

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the December 7, 1995, Meeting  
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, December 7, 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  
                                  Rod Banister                      Sheriff  
                                  Al Kramer                         Treasurer  
                                  Mary Walker                       Finance Director  
                                  Louis Buckley                     Fire Chief  
                                  Jay Aldean                        Public Works Director  
                                  Tim Homann                       Deputy Public Works Director  
                                  Juan Guzman                      Senior Planner  
                                  Katherine McLaughlin            Recording Secretary  
                                  (B.O.S. 12/7/95 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, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE** - Mayor Teixeira convened the meeting at 1:03 p.m. Rev. Bruce Henderson of the Airport Church of Christ gave the Invocation. Supervisor Ayres lead the Pledge of Allegiance. Roll call was taken. A quorum was present although Supervisor Smith had not yet arrived.

**1. ACTION ON APPROVAL OF MINUTES - October 19, 1995 (1-0021.5)** - Supervisor Tatro moved to approve. Supervisor Ayres seconded the motion. Motion carried 4-0.

**CITIZEN COMMENTS (1-0024.5)** - None.

**2. LIQUOR AND ENTERTAINMENT BOARD** - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the hearing as the Liquor and Entertainment Board. A quorum was present including Member Banister, however, Member Smith had not yet arrived. - **TREASURER** - Al Kramer

**A. ACTION ON TWO BEER AND WINE LICENSES FOR ROGER J. STUDEBAKER, VICE PRESIDENT, ROUND TABLE PIZZA NEVADA, LLC (1-0031.5)** - Roger Studebaker explained that he had been operating the establishments under a management agreement. Member Banister noted the favorable Sheriff's Departmental report. Member Ayres moved that the Liquor and Entertainment Board approve two beer and wine licenses for Roger Studebaker, Vice President, Round Table Pizza, Nevada. Member Bennett seconded the motion. Motion carried 5-0.

**B. ACTION ON A FULL BAR LIQUOR LICENSE FOR WALTER NEAL OLSON, DOING BUSINESS AS BONANZA RANCH (1-0048.5)** - Walter Olson explained his request to be added to the liquor license. The favorable Sheriff's Departmental report was noted. Member Bennett moved that the Liquor and Entertainment Board approve a full bar liquor license for Walter Neal Olson, doing business as Bonanza Ranch.

Member Ayres seconded the motion. Motion carried 5-0.

**C. ACTION ON A FULL BAR LIQUOR LICENSE FOR JULIE HUNTER, DOING BUSINESS AS CUE-PHORIA BILLIARDS (1-0061.5)** - Julie Hunter explained her expansion plans and experience. (Member Smith arrived during her explanation--1:07 p.m. A quorum was present as indicated.) The favorable Sheriff's Departmental report was noted. Member Banister expressed the hope that the expansion would reduce the problems encountered in the past in this area. Chairperson Teixeira cautioned her against serving minors. Member Bennett moved that the Liquor and Entertainment Board approve a full bar liquor license for Julie Hunter, doing business as Cue-Phoria Billiards. Member Tatro seconded the motion. Motion carried 6-0.

**D. ACTION ON A BEER AND WINE LICENSE FOR RANDALL S. HARRIS, DOING BUSINESS AS CELEBRITY GOLF AND ENTERTAINMENT (1-0089.5)** - Randall Harris explained the location. The favorable Sheriff's Departmental report was noted. Member Bennett moved that the Liquor and Entertainment Board approve the beer and wine license for Randall S. Harris, doing business as Celebrity Golf and Entertainment. Member Ayres seconded the motion. Motion carried 6-0.

There being no other matters for consideration by the Liquor and Entertainment Board, 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.

**3. CONSENT AGENDA (1-0116.5)**

**A. TREASURER**

**i. ACTION ON REMOVAL AND REFUND OF PARTIAL 1995-96 REAL PROPERTY TAXES DUE TO ASSESSOR CLERICAL ERROR ON PARCEL NO. 9-322-02**

**ii. ACTION ON TREASURER REPORT FOR THE MONTH OF OCTOBER 1995**

**B. INTERNAL AUDITOR - ACTION ON APPROVAL OF THE CHECK DISBURSEMENT REGISTER FOR THE MONTH OF OCTOBER 1995**

**C. FINANCE DIRECTOR**

**i. ACTION ON DELETION OF FIXED ASSETS FROM THE GENERAL FUND FIXED ASSET LISTING**

**ii. ACTION ON DELETION OF FIXED ASSETS FROM THE ENTERPRISE FUNDS FIXED ASSETS LISTINGS**

**D. COMMUNITY DEVELOPMENT DIRECTOR - ACTION ON S-94/95-3 - A FINAL MAP SUBDIVISION APPLICATION FROM STANTON PARK DEVELOPMENT TO DEVELOP A 114 LOT FINAL MAP KNOWN AS EMPIRE RANCH ON APPROXIMATELY 40.19 ACRES OF LAND ZONED SINGLE FAMILY 6,000 (SF6000), LOCATED AT 4680 MORGAN MILL ROAD, APN 8-361-33** - Mr. Berkich pulled Item 3. D. for discussion. Supervisor Ayres moved that the Board of Supervisors accept the Consent Agenda with the exception of S-94/95-3. Supervisor Tatro seconded the motion. Motion carried 5-0.

**3. D. (1-0132.5)** - Senior Planner Juan Guzman, Deputy Public Works Director Tim Homann, Treasurer Al Kramer, Dwight Millard - Discussion between the Board and staff explored the reasons for requiring Stampede to be an emergency access only and the developer's request to dedicate and construct it as a City street based on the traffic analysis and the City's policy to require two access/egress routes from a subdivision. The original decision to have the street closed to through traffic had been based on the residents' request. Its closure would force this traffic onto Gregg Street which is merely shifting the problem to another area. Public comments were solicited. Mr. Guzman indicated he had contacted the resident involved with the request. This individual had purportedly indicated he would prefer its closure but would understand if it is open based on the entire community's benefit/needs. Mayor Teixeira reiterated a previous requirement to have such statements in writing for the record. Mr. Kramer explained his knowledge of the conversation Mr. Guzman had had with the individual. Discussion ensued on the original opposition, reasons for bringing the issue back to the Board, and noted that staff had had adequate time to request a verbatim of the tape concerning the condition's wording. Mr. Guzman explained that the sidewalks and other improvements are part of the plat map. Staff analyzes these improvements

for compliance. He assured Supervisor Bennett that there are plans for sidewalks, etc., and that they will be constructed in conformance with the conditions. Mr. Millard explained his understanding of the opposition and the commitment which had been made. He felt that the direction taken had been to construct the street and conduct a traffic analysis which would close the street if possible. The traffic study recommended against this closure. Mayor Teixeira reiterated his reasons for feeling that written documentation should be provided supporting verbal comments. Mr. Millard explained that his request had been based on the need to provide infrastructure for the utilities and that paving would benefit the community. The City could then close it or restrict it to emergency vehicles if so desired. Discussion indicated that some of the opposition had been based on the estimated amount of traffic which would be utilizing Gregg Street and its impact on that subdivision. Mr. Millard did not feel that Stampede's closure would impact Gregg Street. **(1-0371.5) Supervisor Ayres moved that the Board of Supervisors approve the Final Map Application from Stanton Park Development to build a 114 lot Final Map known as Empire Ranch on approximately 40.91 acres of land zoned Single Family 6,000 located at 4680 Morgan Mill Road, Assessor Parcel Number 8-361-33. Supervisor Bennett seconded the motion.** Mayor Teixeira questioned whether the motion included putting through Stampede as indicated in staff's recommendation or if the motion should be amended. Edd Furgerson indicated the infrastructure and paving will be there. If the City feels it wishes to close it off, the City will have to barricade it. Mayor Teixeira noted a previous experience with barricades. Mr. Furgerson asked if the Board wanted the paving, etc.? Mayor Teixeira indicated he did. He agreed that the City could always close it but felt that once it is opened, it would never be closed. This is the real crux of the issue. Staff and Supervisor Ayres indicated that the map and motion indicated Stampede would be put through if the motion is approved. **The motion to approve the Final Map as indicated was voted by roll call with the following result: Ayres - Yes; Smith - Yes; Bennett - Yes; Tatro - Yes; and Mayor Teixeira - Yes. Motion carried 5-0.** Mayor Teixeira reiterated his request for documentation of any outside representation.

**4. DISTRICT ATTORNEY - Deputy District Attorney Paul Lipparelli**

**A. ACTION ON APPROVAL OF AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY FIREFIGHTERS ASSOCIATION FOR THE PERIOD FROM THE FIRST FULL PAY PERIOD FOLLOWING RATIFICATION AND APPROVAL THROUGH JUNE 30, 1997 (1-0409.5) -** Fire Chief Louis Buckley, Management's Contract Negotiator Charles Cockerill - Discussion indicated there are minimal job standards and explained the incentive pay for degrees, management's right to establish job standards, the previous educational incentive program, staff's amended recommendation, the merit range and the Fire Chief's ability to control the percentage given in accordance with the employee's rating. Supervisor Bennett requested the word "may" be substituted for "shall" in Article 7 concerning when the different merit ranges will be given. Mr. Cockerill indicated this decision should not be arbitrarily given. The merit should be given based on qualifications. Mayor Teixeira noted that this is "standard language" found in the other contracts and based upon performance. Mr. Lipparelli indicated that the Finance Director's memo on the fiscal impact had been distributed with the revised draft. (A copy is included in the packet.) Supervisor Ayres moved to approve the agreement between Carson City and the Carson City Fire Fighters Association for the period from the first full pay period following ratification and approval through June 30, 1997, subject to prior approval and signature of the Association and that is to include all supplemental information which was distributed at this meeting. Supervisor Smith seconded the motion. Motion was voted and carried 5-0.

Carson City Firefighters Association President Bob Schreihans reiterated the statements regarding the degree incentive program being contained in other contracts, citing specifically, the Sheriff's Supervisory Association agreement.

**B. ACTION ON INTERLOCAL AGREEMENT BETWEEN CARSON CITY AND THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION FOR FUNDING OF THE CITY'S SHARE OF ON-GOING AND COMPLETED STUDIES OF THE VIABILITY OF THE INTERIM EXPRESSWAY -** City Manager John Berkich and NDOT Engineer Susan Martinovich - The contract is for services which were provided outside the original contract. The City's share of the cost could be as much as

\$43,000 if the Bypass is not completed. If the Bypass is completed, it will be paid by using some of the Bypass' \$8 million allocation. Mayor Teixeira expressed his opposition to the agreement based on the City's previous \$300,000 commitment from RTC funds. Ms. Martinovich felt that the City had hired Lumos and Associates to perform work without consulting/authorization from NDOT. Mr. Berkich explained that the Bypass would be a Board decision and not a decision made by NDOT. NDOT's funding would not have included the scope of work delineated in the interlocal agreement unless the Bypass becomes a reality. Therefore, NDOT was requesting the City reimburse any funds committed to the viability study if it is abandoned. Mayor Teixeira felt that NDOT had other funding sources for this study which could be used. Supervisor Bennett moved that the Board of Supervisors approve the interlocal agreement between Carson City and the State of Nevada Department of Transportation for funding of the City's share of on-going and completed studies of the viability of the interim expressway contingent upon approval by the RTC of the funding for the contract; fiscal impact is \$43,931.35. Supervisor Tatro seconded the motion. Supervisor Bennett then explained that her reason for making the motion was based on the commitment made during the discussions with NIIC which had included several risks as well as financing. Supervisor Smith also noted that the work had been performed and would be both valid and viable at some point in the future process. Supervisor Ayres also noted that at some time a benefit will be derived from the expenditure. The motion to approve the interlocal agreement and funding contingent upon RTC's approval was voted by roll call with the following result: Bennett - Yes; Tatro - Yes; Smith - Yes; Ayres - Yes; and Mayor Teixeira - No. Motion carried 4-1.

**5. TREASURER - ACTION ON A RESOLUTION CONCERNING THE FINANCING OF HOSPITAL PROJECTS RELATED TO THE CARSON-TAHOE HOSPITAL; DIRECTING THE CITY CLERK TO NOTIFY THE CARSON CITY DEBT MANAGEMENT COMMISSION OF THE CITY'S PROPOSAL TO BORROW MONEY AND TO ISSUE GENERAL OBLIGATION HOSPITAL BONDS TO EVIDENCE SUCH BORROWING; AND PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; BORROWING NOT TO EXCEED TWELVE MILLION DOLLARS (\$12,000,000) (1-0787.5)** - Treasurer Al Kramer, Carson-Tahoe Hospital Administrator Steve Smith, and City Finance Director Mary Walker - The Hospital Board of Trustees had unanimously supported the bond proposal. The Hospital has adequate revenue to support the proposal or any proposal up to \$20 million. It is within the guidelines established in the Hospital's financial stabilization policy. A \$15 million bond limit was also established by the Hospital Board. This would leave \$5 million for any unforeseen emergencies. The proposal is for the Hospital's top two priorities. Ms. Walker supported the request. Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1995-R-82, A RESOLUTION CONCERNING THE FINANCING OF HOSPITAL PROJECTS RELATED TO THE CARSON-TAHOE HOSPITAL; DIRECTING THE CITY CLERK TO NOTIFY THE CARSON CITY DEBT MANAGEMENT COMMISSION OF A PROPOSAL TO ISSUE GENERAL OBLIGATION HOSPITAL BONDS OF THE CITY; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Smith seconded the motion. Comments were solicited but none given. Motion carried 5-0. Mayor Teixeira then requested a roll call vote which resulted in the following: Ayes - Bennett and requested that the motion include that the amount was not to exceed \$12 million; Supervisor Smith continued his second; roll call continued with the following Ayes - Tatro, Ayres, Smith, and Mayor Teixeira. Nays - None. Motion carried 5-0.

Mr. Smith then explained that the Hospital is still looking for another facility to lease and the current occupancy rate.

**6. UTILITIES DIRECTOR - Deputy Director Jay Ahrens**

**A. ACTION TO APPROVE DEDICATION OF EASEMENT FROM ROLAND L. AND CAROL A. SALA TO CARSON CITY (1-0908.5)** - Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the Dedication of Easement from Roland L. and Carol A. Sala to Carson City for the installation and maintenance of water and sewer lines. Supervisor Bennett seconded the motion. Motion carried 5-0.

**B. ORDINANCES - SECOND READING**

**i. ACTION ON BILL NO. 158 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND GORDON HENSMAN (1-925.5)** - Supervisor Smith moved that the Board of Supervisors adopt Ordinance No. 1995-60 on second reading, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND GORDON HENSMAN REGARDING ASSESSOR'S PARCEL NO. 8-391-02 LOCATED AT 6300 HIGHWAY 50 EAST, CARSON CITY, NEVADA, FOR WATER MAIN PARTICIPATION. Supervisors Tatro and Ayres seconded the motion. Supervisor Smith continued his motion to include Fiscal Impact - \$5,023.50 and funding source - 520 Participation Account. Supervisor Ayres continued her second. Motion carried 5-0.

**ii. ACTION ON BILL NO. 159 - AN ORDINANCE AND WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND GORDON HENSMAN (1-0945.5)** - Supervisor Smith moved that the Board of Supervisors approve Ordinance No. 1995-61 on second reading, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND GORDON HENSMAN REGARDING ASSESSOR'S PARCEL NO. 8-391-02, LOCATED AT 6300 HIGHWAY 50 EAST, ASSESSOR'S PARCEL NO. 8-391-07, LOCATED AT 5700 HIGHWAY 50 EAST, AND ASSESSOR'S PARCEL NO. 8-391-09, LOCATED AT 5750 HIGHWAY 50 EAST, CARSON CITY, NEVADA, FOR WATER MAIN CONSTRUCTION, Fiscal Impact - None, except for a 15 percent administrative fee to the City upon any reimbursement to the applicant. Supervisor Ayres seconded the motion. Motion carried 5-0.

BREAK: A seven minute recess was declared at 2:03 p.m. When the meeting reconvened at 2:10 p.m. the entire Board was present constituting a quorum.

**7. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan**

**A. ACTION ON P-93/94-6 - REQUEST FROM ALEX BERNHARD TO AMEND CONDITION OF APPROVAL NUMBERS 19 AND 31 OF THE HIDDEN MEADOW PLANNED UNIT DEVELOPMENT BY ALLOWING THE USE OF STANDARD LIGHTING FIXTURES AND DELETING THE REQUIREMENT FOR LANDSCAPING ALONG THE WEST PROPERTY LINE OF LOTS 25 AND 39 ON APN'S 10-571-1 THROUGH 12; 10-573-1 THROUGH 11; 10-574-1 THROUGH 12 AND 10-575-1 THROUGH 15 (1-0965.5)** - This Item was rescheduled for the next meeting along with several companion issues and is a date when Mr. Bernhard could attend.

**B. ACTION ON S-93/94-8 - A FINAL SUBDIVISION MAP APPLICATION FROM LANDMARK HOMES TO DEVELOP A 30 RESIDENTIAL LOT FINAL MAP KNOWN AS SOUTH POINTE PHASE II ON APPROXIMATELY 19.51 ACRES OF LAND ZONED SINGLE FAMILY 6,000 (SF6000) AND SINGLE FAMILY ONE ACRE (SF1A) LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF KOONTZ LANE AND SILVER SAGE DRIVE, APN 9-124-02 (1-0972.5)** - Senior Planner Juan Guzman, Public Works Director Jay Aldean, Ron Kipp - Discussion explained the Residential Construction Tax (RCT) funding for a park within the project and Supervisor Bennett's request that the Board consider a policy establishing parameters for the use of RCT monies within a development. Mayor Teixeira indicated that under the Statutes the City is not required to purchase the "ground" used for a park. He also noted the Board's policy to improve the detention basins through multi-use procedures which would benefit both the community and the area's aesthetics. The maintenance of the basins would remain with the developer until the entire project is completed. Mr. Kipp agreed that this is part of the project's conditions. Mayor Teixeira elaborated on his reasons for supporting this procedure. He explained that RCT funding will be decreasing as the valley is builtout and that another funding source needs to be found for recreational and park purposes. He felt that the Parks and Recreation Director was well aware of this fact. Mr. Aldean outlined his staff's problems due to the lack of drainage improvement plans. The detention basin is to be used as a park, however, water should not be allowed to stand in it. This requirement may cause it to cost more than originally envisioned. Therefore, he recommended utilizing the Miscellaneous Storm Drainage Account and splitting the cost on a 50-50 basis. The

plan includes piping on Koontz, enlarging channels, etc. Staff and the developer had agreed to the work which would be done even though the plans had not yet been completed. The developer had agreed to furnish the labor and construct the project. The City would reimburse up to 50 percent of the costs. Until this piping is completed, however, the runoff will be collected in the detention basin and remain there. Mr. Kipp indicated the basin had been graded to the standards set. It covers 1-1/2 acres and has a berm at the north end. The basin will not be fenced. It will be useable as a "practice field". Eventually it will have "positive drainage" and the water will not stand. It will be planted next spring. The piping construction should, if the weather holds and the permits are issued, begin in one week. It should be completed in three weeks if the weather holds. Mayor Teixeira urged staff/developer to consider cutting a "V" in the side to allow runoff to be diverted from Eagle Station into the basin. Mr. Aldean explained drainage improvements constructed along Mr. Smith's property which would pipe the runoff from his area to Saliman. Until the piping is installed along Koontz, the problem on the south side cannot be addressed. Hopefully, the basin's ability to hold some of the runoff will reduce this problem. Mr. Aldean questioned the feasibility of Mayor Teixeira's suggested notch. Mayor Teixeira left it up to staff and the developer as to whether it should be installed. The agreement with the developer was substantial and may mitigate the problem. Mr. Kipp explained the permit and work being undertaken at this time. After the Board's action today, he will requested the permit for the storm drain. The utilities are scheduled to be completed next week and construction on the storm drain will commence then. It will take another two or three weeks to construct. Mr. Aldean explained additional improvements which may be necessary for the area along Koontz. Water would no longer "jump the street" as it currently does. The residents' culverts are included in the agreement. Some may require reworking by Public Works in one or two years. Mr. Aldean stated that the design and agreement would work and alleviate a majority of the problems. The 100 year flow will not be addressed but this size of a flow would "flood everywhere anyway". It should handle any of the events which had occurred during his one year tenure. Additional comments were solicited but none made. Supervisor Ayres moved that the Board of Supervisors approve a final map application from Landmark Homes to develop a 38 residential lot final map and Lot A containing 1.51 acres and Lot B for public access drainage and utilities, known as South Pointe Phase II on approximately 19.51 acres of land zoned Single Family 6,000 and Single Family One Acre located at the southeast corner of the intersection of Koontz Lane and Silver Sage Drive, APN 9-124-02. Supervisor Bennett seconded the motion. Motion carried 5-0.

**C. ORDINANCE - SECOND READING - ACTION ON BILL NO. 160 - AN ORDINANCE AMENDING TITLE 18 (ZONING) OF THE CARSON CITY MUNICIPAL CODE BY AMENDING SECTION 18.82.100, PROJECT LIST--QUALIFICATIONS, PROCEDURES, ADDITIONS, REMOVALS AND OTHER MATTERS PROPERLY RELATED THERETO (1-1284.5)** - Supervisor Tatro moved that the Board of Supervisors approve on second reading Bill No. 160, Ordinance No. 1995-62, AN ORDINANCE AMENDING TITLE 18 (ZONING) OF THE CARSON CITY MUNICIPAL CODE BY AMENDING SECTION 18.82.100, PROJECT LIST--QUALIFICATIONS, PROCEDURES, ADDITIONS, REMOVALS, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

**D. STATUS REPORT ON KMART'S COMPLIANCE WITH ITS SPECIAL USE PERMIT CONDITIONS AND ACTION TO DIRECT STAFF TO PROCEED WITH A PUBLIC MEETING OF THE PLANNING COMMISSION TO DETERMINE IF GROUNDS EXIST FOR THE ISSUANCE OF AN ORDER TO SHOW CAUSE (1-1315.5)** - Mr. Sullivan, Scott Mommer of Lars Andersen and Associates, Deputy District Attorney Lipparelli, Michael Tanchek, and Donna Kuester - Mr. Sullivan apologized for the tardiness of the report which he then reviewed. Discussion explored the reasons for the noisy exhaust fan; the building modifications which will address this problem; construction date for this work; and the Planning Commission's direction for staff to commence working on a noise ordinance. Mr. Sullivan requested a second noise study be conducted once the building modifications have been completed.

(1-1655.5) Mr. Mommer expressed his pleasure to see the volume of business being conducted at the store. He felt that progress was being made on the problems, however, as the Kmart personnel is in constant flux, delays had occurred. He indicated a commitment had been made to reseed the channel with a new seed mix. He explained the noise study and its findings. He emphasized that the City does not have a noise standard, however, the level is

below a standard found in several other communities. Supervisor Bennett indicated the acceptable noise level for airports is in the neighborhood of 55 dba, however, she was uncertain if this was appropriate for residential districts. Mr. Mommer agreed, however, felt that it is possible to become adjusted to noise levels with time. A portion of the problem could be due to the fact that the area had been open and undisturbed for a long time and an adjustment period had not had time to occur. Supervisor Bennett felt that a portion of the problem is also related to the nature of the noise and its ability to blend with the background noises. Supervisor Smith explained his personal experiences at the store. He felt that the firm's delay in addressing the problems was creating a great deal of frustration and ill-feeling with the neighbors and community. He urged Mr. Mommer and his bureaucracy to consider the neighbors as well as they do their customers in responding to the problems. Mr. Mommer responded by explaining his efforts to provide this service, however, with the personnel and contractor changes, this has been difficult. He would continue to pursue these efforts. He expressed a desire to do a good product as it could impact his future developments. Mr. Sullivan echoed his comments about the problems created from the constant flux in Kmart's personnel. Supervisor Ayres agreed that the bureaucracy for a large corporation is horrendous and that constant changes would merely delay any progress. Mr. Mommer felt that he could commit to the reseeded. Mr. Sullivan suggested an additional requirement be stipulated which would provide a second noise study once the building modifications have been completed. If this study indicates the noise level is in fact 65 dba, the City may wish to pursue other mitigation procedures. If this study indicates that the level is, perhaps, 40 dba then the residents may have to live with it. Supervisor Bennett reiterated her comments regarding the timing and need for a noise ordinance. Board comments noted a previous "boom box" noise ordinance and its defeat. (1-2018.5) Mr. Lipparelli explained for Supervisor Tatro that the Board could, with the community's best interest at heart, mandate additional conditions if those conditions are enforced uniformly throughout the entire City and not to just one specific individual/firm. An example would be a noise ordinance which would impact the entire City.

(1-2065.5) Mr. Tanchek indicated he represented Ms. Kuester. Ms. Kuester purportedly had indicated that the Planning Commission had been antagonistic and adversarial. He felt that another review should be conducted in one year if the problems are not resolved. The noise problem was stressed to emphasize the reasons for needing another review. The security issue still needs to be considered as the store had not implemented visible security guards in the parking lots. Its internal security procedures may be adequate. The use of the parking lot as a camping site needs to be addressed. This could be handled with increased security. The neighbors have voiced perceived threats of vandalism. The trash receptacles is a step in the right direction. He suggested the neighborhood policing for trash be incorporated in the maintenance program. He felt that Kmart is taking some strides but had failed to comply with all of the conditions. He then questioned whether the issues should be ignored for another year. The noise problem should definitely be solved sooner than that. He suggested a contractual agreement be drafted between the neighbors and Kmart on the acceptable level for noise.

(1-2180.5) Ms. Kuester stressed her feeling that the noise issue had not been addressed and that the Planning Commission felt it was a "joke". She felt it was inappropriate to force the neighbors to continue to suffer for one more year. Kmart had failed to be the "responsible" firm it had indicated it would be in the beginning. The trash problem was still existing. Cars with flat tires had remained in the parking for more than two days. Attempts were being made to address the sweeper and trash issues. Neither July nor November of next year are reasonable or acceptable. The noise level should be reduced to a tolerable level and its fluctuations eliminated.

Mr. Mommer indicated he was acting as Kmart's agent at this time and that the management in Michigan recognized him as such. Mayor Teixeira expressed his feeling that it was Kmart's choice to be a large firm. It should be responsible and responsive to the community. Verbal commitments made when they first discussed Kmart's interest were noted. Mayor Teixeira's disappointment in the product as compared to those verbal commitments was explained. This had forced him to play a heavy handed role which he did not relish. The difference between the Kmart experience and Albertson's relocation was cited to support his feelings. He stressed his reluctance to go through another summer with the same noise problems. Kmart should have automatically resolved the camping and security issues without any notice from the City. As Mr. Mommer also represents Pavia, he should be cognizant of the impression being presented so that problems will not be encountered when the remainder of the center is developed. Mayor Teixeira encouraged Mr. Mommer to get the problems resolved as the City and its Board/Commissions were tired of them. The noise factor would remain open as guarantees could

not be made at this time. Mr. Mommer felt that the original noise study had indicated it was well within the standard for other areas. Mayor Teixeira felt that the noise level should be monitored and a report provided by not later than March as the problem would again be encountered in the spring/summer when windows are opened. If it is a high level in the winter, it will only be exacerbated next summer. Mr. Mommer felt that if tenants are obtained for the Pavia portion, the noise factor will be reduced. Mayor Teixeira pointed out that the City had worked with several other firms without encountering any problems and that the City's reputation was of being fair and reasonable. Mr. Mommer indicated "we will perform". Discussion with staff indicated the Board could take action on the item. **Mayor Teixeira passed the gavel to Mayor Pro-Tem Smith and moved to accept the Planning Commission's recommendation with the exception of Item 1, which is to be modified to require a more definitive element after the construction and the removal of the louvers and to require a return review with a sound study to give a comfort level that will, in fact, hold at the present time, if not, then we will have to address that problem again, and with an exception to Item 2, that, in fact, for future development in the area, I think for the point of security there, it has to be part of it as that development continues out there. Supervisor Bennett seconded the motion.** Supervisor Tatro felt that the motion was nebulous as the Planning Commission had not made a recommendation. Mr. Sullivan explained the Planning Commission's direction which required a complete review of the Special Use Permit in November and a status report in July on the reseeded. He felt that if the Board of Supervisors revises any of the conditions, it should be returned to the Commission. He felt that the motion would direct Kmart to work with the neighbors and establish an acceptable noise level. He had requested a condition requiring another noise study after the work is accomplished. **Mayor Teixeira then stated his motion as being to return the recommendation to the Planning Commission, that on Item 1, the rooftop noise, that a second sound study should be made after the completion of the removal of the louvers, and that it be presented to the Planning Commission and be approved by the neighborhood and the Planning Commission as the noise is the main factor and has to be worked out. Supervisor Bennett continued her second.** Mr. Lipparelli advised the Board that only the Planning Commission could modify, revoke, suspend, etc., a Special Use Permit. Unless the Commission takes this action, he did not feel that a court would uphold the Board's action. The Board could only be involved in this process when the Commission's action is appealed by either an individual or business.

Mayor Teixeira and Mr. Mommer discussed his intent and ability to make a commitment of any time for Kmart/Pavia, etc. Mr. Mommer stipulated that "we" will come back and redo the sound study. He did not feel that he would be able to reach an amicable agreement with the residents on the sound level. Mayor Teixeira then requested that he do a noise study after the construction is completed under Community Development's watchful eye. If Community Development's decides the problem still exists, the subject should be brought back to the Commission. Scott Mommer of Lars Andersen indicated he would make sure the study is done. He could not make a commitment for Kmart as he had not been authorized to do so. Mr. Mommer indicated he would have his (Lars Andersen's) acoustical engineer make this evaluation as Mr. Mommer was also interested in those results. Clarification indicated Mr. Mommer was not involved in the Reno Kmart project. Mayor Teixeira explained the reasons he could not proceed with his motion as it would leave the Planning Commission out of the process. Mayor Teixeira encouraged Kmart to eliminate the trash, take pride in the ownership and its employees. This would increase the customers and obtain additional tenants for the Pavia sites. He encouraged Mr. Mommer to perform the noise study and work with Community Development. Mr. Mommer agreed. Mayor Teixeira expressed his hope that the Board would not have to see the project again as things "had already gone too far". Discussion noted that Community Development would continue to monitor the situation and could/would be contacted by the public/Board. Mayor Teixeira encouraged Mr. Sullivan to bring the issue back before November if there is a problem. Mr. Sullivan agreed.

A vote was not taken on the motion due to legal advice.

**8. FINANCE DIRECTOR - Mary Walker - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING CHAPTER 4.04.107 OF THE CARSON CITY MUNICIPAL CODE ENTITLED "TELEPHONE COMPANIES" BY CHANGING THE TITLE TO "PUBLIC UTILITIES", DELETING CURRENT LANGUAGE AND ADDING LANGUAGE REQUIRING QUARTERLY**

**BUSINESS LICENSE FEES FROM TELECOMMUNICATIONS COMPANIES AND FROM PROVIDERS OF ELECTRIC ENERGY AND NATURAL GAS TO CUSTOMERS RESIDING IN CARSON CITY, SAID FEES TO BE BASED ON A PERCENTAGE OF GROSS RECEIPTS, AND MATTERS PROPERLY RELATED THERETO (1-2555.5)** - Ms. Walker, Mayor Teixeira, and Mr. Berkich detailed the lobbying and legislative changes required to implement a business license fee for all utilities conducting business in the State as well as Carson City. Reasons for "leveling the playing field" for telecommunications had been the motivating factor when Ms. Walker started. The legislative changes had eventually been supported by all of the utilities, Counties, Cities, NACO, Taxpayers Association, as well as many other agencies. Mayor Teixeira commended and congratulated Ms. Walker on her efforts. The proposal is equitable for all utilities and stabilizes the City's revenue base. The caps and terms were explained. Model reporting forms will be used by all of the utilities. Mr. Lipparelli had distributed a revised ordinance during the break. (The Clerk was not given a copy.) He explained the revised ordinance. The natural gas service intended rate is three percent. The electrical service intended rate is two percent. A typographical error on Page 4 at Line 21 was corrected to be 30 calendar days rather than three calendar days. Ms. Walker then explained the lack of knowledge as to the number of utilities operating within the City. A quick check had indicated there were at least 24 telecommunication firms operating within the City, however, information supports there "being a lot more than that". Ms. Walker will work with the Public Service Commission and notify as many companies as possible. The law requires the firms to notify the City. They must obtain a Business License. Treasurer Al Kramer explained the Statute and its notification procedure. He felt that the utilities would inform each other. If a company fails to notify his office and a citation is issued, the courts may not be very lenient due to the Statute. Ms. Walker then urged the Board to allocate this funding source to the Capital Improvement Program, however, this proposal could not be discussed or considered as it was not agendized. Mayor Teixeira suggested this issue be considered at the time of the second reading. Supervisor Ayres moved that the Board of Supervisors approve on first reading Bill No. 161, AN ORDINANCE AMENDING SECTION 4.04.107 TELEPHONE COMPANIES BY CHANGING THE TITLE TO "PUBLIC UTILITIES", DELETING CURRENT LANGUAGE AND ADDING LANGUAGE REQUIRING QUARTERLY BUSINESS LICENSE FEES FROM TELECOMMUNICATIONS COMPANIES AND FROM PROVIDERS OF ELECTRIC ENERGY AND NATURAL GAS TO CUSTOMERS RESIDING IN CARSON CITY, SAID FEES TO BE BASED ON A PERCENTAGE OF GROSS RECEIPTS, AND OTHER MATTERS PROPERLY RELATED THERETO, fiscal impact is \$140,000 per year, \$47,000 for fiscal year 95/96. Supervisor Bennett seconded the motion. Mr. Lipparelli clarified that this ordinance version being adopted is the revised version distributed just before the meeting and is to be corrected on Line 27 from three to 30. Supervisor Ayres agreed to this clarification of the motion and Supervisor Bennett continued her second. Motion carried 5-0.

**9. CITY MANAGER - John Berkich - ACTION ON APPROVAL IN CONCEPT OF THE OPTION AGREEMENT FOR THE PURCHASE OF THE BANK OF AMERICA BUILDING LOCATED AT 201 NORTH CARSON STREET (1-3105.5)** - Mr. Berkich briefly outlined the proposal, the issues which will be analyzed before a final decision is made, and funding source/financial arrangements. A preliminary appraisal values the building at \$1,275,000. Discussion included the cost for the option, the cost if it is extended, and whether the staff/consultants would be able to perform within the time stipulated. A public hearing on the proposal will be held on December 13th in the Sierra Room. This meeting will be conducted by the City Manager and his Department Heads. A preliminary space and financial analysis should be completed by that date. This study will not include expansion costs for a second, third, or fourth floor. Such a study will not be completed until an overall evaluation of uses and needs for the corporate yard, one-stop shop, etc., have been done. Mr. Lipparelli also noted that the \$25,000 option cost would be applied to the purchase price when the agreement is signed. Until the Board commits to the acquisition, the building will remain on the market. The pros and cons of taking an option were also noted by Mr. Lipparelli. An appraisal of a building adjacent to the Northgate Administrative Complex indicates the values are comparable. Staff is working to establish the renovation and relocation costs. These figures should be available by the 21st. The survey conducted by the Reno Gazette Journal was noted and supported the relocation. Public comments were solicited and several had been received before the meeting. (2-0001.5) Discussion encouraged the public to attend the City Manager's meeting on the 13th and indicated it would be an informal meeting with Department Heads responding to questions. Mayor Teixeira explained his contact with several groups and the feedback he had obtained to his questioning about the concept. Mayor Teixeira

requested the December 21 Board meeting on the item be held during the evening to allow public participation. Supervisor Bennett moved that the Board of Supervisors approve in concept the option agreement for the purchase of the Bank of America Building located at 201 North Carson Street. Supervisor Ayres seconded the motion. Motion carried 5-0.

**10. BOARD OF SUPERVISORS**

**A. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-0057.5)** - Supervisor Tatro advised the Board that the Ormsby House is delinquent in its payment of the room taxes and that the Convention and Visitors Bureau had requested the Treasurer not issue it a 1996 Business License pursuant to the Municipal Code. If the room tax is current at the time the license is to be issued, the request will be withdrawn. Mayor Teixeira expressed the hope that the issue would be resolved prior to that date. The outstanding amount is \$23,000. Supervisor Ayres reported on the Tri-County Railway meeting and the status of the V&T railroad project. Supervisor Smith noted his participation in a local radio program. Supervisor Bennett explained TRPA's concerns about the lack of affordable housing at the Lake and procedures it is considering to address this situation. A subcommittee has been formed to work on the apparent lack of interest being shown by several Counties for an affordable housing program. Purchasing and Contracts Director Butch Moreto has been actively participating with the subcommittee. The Carson River Advisory Committee's is taking public testimony on its Master Plan element. The Committee is working on those comments. Its element should be to the Planning Commission and Board in the near future. She then read a letter from Guy Pence, former Regional Manager for the U.S. Forest Service, into the record. Supervisor Tatro and mayor Teixeira did not have a report.

(2-0252.5) Mayor Teixeira reminded the Board that the State Christmas Tree lighting is scheduled for 5:30 at the Capitol Building and 6 p.m. at the City tree at the corner of Musser and Nevada. Supervisor Bennett reminded the Board of the NNDA open house later this evening.

**B. ACTION ITEMS - DISCUSSION ON DATE AND LOCATION OF JOINT MEETING WITH THE CARSON-TAHOE HOSPITAL BOARD OF TRUSTEES (2-0178.5)** - A special evening session at the Hospital has been scheduled with its Board of Trustees for January 18th. Its purpose, length and location(s) were discussed.

There being no other matters for consideration, Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 4:30 p.m.

The Minutes of the December 7, 1995, Carson City Board of Supervisors meeting

ARE SO APPROVED ON \_\_\_\_January\_18\_, 1996.

\_\_\_\_\_/s/\_\_\_\_\_  
Marv Teixeira, Mayor

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Alan Glover, Clerk-Recorder