of life, the recreation that's close, the friendliness of the town ...". He expressed the further opinion that the "town is still small enough, neighborly enough that you have that family" feel. He expressed support for "growth that keeps in mind that we want to still be a small-town community but provide enough benefits, variety of activities, commercialized shopping ... that people don't have to leave town to do their shopping." He expressed support for mixed use development, for the City's trail system and for trail connections, and for ensuring public safety. Supervisor Walt inquired of Mr. Mullet his opinion of the City Center Project. Mr. Mullet expressed appreciation for the mission of the Mae B. Adams Trust. He expressed the opinion that, if the project can be justified, "it could be the jewel of downtown." He discussed concerns relative to noise from downtown events, the downtown mixed use zoning district provisions excluding Planning Commission review of the City Center Project, the proposed location of and amenities for the knowledge and discovery center, the various iterations of the project, ensuring green elements in the project construction, the proposed size of the knowledge and discovery center, and the various elements proposed to be included in phase 1 of the project. Mayor Crowell reiterated his appreciation for Mr. Mullet's Planning Commission service. Mr. Mullet reiterated an interest in being reappointed.

Mayor Crowell noted that Brian Hutchins was unable to be present for the interview. In response to a question, Mr. Munn advised soliciting public comment. Mayor Crowell entertained public comment, and provided direction with regard to the same. Supervisor McKenna expressed an interest in appointing one

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 18

incumbent and one new applicant “so that more people have a chance of being part of Carson City’s government.” He offered to propose two names.

In response to a question, Mr. Werner advised that many jurisdictions impose term limits for their advisory boards, commissions, and committees. He reviewed some of the term limits, and suggested this as a starting point for discussion at the time the matter is presented to the Board.

In consideration of Supervisor McKenna’s suggestion, Mayor Crowell entertained two names from each Board member. Supervisor McKenna suggested Jerry Cinani and George Wendell, and discussed his reasoning. Supervisor Aldean suggested Paul Esswein and Craig Mullet. Supervisor Abowd agreed with Supervisor McKenna’s suggestion, and expressed support for Craig Mullet and Paul Esswein. Supervisor Walt expressed support for George Wendell and Paul Esswein. Mayor Crowell expressed support for Jerry Cinani and George Wendell. Mayor Crowell entertained a motion. **Supervisor McKenna moved to appoint Paul Esswein and George Wendell to the Carson City Planning Commission for four year terms, ending June 2015. Supervisor Abowd seconded the motion. Motion carried 5-0.** Mayor Crowell thanked all the applicants for their participation.

**17(B) POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE CARSON CITY AIRPORT AUTHORITY TO THE “PILOT” POSITION FOR A TERM THAT EXPIRES OCTOBER 2015** (6:42:19) - Mayor Crowell introduced this item, and advised that he would recuse himself due to Airport Authority Counsel Steve Tackes being one of his law partners. He passed the gavel to Mayor *Pro Tem* Shelly Aldean and stepped from the dais.

(6:43:04) Mayor *Pro Tem* Aldean welcomed Raymond Pasch to the podium, and explained Mayor Crowell’s absence from the dais. Mayor Crowell provided additional clarification. Mayor *Pro Tem* Aldean thanked Mr. Pasch for his application. In response to a question, Mr. Pasch discussed his interest in serving as a member of the Airport Authority. Mayor *Pro Tem* Aldean reviewed the applicable statute and inquired as to how Mr. Pasch, as a pilot and a representative of the general public, would reconcile his commitment to the community with airport operations and activities. She explained a recent situation relative to the licensing of a helicopter training company, as an example. Mr. Pasch discussed his approach to minimizing the impact of the night flying. He discussed the importance of ensuring the public’s safety and having “the best interests of the community in mind at all times.” He described the airport as an asset to the community.

In response to a question, Mr. Pasch expressed an interest in “see[ing] the Airport Authority accomplish continued growth of the airport and improvements at the airport to ensure safety, number one, and secondly to attempt to attract more business traffic and ... more business aircraft to the point where they’re based at Carson City which would result in increased revenue from the standpoint of fuel flow, property taxes, and personal property taxes.” He expressed the opinion that this will make the airport “a better partner and a stronger economic engine for the City.”

Supervisor Walt inquired as to Mr. Pasch’s opinion of a partnership between the School District and the Airport Authority. Mr. Pasch expressed support, and discussed his involvement in the Experimental Aircraft Association Young Eagles Program. He expressed concern with regard to a facility large enough to accommodate such a partnership.

## CARSON CITY BOARD OF SUPERVISORS

### Minutes of the October 20, 2011 Meeting

#### Page 19

Supervisor McKenna noted the airport's unique challenges, and inquired as to plans for the western airport property. He further inquired as to Mr. Pasch's ideas "to make the airport a continuing feature in Carson City over the next ... twenty years." Mr. Pasch discussed the need for an instrument approach from the east, the need to construct a new terminal building, and the need for a restaurant. Supervisor McKenna requested Mr. Pasch to contrast the previously stated ideas with using the airport for industrial facilities and allowing the Minden Airport become "the area airport." Mr. Pasch expressed opposition to abandoning the airport under any circumstances. He expressed pride in the airport. "That airport is generally safe. It's untowered, ... but it's closer to Reno than Minden. There are people who go to Tahoe ... that would prefer to fly into Minden, but ... the Carson City Airport should stay there. We're the capital city."

Mayor *Pro Tem* Aldean thanked Mr. Pasch for his participation. In response to a question, Mr. Pasch expressed the belief that he has "something to contribute to the airport by being on the Airport Authority." He is at the airport every day and is accessible to the airport manager. He advised that he is currently Vice Commander of the Sheriff's Aerosquadron. He advised of "no private agendas" and that he doesn't "represent any particular group. [He] would treat everyone the same."

(6:55:19) Mayor *Pro Tem* Aldean welcomed Guy Williams to the podium, and thanked him for his application. In response to a question, Mr. Williams discussed his interest in serving as a member of the Airport Authority. Mayor *Pro Tem* Aldean inquired as to how Mr. Williams, as a representative of the general public, would reconcile his commitment to the community with airport operations and activities. Mr. Williams discussed the importance of first understanding the source of the conflict, but didn't "see them as conflicting with one another." He commended the Airport Authority's handling of the helicopter operation. He expressed a preference for preventing issues rather than having to mitigate them.

Supervisor McKenna reviewed the adjacent uses surrounding the airport and inquired as to Mr. Williams' opinion of abandoning the Carson City Airport and using the Minden Airport instead. In response to a question, Mr. Williams expressed opposition to abandoning the airport, noting that one of the reasons he moved to Carson City was to be near the airport. He expressed the opinion that community issues can be addressed. "The area to the west of the airport is buildable as long as it's kept low enough and what you would probably put there would be more light industry, low commercial buildings, possible office space; far enough off that it does not incur in the departure safety zone." "The airport serves two roles in the jargon of development books. It's a portal or gateway for those who are outside our community to be exposed to Carson City. Secondly, you have a large community of pilots, many of whom are .. former or present business people that reach out to many areas of the country. You have roughly a hundred good will ambassadors that can spread the reasons for living in Carson City, running a business in Carson City." He discussed other reasons for not abandoning the airport, and expressed an interest in drawing more of the community's youth into the science of aviation.

Supervisor Walt inquired as to the method by which Mr. Williams would encourage development of an educational program in conjunction with the School District. Mr. Williams expressed a willingness to volunteer to develop a curriculum that could be shared with the science communities, noting his teaching experience. He expressed the opinion that "aviation is one of the greatest practical instruction methods. You learn on very gut levels the rules of physics when you learn about flying. You also learn a lot about life ..." Mr. Williams expressed the opinion that the airport has great potential as a tool for community relations.

**CARSON CITY BOARD OF SUPERVISORS**

**Minutes of the October 20, 2011 Meeting**

**Page 20**

Supervisor Abowd inquired as to goals Mr. Williams would like to see the Airport Authority accomplish. Mr. Williams discussed the importance of community relations and business development. He expressed the opinion that the Airport Authority could develop a liaison role with the Planning Commission, Community Development “to formalize utilizing the airport as ... a gateway or access point and use the pilots as a bunch of good will ambassadors ...” He discussed the importance of addressing the “center triangle” development “from an economic perspective [and] from a safety perspective.” He discussed the need to upgrade the ramps in the near future.

Mayor *Pro Tem* Aldean thanked Mr. Williams. In response to a question, Mr. Williams reiterated his interest in serving. Mayor *Pro Tem* Aldean entertained public comment, and provided direction with regard to the same. When none was forthcoming, she entertained input of the Board members. **Supervisor Abowd moved to appoint Guy Williams to the Airport Authority to fill the “pilot” position for a term that expires October 2015.** Supervisor McKenna expressed support for Raymond Pasch. Supervisor Walt thanked both candidates, and expressed support for Mr. Williams. Mayor *Pro Tem* Aldean expressed support for Mr. Williams. **Supervisor McKenna seconded the motion. Motion carried 5-0.** Supervisor Walt requested Mr. Williams to provide his e-mail address to the City Manager.

**18. PUBLIC COMMENT (7:11:06)** - Mayor *Pro Tem* Aldean entertained public comment; however, none was forthcoming.

**19. ACTION TO ADJOURN (7:11:27)** - Supervisor Walt moved to adjourn the meeting at 7:11 p.m. Supervisor Abowd seconded the motion. Motion carried 5-0.

The Minutes of the October 20, 2011 Carson City Board of Supervisors meeting are so approved this 17<sup>th</sup> day of November, 2011.

---

SHELLY ALDEAN, Mayor *Pro Tem*

ATTEST:

---

ALAN GLOVER, Clerk - Recorder