

CARSON CITY BOARD OF SUPERVISORS
Minutes of the November 2, 1995, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, November 2, 1995, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 1 p.m.

PRESENT:	Marv Teixeira	Mayor
	Greg Smith	Supervisor, Ward 1
	Janice Ayres	Supervisor, Ward 2
	Tom Tatro	Supervisor, Ward 3
	Kay Bennett	Supervisor, Ward 4

STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	William Naylor	Automation Services Director
	Walter Sullivan	Community Development Director
	Jay Aldean	Public Works Director
	Paul Lipparelli	Deputy District Attorney
	John Iratcabal	Dep. Purchasing & Contracts Dir.
	Ken Arnold	Environmental Control Manager
	Scott Fahrenbruch	Park Superintendent
	Katherine McLaughlin	Recording Secretary

(B.O.S. 11/2/95 Tape 1-0001.5)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

CALL TO ORDER, INVOCATION, PLEDGE OF ALLEGIANCE, AND ROLL CALL - Mayor Teixeira convened the meeting at 1 p.m. Rev. Elaine Morgan of St. Peter's Episcopal Church gave the Invocation. Supervisor Ayres lead the Pledge of Allegiance. Roll call was taken. The entire Board was present constituting a quorum.

1. APPROVAL OF MINUTES - September 7, 1995 (1-0022.5) - Supervisor Smith moved to approve. Supervisor Ayres seconded the motion. Motion carried 5-0.

2. SPECIAL PRESENTATIONS (1-0025.5)

A. PROCLAMATION ESTABLISHING DECEMBER 7, 1995, AS "CHRISTMAS TREE LIGHTING DAY" - Chamber of Commerce Executive Vice President Larry Osborne introduced Sandra Woodruff, who was responsible for and coordinator of the "Christmas Tree Lighting" Ceremony. Mayor Teixeira invited the public to participate in the activities which were scheduled for 6 p.m. He thanked Ms. Woodruff and the Chamber for their efforts. Mayor Teixeira read the proclamation into the record. No formal action was taken or required.

B. PRESENTATION BY LARRY TAYLOR OF PHOTOGRAPHS OF CARSON CITY (1-0057.5) - Supervisor Bennett introduced Larry Taylor and explained his loan of photographs for the Sierra Room. Mr. Taylor displayed and explained the two photographs he was loaning to the Board for the Sierra Room. Supervisor Bennett thanked him for the photographs.

CITIZEN COMMENTS (1-01335.5) - Mr. Taylor then expressed his feelings that the City should not support Nye County's lawsuit against the Federal government. He noted the cordial and cooperative relationship experienced in Carson City between the Federal agencies and City. Additional comments were solicited but none

given.

3. LIQUOR AND ENTERTAINMENT BOARD - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. The entire Board was present including Sheriff Rod Banister, constituting a quorum. - **TREASURER** - Al Kramer - **CONSENT AGENDA - ACTION ON A SPECIAL EVENT SHORT-TERM PERMIT WITH WAIVER OF FEES FOR CARSON HIGH SCHOOL PARENT TEACHER STUDENT ASSOCIATION (1-0165.5)** - Member Smith moved to approve the Liquor and Entertainment Board Consent Agenda. Member Tatro seconded the motion. Motion carried 6-0.

Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

4. CONSENT AGENDA (1-0178.5)

A. TREASURER - ACTION ON TREASURER'S REPORT FOR THE MONTH OF SEPTEMBER 1995

B. INTERNAL AUDITOR - APPROVAL OF THE CHECK DISBURSEMENT REGISTER FOR THE PERIOD BEGINNING APRIL 1, 1995 AND ENDING SEPTEMBER 30, 1995

C. PUBLIC WORKS DIRECTOR - ACTION ON DEDICATION OF A 20 FOOT WIDE DRAINAGE EASEMENT ALONG THE NORTH SIDE OF APN 10-185-17 FROM JERRY AND BARBARA INGRAM FOR THE CONSTRUCTION AND MAINTENANCE OF A STORM DRAINAGE CHANNEL

D. COMMUNITY DEVELOPMENT

i. ACTION ON APPROVAL OF AN OPEN SPACE USE ASSESSMENT FOR 709 WASHINGTON STREET, APN 3-272-02

ii. ACTION ON APPROVAL OF AN OPEN SPACE USE ASSESSMENT FOR 506 WEST SPEAR STREET, APN 3-232-01

E. PARKS AND RECREATION DIRECTOR - ACTION ON APPROVAL FOR THE PURCHASE OF AN USED TRUCK FROM THE UTILITIES DEPARTMENT

F. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9596-107 - SURPLUS AND DISPOSAL OF DIAZIT BLUEPRINT MACHINE FOR COMMUNITY DEVELOPMENT

ii. ACTION ON CONTRACT NO. 9596-088 - GONI BOOSTER STATION WATER LINE UPGRADE, AWARD

iii. ACTION ON CONTRACT NO. 9596-95 - STREET DEPARTMENT ASPHALT STORAGE BUILDING, AWARD

iv. ACTION ON CONTRACT NO. 9596-99 - DOWNTOWN BEAUTIFICATION FINAL DESIGN AND CONSTRUCTION DOCUMENTS, CONTRACT APPROVAL

v. ACTION ON CONTRACT NO. 9596-92 - PAVILION STORAGE BUILDING

vi. ACTION ON CONTRACT NO. 9596-109 - TELECOMMUNICATION SYSTEM -

Supervisor Tatro pulled the Treasurer's Report for discussion. Treasurer Al Kramer distributed copies of the report to the Board and Clerk. Supervisor Ayres moved that the Board of Supervisors approve the Consent Agenda with the action on the Treasurer's Report for the Month of September 1995 being heard separately. Supervisor Tatro seconded the motion. Motion carried 5-0.

A. Treasurer Kramer reviewed the report and his investment goals. Supervisor Bennett commended him on the report and urged him to continue his policies. Mayor Teixeira noted that the City has \$43 million in weighted book value and that none is invested in derivatives. Supervisor Ayres moved that the Board accept the Treasurer's Report for the month of September 1995. Supervisor Bennett seconded the motion. Motion carried 5-0.

5. TREASURER - Al Kramer - ACTION ON A THREE YEAR HOST CITY PROGRAM FOR

SUMMER GAMES ATHLETIC AND COMMERCIAL ACTIVITY IN CARSON CITY INVOLVING THE USE OF CITY PARKS AND RECREATION FACILITIES ALONG WITH THE NECESSARY ACCOMPANYING PUBLIC SERVICES (1-0248.5) - Silver State Games Representative Jim Vanden Huevel explained the request and the support he had received from various groups/firms including the Convention and Visitors Bureau and the Chamber of Commerce. Public comments were solicited but none given. Supervisor Bennett commended him on his modified approach. Supervisor Smith expressed a willingness to assist wherever possible on City sites and coordination. Mr. Vanden Huevel and Mr. Kramer then explained the reasons for requiring a three year commitment. Discussion noted the commitment of City staff and facilities as well as the need for a lot of community support and volunteers. Supervisor Tatro reminded the Board that there are agreements with various recreational users for the facilities and the need to work with those groups when the games are occurring. Mayor Teixeira indicated the games would all occur during a three day period. **Supervisor Smith moved that the Board of Supervisors approve a three-year Host City Program for Summer Games athletic and commercial activity in Carson City involving the use of City parks and recreation facilities along with the necessary accompanying public services in concept and allow staff to develop the appropriate documentation and paperwork and bring it back to the Board for approval. Supervisor Ayres seconded the motion.** Mr. Kramer requested the motion give Mr. Vanden Huevel the ability to indicate that the City had agreed to host the games and to seek international sponsors. Supervisor Smith indicated that this was his intent and that it would allow staff time to coordinate with the Convention and Visitors Bureau and address the concerns expressed by Supervisor Tatro. Mr. Lipparelli expressed his feeling that the motion was a pledge by the City to set down with the organization and draw up an agreement committing the City to the program including City facilities which, as indicated, may impact several of the facilities which have ongoing, existing agreements about their use. Mr. Vanden Huevel indicated he was looking for an approval in concept as there are a lot of specifics and details remaining to be worked out. Mayor Teixeira felt that the motion approved the concept and expressed a willingness to move forward in order to obtain the necessary data and return for final approval. Supervisor Smith agreed. The motion to approve the request in concept and direct staff to develop the necessary paperwork was voted and carried 5-0.

6. PUBLIC WORKS DIRECTOR - Jay Aldean - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND U.S. RENTALS CORPORATION, REGARDING ASSESSOR'S PARCEL NO 8-521-82, LOCATED AT 3223 DEER RUN ROAD, CARSON CITY, NEVADA (1-0435.5) - Discussion defined the area and improvements which would be delayed until additional development occurs in the vicinity or five years have passed. Yearly extensions may be approved or denied by the Board after the initial five year period. Supervisor Bennett felt that it was adjacent to one of the City's gateway's and that landscaping should not be delayed. Supervisor Smith detailed and supported the program. Supervisor Bennett moved that the Board introduce on first reading Bill No. 155, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND U.S. RENTALS, REGARDING ASSESSOR'S PARCEL NO. 08-521-82, LOCATED AT 3223 DEER RUN ROAD, CARSON CITY, NEVADA. Supervisor Ayres seconded the motion. Motion carried 5-0.

7. UTILITIES DIRECTOR - Deputy Director Jay Ahrens

A. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND WENCO, INC. (1-0920.5) - Supervisor Tatro moved to introduce Bill No. 156 on first reading, AN ORDINANCE APPROVING A SEWERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND WENCO, INC., REGARDING ASSESSOR'S PARCEL NUMBERS 9-153-07, LOCATED AT 4140 SOUTH CARSON STREET; 9-153-08, LOCATED AT 4190 SOUTH CARSON STREET; 9-153-05, LOCATED AT 3910 SOUTH CARSON STREET; AND 9-153-06, LOCATED ON SOUTH CARSON STREET; CARSON CITY, NEVADA, FOR SEWER MAIN CONSTRUCTION, no fiscal impact except for a 15 percent administrative fee to the City's General Fund upon any reimbursement to the applicant. Supervisor Ayres seconded the motion. Motion carried 5-0.

B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING SECTION 12.03.025 (CALCULATIONS AND REVIEW OF RATES) AND ADDING SECTION 12.03.035 (PAYMENT OF CONNECTION CHARGE) AND SECTION 12.03.080 (SEWERAGE CONSTRUCTION - APPROVAL OF PLAN) OF THE CARSON CITY MUNICIPAL CODE; AND OTHER MATTERS PROPERLY RELATED THERETO (1-0542.5) - Reasons for the modification were noted. Supervisor Ayres moved to adopt on first reading Bill No. 157, AN ORDINANCE AMENDING SECTION 12.03.025 (CALCULATION AND A REVIEW OF RATES) AND ADDING SECTION 12.03.035 (PAYMENT OF CONNECTION CHARGE) AND SECTION 12.03.080 (SEWERAGE CONSTRUCTION--APPROVAL OF PLAN) OF THE CARSON CITY MUNICIPAL CODE; AND OTHER MATTERS PROPERLY RELATED THERETO, no fiscal impact. Supervisor Bennett seconded the motion. Motion carried 5-0.

C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 152 - AN ORDINANCE AMENDING TITLE 9 OF THE CARSON CITY MUNICIPAL CODE BY AMENDING CHAPTER 9.04 TO DEFINE THE HEALTH DIVISION; TO ELIMINATE LANGUAGE REGARDING INDIVIDUAL SEWAGE DISPOSAL SYSTEMS, BURNING AND LAND CLEARING PERMITS AND OTHER MATTERS PROPERLY RELATED THERETO (1-0582.5) - Discussion noted the City had transferred these responsibilities to the State several years ago. Reasons for the transfer were indicated. The State has been responsive in their reactions when contacted about any problem sites. Supervisor Smith moved to adopt Ordinance No. 1995-54 on second reading, AN ORDINANCE AMENDING TITLE 9 OF THE CARSON CITY MUNICIPAL CODE BY AMENDING CHAPTER 9.04 TO DEFINE THE HEALTH DIVISION; TO ELIMINATE LANGUAGE REGARDING INDIVIDUAL SEWAGE DISPOSAL SYSTEMS, BURNING AND LAND CLEARING PERMITS AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

D. ORDINANCE - SECOND READING - ACTION ON BILL NO. 153 - AN ORDINANCE AMENDING TITLE 12 OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 12.10, A PROVISION REQUIRING A PERMIT FOR DOMESTIC WATER SUPPLY SYSTEMS; PERMIT FEES; AND OTHER MATTERS PROPERLY RELATED THERETO (1-0649.5) - Supervisor Bennett moved to adopt Ordinance No. 1995-55 on second reading, AN ORDINANCE AMENDING TITLE 12 OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 12.10, A PROVISION REQUIRING A PERMIT FOR DOMESTIC WATER SUPPLY SYSTEMS; PERMIT FEES; AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

E. ACTION TO APPROVE DEDICATION OF EASEMENTS FROM BOWEN DEVELOPMENT COMPANY TO CARSON CITY (1-0668.5) - Supervisor Tatro moved to approve and authorize the Mayor to sign the Dedication of Easements from Bowen Development Company to Carson City for the installation and maintenance of water lines. Supervisor Smith seconded the motion. Motion carried 5-0.

F. STATUS REPORT ON CARSON CITY'S CURBSIDE RECYCLING PROGRAM AND SOLID WASTE DIVERSION ACTIVITIES AT THE LANDFILL - Environmental Control Manager Ken Arnold reviewed the status report. Comments emphasized the community's support for the program as indicated by the one-time bill rebate of \$3.98 per customer and commended Capital Sanitation and Landfill Operator Julius Ballardini for his support. Additional incentives were discussed as a means of obtaining more participants. Supervisor Bennett suggested some of the funding be used to advertise the recycling program and thank the community for its support. Mr. Arnold indicated there may be funding for this purpose from another unidentified source. No formal action was required or taken.

8. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. STATUS REPORT ON THE PLANNING COMMISSION'S ACTION REGARDING K-MART'S COMPLIANCE WITH CONDITIONS OF APPROVAL (1-0845.5) - Mr. Sullivan reviewed the status report on the noisy fan, parking lot trash cleanup and receptacles, the protective stanchions surrounding the

propane tank, the landscaping, and the parking lot security. Mayor Teixeira noted that the issues had been on-going for a long period of time. The Planning Commission is still reviewing them under the special use permit. He hoped that they will be resolved by the end of the 30 day period as agreed. Donna Kuester expressed her concern about the continuing problems and expressed the hope that they will be resolved within 30 days. If they are not, she would bring the matter back to the Board. She was still having trash problems. Mayor Teixeira indicated that he had agendaized the item for the Board's meeting on December 7th so that the issues can be resolved. K-Mart is aware of this action. Mayor Teixeira thanked the public for its attendance.

BREAK: A five minute recess was declared at 2:01 p.m. When the meeting reconvened at 2:05 p.m., a quorum of the Board was present although Supervisor Ayres did not return until 2:08 p.m.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 154 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 1,156.8 ACRES FROM CONSERVATION RESERVE (CR) AND AGRICULTURE (A) TO SINGLE FAMILY FIVE ACRES (SF5A) ON PROPERTY LOCATED ON EITHER SIDE OF THE CARSON RIVER BETWEEN THE MCTARNAHAN BRIDGE SITE AND TO A POINT APPROXIMATELY 5,000 FEET SOUTH OF LLOYDS BRIDGE IN SOUTHEAST CARSON CITY AND ON PARCELS OF LAND ON EITHER SIDE OF CLEAR CREEK ROAD, APPROXIMATELY ONE MILE WEST OF U.S. HIGHWAY 395, IN SOUTHWEST CARSON CITY, NEVADA, MORE SPECIFICALLY DESCRIBED AS ASSESSOR'S PARCEL NUMBERS 7-042-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 21, 7-051-13, 15, 17, 19, 20, 23, 10-121-08, 18, 20, 21, 22, 23, 25, 26, 27, 34, 35, 36, 37, 38, 39, 40, 10-281-33, 35, 36, 37, 41, 42, 10-491-03, 05, 06, 07, 08, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 10-501-01, 02, 10-502-01, 10-503-01, 02, 03, 04, 06, 07, 09, 10, 13, 14, 17, 18, 19, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 34, 36, 37, 38, 39, 40, 41, 42, 43, AND 44, AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION APPROVED 5-1-0-1) (1-0969.5) - Supervisor Bennett requested the Board defer action on this item and reagendaize it for an evening session. She felt that there were several issues which had not been considered including the the City's ability to provide services to these areas, the topography, and the status of the Carson River Advisory Committee's master plan and its land use designation for this area. Mayor Teixeira explained the purpose of the proposal was to address property owners' rights which had been impacted by the definition change approved earlier in the year. Mr. Sullivan explained staff's commitment at the time these changes were implemented. These areas are becoming five acre subdivisions and should be removed from the Conservation Reserve zones. Jack Foerschler had requested staff bring the matter forward rather than wait for the master plan's update to address the area. The Planning Commission supported his request. The Commission's discussion had included Supervisor Bennett's concerns. The Committee had been invited to the Commission's meeting. Mr. Lipparelli explained that the notification procedures allow 45 days for consideration between the first and second readings. Supervisor Bennett indicated the Committee felt it could not make a decision on this issue as a majority are property owners along the River. She reiterated her reasons for requesting a delay. She felt that the one property owner impacted by the proposal who was present could rezone his area under a different process and that the total acreage should be denied. Supervisor Smith expressed his willingness to reconsider the issue once the zoning is returned to its original state. He was reluctant to delay that procedure and expressed his lack of knowledge about all the changes implemented by the ordinance adopted in the large Title 18 revisions adopted earlier.

(1-1211.5) Charlene Foerschler indicated she was speaking only as a private property owner and was not representing the Carson River Advisory Committee. She felt that the changes had been implemented last January without consideration for the new master plan review process. Thus, they should be returned to the original status. She felt that the reversion had occurred at the time the Board adopted the Resolution at its last meeting and that the second reading was unnecessary. She then explained that she had not been advised of the zoning change implemented on her property. She urged the Board to modify the notification procedure and eliminate any potential reoccurrence. She felt this amendment had reduced her property value and negatively impacted her property rights. She urged the Board to adopt the ordinance as it would return her property to one residence per five acres zoning.

(1-1340.5) Mr. Lipparelli explained the ordinance requirements for Jack Foerschler, that zoning modifications can only be done by ordinances, and the notification requirements for zone changes and special use permits. Mr. Foerschler then explained his contact with other large property owners along the Carson River which he had done as a member of the Carson River Advisory Committee in an effort to determine potential River sites which could be exchanged for other sites. When he had advised them of the change in the zoning designations, they had been unaware of the change and very upset by the reduced property value. He felt that the change could jeopardize the Committee's efforts to obtain public access along the River. Additional public comments were solicited but none given.

Supervisor Tatro expressed his support for Supervisor Smith's comments and the modification. He, too, was unaware of the total impact created by the original changes. He felt that the proposal would return the land use to its original status. After this is accomplished, the specific issue could be reconsidered. Supervisor Ayres voiced her support and cautioned against establishing a precedence to do away with any modifications once they are implemented. Supervisor Bennett explained that she would have presented the opposition in more depth at the first reading had she been aware that it would be considered. She expressed her respect for the Foerschlers and their efforts. She agreed that they had a difference of opinion on this issue. She reminded the Board about the pressure being exerted to allow development of environmentally sensitive sites. All of the parcels listed are contained in such areas. Parceling is considered a "bad idea" and should be avoided. She felt that the Community Development Department had been correct in its original approach to set land aside for public holding through reduced density. The community's voice would support this approach and should be considered. Mayor Teixeira indicated he had mixed emotions on the proposal. He, too, had not been aware of all of the changes proposed by the original ordinance. Both sides had merit, however, he supported returning to its original condition if it was "that wrong" and then going forward. He acknowledged Supervisor Bennett's efforts regarding these issues and expressed his feeling that it could be modified if it is that "far afield". It had been a down zone and a "taking". Mr. Sullivan explained that it was not a down zone. He felt the area under discussion had not been correctly zoned CR at the time of the modification. More development would continue in the areas. For that reason staff had intended to change the zoning through the master plan process to one home per five acres. Supervisor Smith felt that his comments illustrated his point that the property owners felt it had been a down zoning and a "taking". Staff did not feel that it was. He was uncertain, however, until the issues are discussed in depth the correct zoning and supported returning to the original one home per five acres zoning until this discussion occurs. This would allow notification to the "proper people". Supervisor Smith then moved that the Board of Supervisors adopt Ordinance No. 1995-56 on second reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON APPROXIMATELY 1,156.8 ACRES FROM CONSERVATION RESERVE (CR) AND AGRICULTURE (A) TO SINGLE FAMILY FIVE ACRE (SF5A) ON PROPERTY LOCATED ON EITHER SIDE OF THE CARSON RIVER BETWEEN THE MCTARNAHAN BRIDGE SITE AND TO A POINT APPROXIMATELY 5,000 FEET SOUTH OF LLOYDS BRIDGE IN SOUTHEAST CARSON CITY AND ON PARCELS OF LAND ON EITHER SIDE OF CLEAR CREEK ROAD, APPROXIMATELY ONE MILE WEST OF U.S. HIGHWAY 395, IN SOUTHWEST CARSON CITY, NEVADA, MORE SPECIFICALLY DESCRIBED AS ASSESSOR'S PARCEL NUMBERS as stated in the first reading. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Supervisor Smith - Yes; Supervisor Ayres - Yes; Supervisor Tatro - Yes; Supervisor Bennett - No; and Mayor Teixeira - Yes. Motion carried 4-1. Mayor Teixeira noted that his voted was not against Supervisor Bennett. Supervisor Ayres indicated the issues could still be considered. Mr. Sullivan noted that the specifics to the ordinance Title 18 changes with the different standards will be considered by the Planning Commission later in the month.

C. ACTION ON M-95/96-4 - A REQUEST FROM ERVIN GIBBS, ET AL., TO AMEND OR RESCIND CONDITION OF APPROVAL NUMBER 10 OF THE SKY RIDGE SUBDIVISION (S-89/90-6) BY ALLOWING CERTAIN IMPROVEMENTS IN THE REQUIRED THIRTY FOOT REAR YARD BUFFER ZONE ON LOTS 262 - 280; REFERRED TO AS ASSESSOR'S PARCEL NUMBERS 10-555-1 THROUGH 10-555-19 (1-1608.5) - Supervisor Tatro indicated a potential conflict of interest, that he would abstain from voting on this issue, and left the dais. Mr. Sullivan explained the request. Staff could support a modification which would allow patio covers and storage sheds in the 30 foot setback but not any habitable

structures. Ervin Gibbs distributed a packet to the Board and Clerk and explained the request in depth. He requested either removal of the condition or limited use of the 30 foot setback. He felt that the limited use would include storage sheds or covered patios. He displayed photographs of the area to support his request. He did not feel that his request would impact the single family one acre property owners' views. John Daniels explained his reasons for feeling that the request should be denied. He also used photographs of the area to support his position. He explained his original opposition to the project and reasons the Board had required the 30 foot setback. He felt that the City Departments had failed to follow-up when issuing building permits which had allowed several of the parcels to encroach into the setback. The fence had originally allowed natural drainage to occur, however, several property owners had negated this intent by using retaining walls and had reduced the six foot fence to four feet. He felt that the title insurance companies had been aware of the requirement. He opposed all structures including the patio covers, storage sheds, etc. He felt that all of the buyers had been aware of the restrictions at the time the properties were purchased. Jessica Daniels indicated a contractor had constructed one of the homes so that it encroached into the 30 foot setback requirement and that the realtor had failed to notify the buyers of the setback. The title companies had failed to point out the setback requirement and the City should not have issued the building permits. Valerie Borg expressed her opposition to the patio covers/sheds as they would impact her view. She felt that the realtors had misrepresented the parcels as some of the residents had objected to the trees she was planting as it would impact their views. Another resident had objected to her boat. Supervisor Smith expressed his personal knowledge about the reasons the 30 foot setback was included in the conditions. He could support the denial request for the storage sheds, however, questioned the justification for denying the patio covers. (1-1938.5) Pete Livermore detailed the original opposition to this subdivision and referenced Minutes from the Planning Commission meeting to support his opposition. He urged the Board to stop giving concessions and to hold the line at the 30 foot setback. He could support the storage sheds but objected to patio covers. Drainage problems experienced in the area were explained to support his contention that the developer had already been given concessions beyond reason. Mayor Teixeira reminded him that the request was on the setbacks and that the Board could not deal with the drainage issue. Mr. Livermore then answered Supervisor Ayres' question by explaining that his objection to the patio covers was based on the potential that it could be enclosed. He, again, questioned the size and where the line would held. Supervisor Ayres felt that patio covers enhance the property. She felt that it could be defined as 10 or 12 feet. Mr. Livermore felt that the developer had denied the residents the ability to have patio covers by building to the 30 foot line. He felt that any concessions would redraw the lines. (1-2058.5) Sofie Terzyk felt that her patio cover would not be seen as the house is ten feet below the top of the fence. She was unaware of the prohibition against patio covers or storage sheds in the 30 foot setback. She felt that only a building was prohibited. She asked the Board to define a "building" and if a patio cover is a building. Charles Kitchen indicated he had been the realtor involved with the sales. He had not intended to disregard the law or misrepresent the property. He felt that the City's giving Mr. Gibbs a building permit to construct a patio cover was a clear indication of the lack of understanding concerning the setback restrictions. He felt that the title companies obtain information from the City records when they issue the title insurance. He was not sure how they utilize this information. Supervisor Bennett questioned the parcels involved in the preliminary title report. Mr. Gibbs indicated it was an easement clarification for the lots along the south parameter. It purportedly indicated a one-story, ten foot limit to the setback. He felt this would allow him to use 20 feet of the setback. Only in the Supervisors' approval was there any reference to a condition restricting buildings in the 30 foot setback. He reiterated his request to be allowed to use his property and the patio covers. This would be an open living area and not enclosed. It would not impact the views nor be over ten feet in height. Supervisor Ayres suggested three umbrellas be used. Mr. Sullivan then explained for Supervisor Smith that the homes had been constructed at various setbacks from the front property lines. Mr. Sullivan read the note found on the final map regarding the buffer. He felt that the title companies are aware of it. Supervisor Bennett felt that the property owners had use of their property although they could not construct a building on it. Mr. Gibbs felt that the purpose of the buffer zone was to prohibit construction of the homes in the setback and interfere with the neighbors' views. He reiterated his point that the patio covers and storage sheds would not impact the view. He had been told when he purchased the property that there was a 30 foot open living area but not been told that buildings could not be constructed in that area. There is a deck concrete slab at the rear of the house. Supervisor Ayres felt that he could put an awning over it without creating a problem and that a patio cover should be allowed. Mayor Teixeira expressed his regret at having to make a judgmental decision on this issue. He agreed that the Board discussed this restriction in depth originally. He felt that he had clearly understood the action which had been taken and that there was not to be any

encroachment in the 30 foot area from the rear property line. He agreed that it should be reasonable to construct a patio cover, however, it was not allowed under the conditions as approved originally. He had had personal experiences with both a permanent cover and an removable awning. The metal buildings could be a "can of worms". Supervisor Smith agreed that Mr. Gibbs' request was reasonable but unfortunately he would have to go against an earlier commitment in order to honor Mr. Gibbs' request. The Board must have integrity if nothing else. Supervisor Smith then moved that the Board of Supervisors deny the request to abolish the 30 foot setback. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Ayres - No; Bennett - I am supporting the motion, Yes, I seconded the motion, I will support it, with a comment, I want to say, I want to speak in support of Supervisor Smith's motion because we make covenants, we make conditions, we draw conditions of approval here and to go back on those conditions is really opening an Pandora's box to every other condition that we have made in an agreement to a subdivision's approval and so forth, you know, you are right, if there is anything that we do here, we have got to stick by the conditions that we approved, and I, too, feel for you folks, I wish things could be different, the agreements we made were the agreements we made at the time and that we need to live by them; and Mayor Teixeira - Yes. Motion carried 3-1-0-1 with Supervisor Ayres voting Naye and Supervisor Tatro abstaining.

9. PERSONNEL MANAGER - Judie Fisher - ACTION ON APPOINTMENT OF TWO VACANCIES TO THE AIRPORT AUTHORITY (FOUR YEAR TERMS) (1-2422.5) - Supervisor Tatro returned to the dais. (Supervisor Bennett stepped from the room--3:20 p.m. She returned at 3:25 p.m. A quorum was present the entire time.) Robert Speck had withdrawn his application. Mayor Teixeira welcomed each Applicant, apologized for the delay in interviewing him/her, and thanked him/her for applying. The applicants who were interviewed were: Gary Handelin, (1-2585.5) Scott Anderson, (1-2732.5) Lee Ann Keever, (1-2830.5) George Weeks, and (1-3025.5) William "Bill" Wallace. Ms. Fisher noted Joe Trinastic's resume and read Ted Ferrato's letter into the record. The applicants responded to questions concerning reasons for applying, knowledge about the airport, awareness of the financial disclosure requirement, personal agenda, the need for an airport manager, and if he/she could dedicate enough time for the position. Applicant Oscar Ford had expressed an intent to submit a letter, however, it did not arrived prior to the meeting. Applicants Allan Dvorkin and Robert Speck were not present. Airport Authority Member Neil Weaver was present, however, did not speak. The Airport Authority recommended Applicant Wallace as the Pilot-at-Large. The Members tied in their selection for Citizen-at-Large and recommended both Applicants Weeks and Anderson for this position.

(2-0083.5) Comments noted the quality of the applicants. Each Board Members then listed his/her top two candidates for the positions. Supervisor Ayres then moved that the Board appoint George Weeks as the Member-at-large and William Wallace as the Pilot-at-Large to fill the openings on the Airport Authority. Supervisor Tatro seconded the motion. The motion carried 5-0.

10. CITY MANAGER - John Berkich - DISCUSSION AND ACTION TO APPROVE IN CONCEPT THE ACQUISITION OF THE BANK OF AMERICA BUILDING LOCATED AT 201 NORTH CARSON AS A SITE FOR A CITY HALL COMPLEX (1-3245.5) - Discussion indicated the building is slightly smaller than the offices owned by the City at Northgate; however, several Departments will be moving to the Cooperate Yard which would reduce the space requirement. Funding for the study would be taken from the City Manager's budget under the Professional Services line item. An independent appraisal would be required which would cost approximately \$500. The study would include a study of the offices which would be located at the site, whether it would improve customer services, and the financial aspects. A public hearing would be held and comments included in the evaluation. Mayor Teixeira briefly outlined his support for the concept particularly after the Capital Complex is developed. Supervisor Tatro noted his original opposition to a City Hall in the downtown area due to the property cost. The concept was to exchange the properties which would not create an impact on the property taxes. Mr. Berkich agreed to have the Board analyze the proposed layout as part of the approval process. Supervisor Ayres expressed her feeling that the building was "a window of opportunity for the City to locate the City's government in a better spot". Public access and parking are better at the bank. Supervisor Smith supported Supervisor Tatro's comments. Supervisor Bennett felt that the City functions were returning to the heart of the City where it had been located originally. Supervisor Ayres moved that the Board of Supervisors accept and

approve the concept of the acquisition of the Bank of America Building located at 201 North Carson Street as a site for a City Hall Complex and direct staff to move forward in developing a plan that this is a feasible site for City government. Supervisor Bennett seconded the motion. The motion carried 5-0. Mayor Teixeira noted his original participation in the discussions and feeling it would not be economically feasible. He was glad to see that it is possible and expressed the hope that it would work out.

11. BOARD OF SUPERVISORS - NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-0030.5) - Supervisor Ayres reported on her European trip and the V&T Railway Commission's fundraising planning meetings. Supervisors Smith and Tatro did not have reports. Supervisor Bennett reported on the status of the Hospital's financial stabilization policy, its financial capitalization program and the Tahoe Regional Planning Agency's oversight committee meeting. Mayor Teixeira noted his dog's popularity as a result of his Nevada Day Parade entry.

BREAK: There being no other matters for consideration until 6 p.m., Mayor Teixeira recessed the meeting at 4:20 p.m. When he reconvened the hearing at 6 p.m., the entire Board was present constituting a quorum. Staff members present included: City Manager Berkich, Community Development Director Sullivan, Public Works Director Aldean, Utilities Director Timian-Palmer, Deputy District Attorney Lipparelli, Recording Secretary McLaughlin, and Senior Planners Danforth and Guzman.

12. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan and Senior Planners Sandra Danforth and Juan Guzman - PLANNING COMMISSION REVIEW AND APPEAL MATTERS - A. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE EFFECTING A CHANGE OF LAND USE DISTRICT ON ASSESSOR'S PARCEL NUMBER 8-202-14, 15, 16, 17, 18 AND 8-206-03 (PORTION), 04 AND 05 ZONED LIMITED INDUSTRIAL (LI) TO BUSINESS PARK - PLANNED UNIT DEVELOPMENT (BP-PUD) ON APPROXIMATELY 88 ACRES OF LAND LOCATED ON BOTH SIDES OF ARROWHEAD DRIVE, NORTH OF CARSON CITY AIRPORT AND ADJACENT TO CENTENNIAL PARK, IN CARSON CITY, NEVADA, AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION APPROVED 7-0-0-0); AND B. ACTION ON A PLANNED UNIT DEVELOPMENT AND ASSOCIATED VARIANCES FROM JOHN C. SERPA TO DEVELOP A BUSINESS PARK CONTAINING AN 82 UNIT RESIDENTIAL AREA, A PROFESSIONAL ADMINISTRATION USE AREA, A RESEARCH AND DEVELOPMENT AREA AND A RESTAURANT, ALL KNOWN AS ARROWHEAD BUSINESS PARK, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI) LOCATED ON BOTH SIDES OF ARROWHEAD DRIVE, NORTH OF THE CARSON AIRPORT AND ADJACENT TO CENTENNIAL DRIVE, APN's 8-202-14, 15, 16, 17, 18, 8-206-03 (PORTION OF), 04, and 05 (PLANNING COMMISSION APPROVED 6-1-0-0) (2-0117) - Capitol Engineering and the Applicant's representative Mark Rotter reviewed the surrounding uses and the plan in depth. The Airport Authority and the Golf Course Advisory Committee had both reviewed the plans. A navigational easement will be granted. A wrought iron fence and berming will be provided adjacent to the golf course. The trap club's concerns were also noted and had been addressed in the design. The CC&Rs and the sales documents will include notification related to the airport, golf course, and trap range. The project will be developed over an estimated eleven year period. The project's impact on various streets was noted and mitigation measures explained. Reasons for listing 46 Code requirements in the Conditions of Approval were noted. He requested a development agreement be developed to clarify the phasing stipulated in Conditions 13 and 14, which would be considered at a future meeting. Terminology would be included stipulating the front setback requirement would commence at the street curb line. The development agreement would spell out the landscape acreage specifics mandated in Conditions 16 and 59.

(2-0675) Mr. Guzman outlined the site limitations including the earthquake faults and flood zone and the mitigation measures. Staff's recommendation to approve the project had been based on the Airport Authority, Golf Course Committee, and Park and Recreation's support. The risk involved in the proposal to abut limited industrial with residential dwellings was noted. The project could, however, serve as an example of the integrated mixed use development proposed by the visual planning survey. Advantages of such a development were explained. The developer's request for credit for his landscaping along Arrowhead was denied as the ordinance does not allow it.

The developer agreed to provide and maintain the landscaping anyway. The developer had also agreed to set aside the hillside and provide open space access from a site south of Arrowhead. Reasons for putting the Code requirements in the Conditions of Approval and staff's support for the proposed development agreement were noted.

(2-0899) Discussion ensued between the Board and staff on the reasons for staff's recommendation of approval and its predication on the other agencies' recommendations, the input those agencies had provided, and the developer's ability to create the business park as a planned unit development without Board consideration. Mr. Rotter explained that there were 82 residences planned for the residential area. The front yards will be in the common space. The homes will have a minimal square footage of 1900 square feet and a maximum of 2500 square feet. The back yard will be fenced and the parking will be in front. There will be a four foot decorative fence on the east side of the project. Supervisor Bennett expressed her safety concerns related to the plan to construct a restaurant at the edge of the flight path for Runway 2-7. She indicated she had a video available which would illustrate this concern, however, it was not shown. Mr. Rotter responded by explaining that the Airport Authority had indicated the area was not a concern as it was not within the normal flight pattern. The FAA has not established the area as one which should be acquired nor expressed any concern related to the site. Mr. Guzman explained similar rationale for his lack of concern about the site. The major project review process had pointed out this concern, however, the Airport Authority had not expressed a concern. Discussion noted there are approximately 80,000 operations performed at the airport. Supervisor Bennett indicated this volume was the basis for her opposition to the project.

(2-1215) Charles Hutter explained his knowledge of the request made to the Airport Authority on the project. The Authority had been requesting as a minimum standard that navigational easements be provided and the inclusion in any CC&Rs or sales documents a notice regarding the airport and its proximity. The FAA's failure to include the property as one which should be acquired was predicated upon its financial requirements and restrictions. Although FAA has other criteria for areas within the noise contours, it will not assist in the acquisition of sites which will be impacted. It is recommended that such sites be considered when new development occurs due to the problems inherent with such locations. He was unsure what the outcome of a request for approval of the project would have been. He was certain such a request would have generated a "lot of heated" discussion. He then used one of the maps to explain the normal flight paths, the property which had been or will be acquired, and takeoff procedures. Supervisor Smith felt that Mr. Hutter was attempting to point out the Authority's attempts to provide safety features, address potential noise complaints, and be a good neighbor. He felt that the CC&Rs would provide adequate notice to any potential buyers. He had little sympathy for individuals moving into an area such as this and then complaining about the airport or trap range. He noted that Mr. Serpa could construct a factory on the site at this time. A factory would have the potential for as many employees as the restaurant and should have the same safety issues. He encouraged the Authority to acquire the property if it opposed any development, however, this had not occurred. Mr. Hutter felt that FAA would not allow the runway's use if it was unsafe. His major concern was the noise factor. Potential emergency landing sites were cited. Reasons for these selections were noted. He felt that factories are not ideal for an emergency landing but definitely better than an ice cream parlor. Mr. Hutter indicated he was not speaking for the Authority and had not been authorized to speak for it. He felt that they had not been asked to voice their concerns as the Planning Commission would work with the Authority. The discussion had been limited to any requirements for it and not provided additional input. Supervisor Bennett briefly explained Mr. Hutter's experience with aircraft and the Authority.

(2-1953) Robert Beckley stressed the value of the airport to the City as indicated by a report from the Nevada Department of Transportation. He urged the Board to utilize good zoning decisions to eliminate conflicts between the airport and its neighbors. Failure to do so could eventually force the closure or relocation of the airport as indicated by other NDOT figures. These closures are expensive to both the taxpayers and the local economy. He echoed Mr. Hutter's comments concerning the criteria utilized by FAA when acquiring property. He urged the Board to maintain the light industrial land use designation. He felt that the homes were too close to the airport and noise complaints would be generated not only by the airport but also from the trap range. He read into the record a petition containing 162 signatures opposing the residential portion of project which he to the Clerk.

(2-2215) Stan Hancock, the founder of Micromanipulator, expressed his concerns about the impact closing the airport would have on the City's manufacturers and industrial businesses and its rippling effect on the City's economy. He felt industrial areas should "look like industrial areas and not City parks". He questioned the need to have landscaping for industrial sites in view of the City's water shortage. He opposed having residential housing adjacent to a golf course and specifically one utilizing effluent. Viral diseases which are not killed by the tertiary treatment process pose a health treat to the community. These diseases could be in the area without anyone knowing about them. He urged the Board to deny the residential portion of the request based on the potential health risks.

(2-2446) Carson City Golf Course Advisory Committee's Chairperson Chuck Byrne explained the request made of it on this project and the Committee's response to the informational presentation. He felt that Mr. Rotter was to have returned with responses to those questions. The course definitely poses a hazard to the residents, particularly if they are in their yards. The Committee supported the business park. The homes should be a minimum of 35 yards from the course.

(2-2568) Golf Pro Gary Bushman explained the liability and safety concerns inherited when locating golf courses adjacent to residential dwellings. He was also concerned about the security procedures which would be required to keep residents off of the course. He clarified his concern as being related only to the residential area of the project as he could support the business park. The present problems with vandals were cited to support his security concerns. Supervisor Smith questioned the number of residents who would have children in the development and whether these residents would vandalize the course. Mayor Teixeira further elaborated on the potential conflict between the golfers and residents. Supervisor Ayres questioned the reasons the City should not allow a residential development to abut a municipal course when other courses have residential areas. Mr. Bushman felt that these courses are designed with mitigation measures included in them. Mayor Teixeira noted that he had discussed his concerns with Mr. Rotter in private and requested that the record include this fact. Mr. Rotter agreed with his statement. Mayor Teixeira outlined several of the design mitigation procedures. The City's course was not designed for residences to abut it. He felt that mitigation measures were not being included in the residential design as the homes are on 4,000 square foot lots and right to the property lines. Mr. Bushman agreed that balls could be hit into the second street of the development. Liability concerns were expressed and emphasized as it is a municipal course. Supervisor Smith questioned the reasons municipal courses do not have residential development surrounding them. Mayor Teixeira felt that the reasons were based on the fact that the courses were not designed for residential development, were municipal courses and not profit driven from a land development view, and were constructed within the parameters of the acquisition.

(2-3022) Mr. Beckley displayed a petition from individuals who used the trap range opposing the request and read his comments into the record. (A copy was given to the Board.) He urged the Board to keep the trap range at its present location. The Club opposed the residential portion of the request and did not voice an objection to the business park. The range would be within 600 feet of the homes. He was concerned that the residents would eventually cause the range to have restricted hours of operation or be relocated. The community support and grant improvements were cited to illustrate the cost of the facility. Use of the facility by both residents and tourist was cited to demonstrate its economic value to the community. Community education efforts were explained including the hunter safety classes. Discussion between Mr. Beckley and Supervisor Smith explored the reasons the Club and the Airport felt they would be forced out of the area by adjacent residential development. Mr. Beckley urged the Board to maintain the light industrial zoning.

(3-0066) Del White explained his feeling that the residential area should not be approved as it would create a conflict with the industrial and manufacturing operations. He submitted letters from three other manufacturers. (3-0103) Al Reed explained his personal experience when residents were placed adjacent to the Fremont airport and ranges. (Supervisor Ayres stepped from the room at 7:32 p.m. She returned at 7:36 p.m.--during Mr. Holcomb's comments. A quorum was present the entire time.) (3-0183) Pete Whitecraven felt he had never seen any residential uses abutting industrial areas in his lifetime. He urged the Board to modify the ordinance and prohibit the mix. He also felt that the safety area for the shotgun range should be a minimum of 1,000 feet as recommended by Winchester Arms, who had manufactured the shot. The noise factor is considerably larger than

this. He urged the Board to deny the residential portion as it was based on the developer's desire for "pure profit rather than the community's best interest". (3-0238) Mike Holcomb with Micromanipulators outlined his use of the airport and expansion plans. He felt that noise would become an issue with the residents. Restrictions on the small plant at Fairview were cited to illustrate the complaints which would be generated if the residential portion is approved. Discussion between Mr. Holcomb and Mayor Teixeira indicated the firm is operating three shifts a day, would double its plant soon, and the impact the noise complaints from the Fairview residents had had on its operation. His location was explained on the subdivision map. (3-0332) Colleen Hutter explained her employment and appointment to the Carson City Master Plan Technical Advisory Committee. She urged the Board to delay the project until after the Master Plan has been adopted and stressed that the project was in direct opposition to the Master Plan objectives. She also felt that the amount of undeveloped industrial property in the City was becoming scarce. Changing this limited amount to residential would negatively impact the current manufacturers and their ability to expand as well as new companies wishing to locate in this area. Supervisor Smith expressed a concern about the lack of employment opportunities for today's youth if skilled technology is not permitted to locate in an area such as that which would be offered in the proposed business park. Ms. Hutter felt that if the youth looked, the jobs were/would be there. Her objection was only to the residential portion of the plan and its lack of an adequate buffer. The business park should be approved.

(3-0468) Mr. Rotter responded by explaining his contact with the Airport Authority and Golf Course Advisory Committee and the comments which had been made at the Planning Commission hearing as indicated in the Minutes. He had met with the Airport Authority Chairperson Steve Tackes on three separate occasions and felt that he had addressed its concern. He agreed that he had not requested an endorsement from the Golf Course Committee. Its input had been addressed as is indicated in the packet. The Business Park Ordinance allows the development as proposed. The Limited Industrial area would buffer the residential area. The golf course had been designed and the property acquired to meet that design. The critical areas provide a boundary of 25 yards. Mayor Teixeira explained his statement had been that the golf course had not been designed for high density housing. Mr. Rotter reiterated his statements concerning the Golf Course Advisory Committee meeting. The effluent issue has been addressed as indicated by the proposal to use effluent on the Silver Oak course. It is being tested for viruses and is negative. This allows for a zero setback. His research indicated the City needed additional industrial sites. The landscaping is mandated by the Business Park Ordinance. The Ordinance also allows the industrial and residential mix provided in the project. Supervisor Smith indicated that Mr. Rotter and staff had determined that the business park would serve as a buffer for the residential and industrial areas. The public comments, however, felt that it was not proper. Mr. Rotter then explained for him the reasons he felt the golf course would not be a hazard for the residents and that adequate notice could and would be provided to the buyers. Also, the developer was willing to indemnify the City. The buyer would indemnify the developer. This could not be done through a three-way agreement. Mr. Rotter was willing to accept whatever conditions the City wished to impose in this regard. The Golf Course Advisory Committee had requested, and the developer had agreed to furnish at his cost, aesthetics and berming between the cart path and the boundary.

Mayor Teixeira noted that there had been little comment at the Planning Commission meeting on the project's perceived threat to the industrial area and trap range. Mayor Teixeira indicated his support for the business park which he felt those comments had supported. The point of contention was the 84 homes proposed for a small portion of the project. He then passed the gavel to Supervisor Smith and moved that the Board of Supervisors deny the change of land use from Limited Industrial to Business Park Planned Unit Development based on the testimony and information represented this evening; that the residential component of the project is incompatible with existing facilities and uses which will present conflicts and problems in the future; specifically, noise conflicts with the existing trap range; potential liability, privacy and security issues at Eagle Valley Golf Course; sound and safety problems with the Carson City Airport; and last, which is as important as anything else, the residential element poses a potential threat to the existing businesses and companies located in the light industrial area. Supervisor Bennett seconded the motion. Comments were solicited but none given. The motion was voted by roll call with the following result: Supervisor Tatro - Commenting on the question - I don't agree with the part of the motion talking about the treat to the golf courses or infringement on the golf course, or its security, or--I don't see it as a legitimate issue, the trap range is a marginal issue, I don't know that that will be something that will really be effected if there were homes there, I don't know, and the Airport Authority, I know, reviewed this

and regardless of what we may have heard tonight, I don't think that they would have set quietly because they weren't asked if they thought that there was a risk, and I think that they would have spoken up when it was there, but I do, one thing jarred my memory tonight and that was when the gentleman from Chromology got up and spoke about the noise problem on Industrial park; it wasn't just the people on Utah Street that complained; it was the people in the Lewis Subdivision across Colorado and more than a quarter of a mile up that complained, and that was a limited operation that Chromology had there and I don't agree with the entire motion; and I think that there is one part of it which is valid and is a legitimate concern to me and that is the noise from the industrial; I am going to vote no because I am going to see if we get another motion that comes around that I can agree with--No; Ayres - I am voting no for the same reason, I agree with Supervisor Tatro, I can't agree with the whole motion--No; Bennett - Yes; Mayor Teixeira - Yes; and Mayor Pro-Tem Smith - No. The motion failed on a 2-3 vote. Mayor Pro-Tem Smith returned the gavel to Mayor Teixeira.

Supervisor Tatro then moved that the Board deny Z-94/95-17, a change of land use request from Limited Industrial to Business Park Planned Unit Development based on the information presented this evening that the residential element poses a potential threat to the investment and local businesses and companies located in the light industrial area. Supervisor Bennett seconded the motion. Mayor Teixeira restated the motion as being that the residential element poses a potential threat to the investment and business of companies located in the light industrial area. Supervisor Tatro indicated this was his rationale for the denial. Supervisor Bennett continued her second. The motion was voted by roll call with the following result: Supervisor Ayres - No for the same reason; Smith - No; Tatro - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 3-2.

Mr. Lipparelli noted the application contained a request for a variance, zone change, and master plan amendment. Based on the previous motion, the applicant could request action on the two remaining requests or withdraw the applications. Mr. Rotter indicated he would withdraw the remaining applications as the change of land use had failed.

BREAK: A five minute recess was declared at 8:05 p.m. When the meeting was reconvened the entire Board was present constituting a quorum.

13. UTILITIES DIRECTOR - Dorothy Timian-Palmer, Deputy Utilities Director Jay Ahrens, and Senior Engineering Technician Leanna Sheets - ACTION ON A POLICY OUTLINING A SEWER CONNECTION REBATE PROGRAM FOR THE NEW EMPIRE AND SOUTHEAST CARSON CITY AREAS (3-1219) -

Ms. Timian-Palmer explained the team approach used to establish the staff's recommendations on a rebate policy for residential connection fees and reasons for mandating sewer connections in the City's "hot spots". Board direction was solicited on the date the rebates should commence. Staff recommended June 9, 1993, which was the notification date indicating mandatory connections would commence in the "hot spots" when the lines are extended. Potential funding for private property improvements including those made between June 1993 and April 1994 were explained. This concept had been approved by CDBG as indicated by a letter in the packet. If the Board wishes, however, these funds could be retained and used for new hookups mandated in other hot areas of the City. This would commence the rebate program in September 1994. All the types of supporting documents were noted. She requested clear direction on the date to commence the program; whether individuals who upgraded mobile homes or remodel their homes and had to connect due to the Code should be given the rebate; and if rebates are to be given to individuals who have sold their homes and benefitted from the increased value provided by the connection. She read John Annas' letter requesting reimbursement as he had connected when first notified rather than face the potential higher fees at a later date. Clarification indicated he connected on January 20, 1993, as his septic system had failed. Mr. Berkich noted the complexity staff had encountered in its recommendations on the rebate program. Its recommendation hinged on the word "mandatory" which would begin the rebate program on the September 1994 date. Clarification indicated this was date the Board set for mandatory meetings with the residents. Correspondence also indicates there was a letter on the mandatory connection dated June 19, 1993. This letter was read into the record and indicated that it is "anticipated" that the State "may" require connection within one year of the date the system is made available. This did not specifically state that it would be mandatory. All the other letters prior to this date had only required connections when systems fail. Clarification

also indicated that the City never discourages individuals from connecting to the system if the service is available. It is the Department's goal to get people on the system. The City contractors could install stubs if requested by the residents.

(3-1785) Tom Tyler felt that the date the requirement was mandatory was the key issue and that it should be notification date of the June 19th letter. As the letter included a notice that the price of the connection was "subject to increase January 1st", he had connected. He felt that the letter clearly indicated it was a mandatory requirement with only one year in which to comply. He felt that by complying he was the "chump/sucker". If this is the case, he questioned whether he would ever again comply voluntarily. He connected on May 4, 1994. Ms. Timian-Palmer indicated her records show that he was first billed in February 1994. She also explained that the cost increase notification had been for those individuals who were abandoning their wells. She agreed that this was confusing. Supervisor Smith supported Mr. Taylor's contention that a City letter is serious and action should be taken. (3-1910) Julie Field's letter was dated March 31, 1991. It did not mention mandatory connection, however, did state that if the system failed she would have to connect. Mayor Teixeira noted that this was the standard notice. Ms. Field's indicated she had connected in October 1992. She requested a portion be rebated as it had been a substantial amount for a single parent to front. She had connected to avoid the increased cost. (3-1935) Virginia Delaski had been required to connect when she upgraded her mobile home in May 1994. She felt that the stub had been very expensive and should not have been required as she does not own the street. Her septic system was "perfect", however, in order to upgrade she was required to abandon it at an additional cost. The total cost was \$6400. Her daughter had also been required to connect in May 1994 at a cost of \$6400. This had forced her to refinance her home. She was prohibited from cleaning the septic tank. Ms. Timian-Palmer explained for the record that staff could not arbitrarily waive a mandatory connection if required by the Code. (3-2132) Linda Smith connected in June 1994. When she first received the 1991 notice, she could not afford the \$600 stub. Later she refinanced her home and obtained the money to connect. She could not understand why the City was taking her money but anyone else's. It was not fair to charge some individuals and not others. (3-2168) Joe Santos connected in May 1994 and wanted his money back. Ms. Timian-Palmer indicated he was within the recommended timeframe. (3-2238) Gene Todarello connected in November 1994. He had been the first to do so on his cul-de-sac. He felt that the others property owners/residents were laughing at him for doing it. (3-2285) Jon Plank gave the Board and Clerk a packet on the history of his connection. He read his letter into the record. Ms. Timian-Palmer indicated his billing commenced on April 18, 1994. Mr. Plank felt that proper notification had not been given to any of the impacted residents particularly in view of the staff's failure to notify him of this meeting even though he had been in contact with various Departments since June 1994. He felt that the City should be responsible for all connection and permit fees based on the commitments made during the various meetings on the issue and the media reports on those meetings. He felt that he should be given the same benefits as other residents. This feeling was based on his decision to connect after the City's June 1993 letter. Reasons for his decision to connect in March 1994 were outlined. His refund request totalled \$2,256.55. Although the newspaper indicated the City was recommending reimbursement to anyone connecting after September 1994, he felt it was only fair that he be given a refund; otherwise, the message would be to ignore notices and wait for the court order. (3-2575) Ross Price connected in March 1994. He had connected on his own but felt that he was entitled to a \$2400 refund also. (3-2618) Bob Creon connected in September 1993. His medical problems were noted to explain his reasons for feeling that he might not be able to afford the connection at this time. He also explained his feeling that the City's contractor had "shafted" the residents. He felt that the message was out at the time the sewerline was extended indicating connections would be required. Anyone hooking up after the line was installed should be given a rebate. (3-2705) Homer Viceroy connected in February 1994 and supported the statements already made.

(3-2728) Mr. Berkich iterated the comments about the difference in opinion on staff's recommendation for the rebate date. He agreed that this had drawn the procedure out until it had become rather lengthy. Mayor Teixeira also noted the differences in opinion as to the source of the contamination when the problem first arose. The City could not afford to place its water source at risk, therefore, action was required. He commended the staff on its contact with the residents. Mr. Lipparelli explained the rebate process whereby the residents would be required to submit claims. Staff has developed a uniform procedure which will be implemented once the Board set the date. He then explained the various dates which had been considered for the rebate program. The fairness concerns were noted for each. A legal stand could also be taken and no waivers or rebates given. The fairness of any date

could be challenged as had been indicated during the meeting. Due to the lack of a legal precedence for the rebate program, he advised the Board to consider fairness in the claim administration for rebating including direction to staff on the date, whether to make rebates to current property owners, what to do about properties which had been sold since the connection, and whether to reimburse any fees assessed as a result of improvements made to the property which mandated the connection. Mr. Ahrens outlined these Code requirements. Ms. Timian-Palmer also pointed out that the connection fees were part of the Sewer Utilities Fund and the permit fees were part of the General Fund. Utilities was only recommending refunding connection fees. Supervisor Smith outlined his reasons for supporting the June 19, 1993, date. Validity of other dates were also noted. (3-3298) Ms. Fields reiterated her reasons for having to connect which had been based on the notice that the costs would increase. Her system had not failed. She had connected in 1992. Supervisor Smith noted that this was before the letters indicating mandatory connections would be occurring. His problem with her logic was that the same condition could have applied in 1975. Ms. Fields indicated the City's contractor, Q&D Construction, had applied pressure to get the residents to connect. Clarification by Ms. Timian-Palmer indicated the first letter of notification ever given anyone after she joined the City staff had been the 1991 letter. Ms. Sheets felt that there had been letters mailed 15 years ago. Mayor Teixeira felt that the April 6, 1994, letter indicating mandatory should be used. He questioned the cost if the June 1993 letter was used? Mr. Berkich felt that there were approximately 21 more property owners involved or \$66,780. Ms. Timian-Palmer felt that due to the commercial development which had occurred the City had adequate funding to handle this amount. Finance Director Walker should be contacted on this issue. Mr. Berkich noted that this funding would be a one shot expenditure which could delay another priority in order to stay within the budget. (4-0005) Mayor Teixeira explained his feeling that the rational, defensible point was the June 19th letter. Clarification indicated the permit and connection fees had been waived by the Board's action in April. Supervisor Tatro reviewed the questions being asked of the Board. Mr. Lipparelli explained the issues related to refunds to property owners or buyers was based on the seller's ability to pass the cost to the buyer as the connection makes the homes more valuable. **Mayor Teixeira passed the gavel to Mayor Pro-Tem Smith and moved that the Board of Supervisors use the date of June 19, 1993, as the date for the reimbursement of the connection fee, not the permit fee, and that this be rebated to users who voluntarily connected and not be rebated to those whose septic failed or whose connections were due to other Code requirements, and that it be passed on not to homeowner who bought and sold it but to the homeowner who still resides on the property and paid the fee, so that it would run with the property. Supervisor Ayres seconded the motion. Following a request for clarification, Mayor Teixeira stated that the rebate should be limited to the \$2226 connection fee, which discussion indicated had been the amount paid and that the permit fee was not to be included. Clarification for Mr. Lipparelli also indicated that if the home was sold after the connection was made a rebate was not to be given.** Mayor Teixeira explained that his rationale for this prohibition was based on the fact that the seller had increased his value to the property and had been paid for that increase. Discussion ensued on whether the CDBG funds should be use to repay the other fees for low income residents. Ms. Timian-Palmer indicated that the connection fees would be repaid from the sewer budget. Mayor Pro-Tem Smith requested this issue be addressed after the motion was voted. **The motion to provide a rebate commencing June 19, 1993, for the connection fee of \$2226 to any property owner currently residing on the property who had connected voluntarily and not due to a Code requirement for any other reasons including septic failures was voted by roll call with the following results Ayes - Supervisor Bennett, Tatro, Ayres, Mayor Teixeira, and Mayor Pro-Tem Smith; Nays - None. Motion carried unanimously.**

Mayor Pro-Tem Smith returned the gavel to Mayor Teixeira. Mr. Berkich explained staff's intent to use the CDBG funds for low income residents' property improvements back to the June 19, 1993, date if so directed by the Board. Mr. Lipparelli explained the agenda and his feeling that it did not include potential action on the use of grant monies for private property improvements. Mayor Teixeira directed this issue be agendized for the next meeting. Board comments indicated it did not have to be an evening session. Ms. Timian-Palmer also noted that the Board may wish to utilize the grant funds for rebates prior to June 19, 1993. Mayor Teixeira directed that this information be provided for the next meeting.

Supervisor Tatro noted for clarification of the record that his vote had been restricted solely to the New Empire and Southeast Carson areas of the City and not the entire City. Mayor Teixeira indicated this was

how he had voted also. Ms. Timian-Palmer agreed that the program was restricted to the areas which were threatening the City's water source.

Mayor Teixeira thanked the audience for its attendance and participation. Ms. Timian-Palmer also indicated that staff was working on the rebate program.

Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 9:15 p.m.

The Minutes of the November 2, 1995, Carson City Board of Supervisors meeting

ARE SO APPROVED ON ____December_21, 1995.

_____/s/_____
Marv Teixeira, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder