



**A-LB-TR-1 HARGREAVES/MCATEE - DOING BUSINESS AS COME-ON-INN - ADDITIONAL PARTNER - 4750 HIGHWAY 50 EAST (1-0090) -** Continued as the Applicants were not present.

**A-LB-TR-2 REVOCATION OF QUARTERLY DELINQUENT LIQUOR LICENSES (1-0115) -** All delinquencies had been brought current prior to the meeting. Therefore, no action was required.

There being no other matters for discussion, Chairperson Flammer adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as noted.

**PETITIONS AND COMMUNICATIONS AND SPECIAL PRESENTATIONS (1-0130)**

**3. COLONEL ROBERTS - A-PC-CR-1 NEVADA ARMY NATIONAL GUARD - PRESENTATION REGARDING FUTURE PLANS OF THE NEVADA ARMY NATIONAL GUARD IN CARSON CITY -** Nevada National Guard Assistant Adjutant General Roberts introduced the item, Colonel Mike Casey, Lt. Colonel Lou Caberra, and Lt. Colonel Don McKenzie. Colonel Casey then reviewed the brochure (which had been distributed to the Board and Clerk) outlining the expansion plans and Guard activities during the recent area emergencies. He then discussed with the Board the increased personnel and the hazardous material management unit. Supervisor Feticc commended the Guard on its response to the City's emergencies. Lt. Colonel Caberra detailed the expansion plans and the Guard's economic impact on the State and City in general. Lt. Colonel McKenzie explained the new maintenance facility to be constructed off Edmonds/Fairview. The By-Pass route and zoning were discussed. NDOT Representative John Crawford noted the original 395 By-Pass route. Lt. Colonel McKenzie then explained the plans for the present facility. Mayor Flammer thanked the Guard for its presentation. No action was taken or required by the Board.

**4. COMMUNITY DEVELOPMENT DIRECTOR -** Walt Sullivan.

**A-PC-CDD-1 MIKE HARPER, STATE LAND USE PLANNING BOARD/AMERICAN PLANNING ASSOCIATION - PRESENTATION OF AWARDS TO CARSON CITY:**

**A. CARSON CITY BILLBOARD OFF PREMISE SIGN ORDINANCE**

**B. BEST PRIVATE SECTOR PROJECT - WESTSIDE COURT PROJECT (1-0851) -** Nevada Chapter of American Planning Association President and State Land Use Planning Board Representative Mike Harper explained the awards and presented the plaques to Mr. Sullivan for the Sign Ordinance and to Mr. Art Hannafin for the Westside Court Project. No action was taken or required by the Board.

**C. HOUSING AND URBAN DEVELOPMENT AWARDS TO CARSON CITY - AFFORDABLE HOUSING CERTIFICATES OF RECOGNITION (1-0975) -** Mr. Sullivan explained the award and presented the Mayor, Planning Administrative Staff Member Pat Austin, Deputy Community Development Director--Building and Safety Division

Karen Goddard, and Deputy Community Development Director--Planning Eric Toll with the Certificates of Recognition. No formal action was required or taken by the Board.

**11. PARKS AND RECREATION DIRECTOR - Steve Kastens.**

**A-R-P&R-1 DECLARATION OF "INSIGNIFICANCE" OF NORTHGATE PARK SITE AND EAST SIDE PARK SITE TO FACILITATE THE U.S. HIGHWAY, FREEWAY ROUTE (1-1101)** - An aerial photograph was explained showing the drainage problem with the Northgate site. If the site is sold the funds are to be utilized for a neighborhood park in the area. A school site may be purchased. Nevada Department of Transportation Environmental Division Representative Walt Wagner explained Statutes "4F and 6F". The property would be sold at a "fair market value as determined by an appraisal". The proposed elevated freeway, the Northgate underpass, the public hearings held on this proposal, the linear park-Governors Field pathway and proposed modification were discussed. NDOT Chief Right-of-Way Agent John Crawford explained his meeting and commitment with Mrs. Lompa. Supervisor Swirczek explained her concerns related to the income loss as the route selected would affect her storage units. Discussion ensued on the surrounding zoning, potential impact on the residential neighborhood by the proposed new route, and Federal noise abatement standards. Federal Highway Administration for the Nevada Division Representative Conway Barlow supported the realignment. Further discussion ensued on the commitments made to Mrs. Lompa to relocate the storage units if necessary and the public hearings on the route. The Parks and Recreation Commission also supported the realignment. Supervisor Swirczek moved that the Board approve the declaration of insignificance of the Northgate Park Site and East Side Linear Park Site to facilitate the Highway 395 Freeway Route. Supervisor Scrivner seconded the motion. Mr. Cockerill felt the motion was adequate. The motion to approve the declaration of insignificance was voted by roll call with the following result: Ayes - Swirczek, Scrivner, Fetic, Chirila, and Mayor Flammer. Nays - None. Motion carried 5-0.

BREAK: At 10:10 a.m. a five minute recess was declared. When the meeting reconvened at 10:15 a.m. the entire Board was present constituting a quorum.

**A-R-P&R-2 NEW FACILITY USE AGREEMENT WITH BREWERY ARTS CENTER REGARDING USE OF COMMUNITY CENTER (1-2245)** - Brewery Arts Center Director Caren Jenkins explained the Parks and Recreation recommendation and increased rental rate. Mr. Kastens outlined reasons for supporting the agreement. Supervisor Swirczek moved that the Board approve the new facility use agreement with Brewery Arts Center and Carson City regarding use of the Community Center. Supervisor Fetic seconded the motion. Motion carried 5-0.

**5. DISTRICT ATTORNEY - Chief Deputy District Attorney Charles P. Cockerill - OFFER BY TOM BROWN TO RESOLVE LEGAL DISPUTE CONCERNING NUISANCE ABATEMENT COSTS AT 2387 SNEDDON WAY IN THE AMOUNT OF \$9,915.75 (1-2365)** - Mr. Cockerill reviewed previous Board direction on the nuisance abatement and reasons for recommending acceptance of the settlement offer, require payment prior to 5

p.m. on October 21, and direct the District Attorney's office to proceed with collection of the entire amount should the settlement offer not be paid at that time. Code reimbursement requirements and Mr. Brown's position were discussed at length among the Board, Mr. Cockerill, and Mr. Scott Brooke. Mr. O'Brien detailed the costs incurred by the City to abate the nuisance. Following an explanation of his position, Supervisor Fettic moved that the Board accept the offer of Mr. Brown for payment in the amount of \$9,915.75 to cover his participation in the removal of the public nuisance and that that payment be made before close of business on October 21, 1988, and, if not paid by that time, that the District Attorney be directed to proceed to come down hard on him and proceed to collect the entire amount of \$19,837 plus. Supervisor Scrivner seconded the motion. Mr. Brooke agreed to the motion. The motion was voted by roll call with the following result: Fettic - Yes; Chirila - No; Scrivner - Yes; Swirczek - No; and Mayor Flammer - Yes. Motion carried 3-2.

**6. SHERIFF - A-R-SHF-1 FUNDING FOR LAW ENFORCEMENT OFFICERS' MEMORIAL PLAQUE (DEDICATION ON OCTOBER 22, 1988, IN RENO) (1-2981) - Continued.**

**7. TREASURER - Ted P. Thornton - CASH AND INVESTMENT FINANCIAL REPORT FOR SEPTEMBER 1988 (1-3005) -** Mr. Thornton explained the negative bank balance. Supervisor Fettic moved that the Board accept the Treasurer's Monthly Report for the month of September 1988. Supervisor Swirczek seconded the motion. Discussion noted there is a detailed listing of all investments maintained in the Treasurer's office. Since mandating reporting all delinquent band deposits to the Board, Departments have been meeting the deadline. The motion to accept the Report was voted and carried 5-0.

**8. DEPUTY CITY MANAGER - Mike Rody.**

**A-R-DCM-1 UPDATE OF AIRPORT MASTER PLAN, OFF-AIRPORT LAND USE PLAN (2-0041) -** Mr. Rody began by explaining Board direction given during the September 22nd meeting. The consultant plans to submit a draft master plan at the second meeting in November. The land use element was completed and included in the packet. The maps included with the plan were explained. He then reviewed the salient points of the plan. The plan recommended restricting construction in any area beginning at the 65 LDN level, however, a housing development is now located in a portion of this range. Serpa's property is not located in the range. Discussion ensued on the clear zone which is located in the 65 LDN range and reasons to change the zoning surrounding the airport. (2-0285) Mr. John Serpa reserved comment at this time. (2-0305) Mr. Rody clarified for Ms. Kay Bennett how the ranges were determined, which was based upon the type of aircraft presently using the airport. Copies of the FAA Guidelines will be made available to the Board. Ms. Bennett then urged the Board to utilize the study when considering future requests affecting the airport and surrounding areas. Mr. Rody then explained the FAA Grant request and its funding. Mr. Sullivan explained the FAA model, its purpose, and how the ranges had been determined. The grant would study the actual and projected aircraft utilizing the airport.

Discussion ensued on the type of land use plan needed--the present generalized model or a more detailed map.

Mr. Serpa then expressed his hope that the Board would accept the generalized model and not delay his project. Discussion ensued among the Board and staff concerning differences between the present map and an older map, future expansion, the need for a noise study surrounding the airport and a noise ordinance, and potential need to either purchase the residential area or provide additional sound proofing to the homes. Mr. Serpa expressed his feeling that the maps were extending the contour ranges more as growth occurs. The 60 range may reach his property by 2005, however, may not consider mitigation measures being taken to reduce the noise levels. He suggested that the owners of "loud" airplanes be required to make improvements to mitigate their noise. He did not feel that FAA could control the surrounding land uses. Mr. Rody noted that FAA felt Mr. Serpa's zoning was a local issue. The time needed to complete the noise ordinance was discussed.

(2-0825) Ms. Bennett read from the study the paragraph restricting land uses within one mile of the airport. She stressed her feeling that residential uses are not compatible with airports. She cited the west end as an example of such restrictions and urged the Board to take similar action on the east side. She also urged the Board to consider the problems created when industrial property is adjacent to residential areas due to her feeling that this mixed usage would not mitigate the problem.

(2-0915) Mr. Rody explained for Gail Thomssen that Lear jets had been included in the study.

No action was required or taken by the Board on this item.

**13. PUBLIC WORKS DIRECTOR - Dan O'Brien.**

**WASTEWATER TREATMENT AND DISPOSAL FACILITIES**

**A-R-PW-4a CONTRACT W-4 ACCEPTANCE OF EPA CONSTRUCTION GRANT INCREASE (2-0936)** - Supervisor Swirczek moved that the Board accept the EPA Construction Grant Increase to Carson City Grant No. C32-0133-06 in the amount of \$427,830 and authorize the City Manager to sign such agreement. Supervisor Fettic seconded the motion. Motion carried 5-0.

**A-R-PW-4b JOINT VENTURE ASSOCIATION - TASK ORDER 20, AMENDMENT 3A CONTRACT W-4 DESIGN SERVICES (2-0996)** - John Carollo Engineers Consultant Dennis Wood explained the amendment, improvements, and State DEP requirements mandating the changes. Discussion ensued among the Board, staff and Mr. Wood on the projected amount of the grant. Supervisor Swirczek moved that the Board approve Amendment 3A to Task Order 20, Design Services for Contract W-4, the Wastewater Facilities Joint Venture Association of Engineers in an amount not to exceed \$12,300, authorize the Mayor to sign such amendment, and

that the grant eligible portion would be based upon the design rate reimbursement from EPA. Supervisor Scrivner seconded the motion. Motion carried 5-0.

**A-R-PW-4d JOINT VENTURE ASSOCIATION - TASK ORDER 29, AMENDMENT 1 CONTRACT W-4 ENGINEERING SERVICES (1-1191)** - Supervisor Swirczek moved that the Board approve Amendment No. 3 to Task Order 24, Operation Services for Contract R-1 with the Wastewater Facilities Joint Venture Association of Engineers in the amount of \$1,983.36 and authorize the Mayor to sign such agreement; this amendment is for correction purposes only. Supervisor Chirila seconded the motion. Motion carried 5-0.

**A-R-PW-4c JOINT VENTURE ASSOCIATION - TASK ORDER 24, AMENDMENT 3 CONTRACT R-1 OPERATION SERVICES (2-1241)** - Supervisor Swirczek moved that the Board approve Amendment 1 to Task Order 29, Engineering Services during Construction of Contract W-4, with the Wastewater Facilities Joint Venture Association of Engineers in an amount not to exceed \$17,420, and authorize the Mayor to sign such amendment. Following a request for amendment, Supervisor Swirczek continued his motion to include a portion of Task Order 29 and Amendment 1 will be eligible for grant funding at 75 percent participation from EPA. Supervisor Chirila seconded the motion. Motion carried 5-0.

**A-R-PW-4e CORRECT DEED OF EASEMENT - CARSON CITY TO SIERRA PACIFIC POWER COMPANY (2-1287)** - Supervisor Swirczek moved that the Board approve and authorize the recording of a Deed of Correction which eliminates two errors in the legal description of the original Easement Grant to Sierra Pacific Power Company. Following clarification of the recording number, Supervisor Swirczek continued his motion to include the corrected deed was signed and recorded as document number 000-76310. Supervisor Chirila seconded the motion. Motion carried 5-0.

**6. SHERIFF - Paul McGrath - A-R-SHF-1 FUNDING FOR LAW ENFORCEMENT OFFICERS' MEMORIAL PLAQUE (DEDICATION ON OCTOBER 22, 1988, IN RENO) (2-1351)** - The Reno Memorial, funding, and plaques were explained. Supervisor Swirczek moved that the Board approve and authorize the Sheriff to expend no more than \$200 per plaque for future expenditures for officers killed in the line of duty. Supervisor Chirila seconded the motion. Motion carried 5-0.

**9. FINANCE DIRECTOR - A-R-FIN-1 CHECK DISBURSEMENT REGISTER FOR SEPTEMBER 1988 (2-1446)** - Pulled.

**A-R-FIN-2 - REPORT ON FINANCIAL STATUS OF SEWER FUND** - Pulled.

**10. PURCHASING AGENT - Ron Wilson.**

**A-R-PUR-1 APPROVAL OF CONTRACT 8889-57 - CHEMAX LABORATORIES (2-1518)** - Mr. O'Brien noted that the item had been included in the wastewater budget. Reasons for using the Reno lab were detailed. Supervisor Swirczek moved that

the Board accept the Purchasing Agent's recommendation as presented by the "Request for Contract Approval" for Contract 8889-57 Chemax Laboratories and authorize the Purchasing Agent to issue a purchase order to the captioned company for services of "Soil and Tissue" sample testing in an amount not to exceed \$30,000, which is authorized under Nevada Revised Statutes Chapter 332, Local Government Purchasing Act, and Carson City Resolution No. 1983-R-36, and that the contract is not adapted to award by competitive bidding for the following reasons: Professional service contract and, Item No. 1, Other goods or services which may not be subject to the requirements of competitive bidding as determined by the governing body or its authorized representative. Supervisor Fettic seconded the motion. Motion carried 5-0.

**A-R-PUR-2 APPROVAL OF CHANGE ORDER NO. 1 - CONTRACT 8788-63 - CENTENNIAL ADULT SOFTBALL COMPLEX (2-1609)** - Supervisor Swirczek moved that the Board accept and approve the captioned Change Order No. 1 to Contract No. 8788-63, Centennial Adult Softball Complex, for the installation of water lines to service the softball complex with treated effluent when available, Change Order in the amount not to exceed \$7,966, funding source 560-560-534-46403 Park Bond Fund - Centennial Construction Project. Supervisor Fettic seconded the motion. Motion carried 5-0.

Mr. Wilson and the Board discussed reasons for his Board Action Requests to be different from the other Department's Board Action Request forms.

**19. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS AND PROCLAMATIONS (2-1668)**

**A-R-BD-2 RESOLUTION DECLARING THE EVENING OF OCTOBER 30, 1988, AS THE APPROPRIATE NIGHT FOR HALLOWEEN "TRICK OR TREAT"** - Supervisor Chirila moved that the Board adopt Resolution No. 1988-R-64, A RESOLUTION DECLARING THE EVENING OF OCTOBER 30, 1988, AS THE APPROPRIATE NIGHT FOR HALLOWEEN "TRICK OR TREAT", and read the entire Resolution into the record. Supervisor Swirczek seconded the motion. Motion carried 5-0.

**A-R-BD-3 RESOLUTION IN HONOR OF THE 50TH ANNIVERSARY OF THE NEVADA DAY ACTIVITIES IN CARSON CITY, NEVADA (2-1765)** - Mayor Flammer read the Resolution into the record. Mr. Ed Stokke commended the Board on its action. Supervisor Swirczek moved that the Board adopt Resolution No. 1988-R-65, A RESOLUTION HONORING THE 50TH ANNIVERSARY OF NEVADA DAY ACTIVITIES IN CARSON CITY, NEVADA, as read into the record by the Mayor. Supervisor Fettic seconded the motion. Motion carried 5-0.

**A-R-BD-4 PROCLAMATION FOR RED RIBBON AND DRUG FREE AMERICA WEEK, WEEK OF OCTOBER 23-31, 1988 (2-1855)** - Supervisor Chirila read the Proclamation into the record and moved to authorize the Mayor to sign it. Supervisor Fettic seconded the motion. Motion carried 5-0.

BREAK: A lunch recess was called at 11:45 a.m. When the meeting reconvened at 1:05 p.m. the entire Board was present constituting a quorum.

**11. PARKS AND RECREATION DIRECTOR - Steve Kastens.**

**A-R-PAR-3 STATUS REPORT ON PARK BOND PROJECTS (2-2030)** - Mr. Kastens explained a VCR tape of the park bond projects and the tentative design and construction chart. Discussion ensued among the Board and Mr. Kastens on the completion date of Centennial Park; the turf problems at Centennial and Governors Fields; (3-0031) Fuji Park exhibit hall; and (3-0088) a potential funding deficit. This deficit may be meant by interest income which is currently over projections. (3-0071) Mr. Kastens explained for Gail Thomssen that the BMX track was for bicycles and not motorcross. Ms. Thomssen explained a noise problem she currently encounters with the track which Mr. Kastens agreed to check. No action was taken nor required on this item.

**16. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan.**

**PLANNING COMMISSION REFERRALS:**

**A-01-CDD-3 CHANGE OF LAND USE Z-87/88-4 - VIRGINIA ORCUTT - REZONE PROPERTY FROM MFA TO RC - 112 EAST ADAMS STREET NEAR HIGHWAY 395 - PLANNING COMMISSION DENIED 5-2 (3-0175)** - Following Mr. Sullivan's review of the Planning Commission and staff's recommendations, Ms. Orcutt reviewed her site plan, present facilities adjacent to the site, the need to expand the State's Adult Parole and Probation office, the State's lease commitment, the zoning, and Master Plan. Mr. Cockerill explained the findings necessary to overturn the Commission's recommendation. Supervisor Fettic noted the letters of support from the adjacent property owners. Ms. Orcutt explained the fence which she had agreed to install between the property and another neighbor. Supervisor Swirczek moved that the Board overturn the Planning Commission and approve on first reading Z-87/88-5, Change of Land Use Application from Virginia Orcutt to rezone property from Multi-Family MFA to Retail Commercial, APN 2-131-05 and 10, located at 112 East Adams Street near Highway 395, subject to the findings in the staff report; those being: 1. The proposed Change of Land Use is in keeping with the objectives of the Carson City Master Plan under Objective II of the Land Use Element in that it eliminates conflicts between adjacent land uses; 2. The proposed Change of Land Use is consistent with Objective III of the Land Use Element of the Master Plan due to its potential for contributing additional commercial uses in an area of marginal residential development and, thereby, there is merit and value in the proposal for the community as a whole; 3. The proposed use will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and, 4. The proposed Change of Land Use will not result in material damage or prejudice to the other properties in the vicinity. Supervisor Fettic seconded the motion. Following clarification of the motion, Supervisor Swirczek amended his motion to include and introduce on first reading Bill No. 136, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBERS 2-131-05 AND 2-131-10, SAID AREA BEING LOCATED AT 112 EAST ADAMS STREET IN CARSON CITY, NEVADA, FROM MULTI-FAMILY APARTMENT (MFA) TO RETAIL

COMMERCIAL (RC) ZONING. Supervisor Feticc continued his second. Motion was voted by roll call with the following result: Ayes - Swirczek, Feticc, Chirila, Scrivner, and Mayor Flammer. Nays - None. Motion carried 5-0.

COMMUNITY DEVELOPMENT DIRECTOR - A-01-CDD-1- CHANGE OF LAND USE Z-88/89-4 - JANE AND SAMUEL CHESNEY - REZONE PROPERTY FROM SF6000 TO RO - 503 WEST ROBINSON STREET AT MINNESOTA STREET - PLANNING COMMISSION DENIED 7-0 (3-0546) - Community Development Director Walt Sullivan explained the notification process, Planning Commission recommendation and findings, and noted the staff's report. Deputy Community Development Director-Planning Eric Toll summarized the staff's report including the requirements made of the applicant, the numerous rezoning requests made through the years, and reasons for staff's recommendation of denial due to the feeling that the request was premature. Staff is presently working on the comprehensive land use master plan element for the area. Adjacent property uses are residential with the exception of one lot across the street which is an office. It was felt that the applicant had failed to prove that the master plan should be implemented. The only change which had occurred in the neighborhood since 1979 was the construction of Westside Court, which was a residential project consisting of six homes. Discussion with the Board indicated that the master plan shows the site to be RO. The site had originally been zoned R-1 in 1969 but was allowed Limited Multiple Zoning uses under the R-2 zoning. In April 1978 new zoning brought it back to R-1, which is now known as Single Family 6,000. Limited Multiple Zoning would permit a medical office as long as the physician resided in the home. Discussion ensued concerning the appearance of an arbitrary line indicating the master plan map zone. Mr. Toll felt that while this may appear to be the case, it had in fact been based on valid reasons. He then explained the Board's direction to prepare a comprehensive plan for the entire downtown area which is to be known as the "Central Business" zone. This plan is to be completed by July 1989. Staff felt that Ms. Chesney's proposal should be heard after it is completed. Mr. Sullivan then explained that the line as designated had been determined following several months of public hearings in 1978. He emphasized that the master plan is a concept which may occur as the City grows; however, until such time as circumstances warrant, the zoning should remain SF6000. Clarification noted the variance granted Westside Court. The homes, while entitled "Planned Unit Development", had not been a PUD as found in CCMC Chapter 17. Supervisor Chirila felt that there had been changes in the neighborhood due to this variance and construction. She then stressed her feeling that improvement within the district had to be encouraged by granting special allowances. If special allowances are not granted, the entire area would become a slum as the cost to restore the buildings would prohibit restoration. Mr. Toll expressed his feeling that the Board had addressed this issue when it directed staff to prepare a comprehensive master plan for the downtown area. For this reason he urged the Board to consider the entire district rather than one site. Economic issues cannot be considered as a basis of making a change in land uses. Mr. Sullivan then explained the Commission's finding numbered four that the community as a whole would not benefit from the improvements. Financial benefits would be for the owner only. Also, there was a lack of community justification presented at the

hearing for the change which would enhance the private market value. Supervisor Chirila stressed her point that when the historical boundary lines were drawn, it had placed economic burdens upon the residents and property owners which should be considered different from the other zones.

Supervisor Swirczek expressed his feeling that the Board needed to consider the objectives of the master plan in order to preserve the exterior of the buildings, citing several offices as examples. He urged the Board to adopt the master plan and rezone the entire historic district RO. Continuing to maintain the status quo merely allowed the area to deteriorate. (For clarification of this statement, see November 17, 1988, Minutes.) Mr. Sullivan, while acknowledging the number of office conversions, pointed out the residential improvements. He also pointed out the parking lots and vacancy factor found after work hours and on weekends with the office uses which are not normally found in neighborhoods. Supervisor Swirczek responded by stressing that in other areas the emphasis is on maintaining the facade, which the City was failing due to a lack of action.

(3-1697) Jane Chesney distributed a statement to the Board. She then read the statement into the record indicating her feeling that her property and constitutional rights were being taken away by denying her the right to develop the site as an office. She reminded the Board that the property had been R-2, Limited Multiple Uses, when she purchased it. Without the change she felt that her economic ability to preserve the building was restricted. The zoning map she had prepared indicated zoning within 300 feet. This "line" had been arbitrarily and capriciously designed through "gerrymandering" as it had gone to "mid block zoning" in preference to the "mid street policy" which was used to down zone her property. This created an inconsistent policy in direct competition to the master plan. She pointed out the office uses within 300 feet on three sides of her property. She then explained the "new construction" which had occurred in that area. She questioned whether the PUD (Westside Court) was in keeping with the historic nature of the area. She then explained the businesses which had utilized the residence for more than a century. Her proposed use would not change either the physical or visual appearance of the building or vicinity. Parking could be hidden behind the building. She then questioned the purpose of a historic district which had denied her economic benefits and the ability to control the use of her property. She felt that this had lead to "wasting by planning starvation" of an area which was no longer considered a community asset of promise and pride. She urged the Board to take steps to change the zoning to allow her to use the facility as she envisioned and preserve the building. She again explained her plan to convert the building to office use and utilize the back area for parking. Purportedly, it would not be necessary to remove any of the old trees. Discussion noted the on-street parking problem found in her vicinity was due to the overflow from the RO zone. Clarification noted the medical office cited by Ms. Chesney had not been included in staff's report as they were in the RO zone and in a different corridor than hers. Mr. Toll explained, by use of map, all the uses in the area. Mr. Sullivan explained reasons for the zoning on Washington and Minnesota by the Cultural Resources Study. Ms. Chesney questioned why the

zoning ordinance had not been changed while the master plan had. Ms. Chesney reiterated her reasons for having used only the area within 300 feet to indicate the uses.

Mr. Toll expressed his feeling that staff was addressing the Board's request that the downtown area master plan be evaluated and the feeling that it should be addressed before Ms. Chesney's request is handled. Supervisor Swirczek felt that it was a policy decision which must be addressed posthaste and bring the entire area into the 20th century. Ms. Chesney explained that the original reason for her down zone had been so that a study could be done on the historic district. She questioned the reasons behind making her wait for yet another "master plan" which she felt was harmful and discriminatory.

Supervisor Scrivner expressed his feeling that staff had done a good job under the circumstances and requested comments from the opposition.

BREAK: A five minute recess was then called. When the meeting reconvened at 3:05 p.m. the entire Board was present, constituting a quorum.

(3-2947) West Side Development Company Representative Art Hannafin explained his project, its zoning, and his feeling that the reason the Chesneys had purchased their site had been for multipurpose development. Purportedly, he had been "badgered" by Ms. Chesney for assistance in her project since his purchase. He stressed his desire to work within the zoning and construct a quality project rather than allow the property to deteriorate and pursue a change of zoning as the Chesneys had. He felt that property owners within the historical district were undertaking the repair and upgrade of the homes in spite of the financial aspects. An example was given to support his comments. (4-0044) He then stressed his feeling that there was inadequate space for parking and that allowing the change of land use would further encroach into the historical residential district. He suggested that the Board look toward finding incentives to help the residential district refurbish instead of continuing to encourage further encroachment. Supervisor Swirczek explained that the example Mr. Hannafin had used was within the RO zone and that there were other incentives for improvements. Mr. Hannafin acknowledged his awareness of the land use map as well as the repeated requests for a change of zoning on the Chesney property. He also noted that the master plan had many uses which neither prevail nor zoning maps uphold at this time. Supervisor Swirczek expressed his feeling that it was the Board's responsibility to determine when the master plan should be implemented and that this was the question under which the Board was laboring. Discussion noted that historical properties could use grants to upgrade the homes. The "supportive" homes, which are not considered historical in nature, needed a way to assist the owners with refurbishing. Mr. Hannafin felt that it would not be necessary to change the zoning to save these buildings.

(4-0172) Ms. Chesney responded by stating that when she purchased the property in 1971 it was multi-family. Mr. Hannafin's property was zoned RO on the master plan, however, he intended to maintain the "R-1". She felt

that she had the same right to have expected the zoning to remain multi-family.

(4-0206) Frank Follmer as a member of the Planning Commission read a statement into the record which briefly explained the numerous denials recommended by the Commission over the years. His statement included comments made by the Commissioners during their deliberation. He urged the Board to "put the issue to rest until such time as the complexion of the neighborhood around 503 West Robinson Street changes to warrant further examination by the staff, Planning Commission, and the Board of Supervisors".

(4-0331) John Copoulos, Historical Architectural Review Committee Chairperson, stressed the Committee's feeling that commercial changes in the District created additional parking problems. He did not feel that this "sea of asphalt" preserved the historic character of the District. Supervisor Chirila responded by pointing out that Ms. Chesney had stated that there was adequate parking space behind the building. Mr. Copoulos cited an example on Washington Street which had the maximized the office space and parking to illustrate his concern.

(4-0408) Paul Carrington expressed his feeling that the City had an opportunity to preserve its historic district and commended staff on its report. He then explained the formation of the historic district, how the residential portion had been developed, and noted that restorations had been occurring in both the RO and the residential sections. He felt that preservation of the historic district could become a tourist attraction when the By-Pass is constructed. He urged the Board to uphold previous Boards' actions and stop the encroachment into the residential area as had occurred in Reno.

Based on his feeling that his motion would further the objectives of Carson City, which was to preserve the past while allowing Carson City to move forward, Supervisor Swirczek moved overturn the recommendation of the Planning Commission and approve subject application and approve on first reading an ordinance to effect a change of land use from SF6000 to RO for APN 2-232-06 at 503 West Robinson Street subject to the following findings: that the change is consistent with the character and use of the historic district area; that the proposal is not found to be detrimental to the immediate vicinity; that the proposal is consistent with the objectives of the master plan; that the proposed change of land use does result in a proposal that has merit and value to the community as a whole; further, that the applicants have submitted the following five reasons for justification: This application is consistent with the public program which adjusts the benefits as well as the burdens of the preservation of life equally and fairly; This application is consistent with the existing master plan for a comprehensive land use planning which classifies the subject project as residential office; This application is consistent with the traditional purpose and criteria governing the historic district; This application is consistent with the purposes of the Redevelopment District to improve the project area

economically, physically, aesthetically, and to revitalize the urban center; This application is consistent with historic precedence of multiple uses of this property which is the yard stick for measuring reasonable and compatible reuse in the present. Supervisor Chirila seconded the motion. Motion was voted by roll call with the following result: Swirczek - Yes; Chirila - Yes; Scrivner - Yes; Fetic - No; and Mayor Flammer - Expressed his feeling that "More stringent requisites were needed, therefore, he voted - No. Mrs. Chesney had stated that there would be no change in outward appearance. There would be no way to know it was an office unless you saw the "shingle". He would vote for it if the motion had incorporated those stipulations and had more stringent regulations upon it. He could see no harm in preserving the historic district if it takes this to do it. He had difficulty differentiating between the historic district and a historic neighborhood district. For those reasons he voted No." Motion carried 3-2.

Supervisor Swirczek moved to introduce Bill No. 138, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBER 2-232-06, SAID AREA BEING LOCATED AT THE CORNER OF ROBINSON AND MINNESOTA STREETS IN CARSON CITY, NEVADA, FROM SINGLE-FAMILY 6000 (SF6000) TO RESIDENTIAL OFFICE (RO) ZONING. Supervisor Chirila seconded the motion. Motion was voted by roll call with the following result: Swirczek - Yes; Chirila - Yes; Scrivner - Yes; Fetic - No; and Mayor Flammer - No. Motion carried 3-2.

Supervisor Swirczek then recommended that the next Agenda include an item for staff to bring back reasons why the master plan land uses should not be implemented by this Board as shown on the west side. Supervisor Fetic explained his opposition to this recommendation based on his feeling that staff had been directed to prepare a master plan for the entire historic district which is due in June or July.

Mr. Sullivan then explained that the master plan was a flexible document which was to be implemented over a period of time as changes are warranted. The Courts had upheld this position on two separate occasions.

Supervisor Swirczek responded by explaining his feeling that the action directing staff to prepare the master plan for the historic district may not have been illegal. He then expressed his feeling that no action had been occurring in the downtown area nor would anything be done in the future unless action is taken by the Board. Clarification indicated that as long as the request was for discussion and not implementation, Supervisor Fetic could support the request based on his feeling that a rush job should not be done.

In response to Mr. Carrington's question, it was explained that the public hearing on the Ordinance would be held on November 3. An appeal could be heard at that time or recourse could be sought through the courts.

(4-10015) Archie Pozzi stressed that the public had recourse through the courts. Mayor Flammer noted that there were two avenues of recourse--1. The second hearing and 2. The courts.

BREAK: At 3:50 p.m. a five minute recess was taken. When the meeting reconvened at 3:55 p.m. the entire Board was present constituting a quorum.

**13. PUBLIC WORKS DIRECTOR** - Dan O'Brien and Water Engineer Dorothy Timian-Palmer.

**A-R-PW-1 ADDENDUM TO 1987 ORMSBY SANITARY LANDFILL CONTRACT - WELL MAINTENANCE PROCEDURES (4-1085)** - Discussion directed Mr. O'Brien to check into reasons for the delay in completing the gate house and reasons for the dust problems. Supervisor Fettic moved to authorize the Mayor to sign the Addendum to the October 1, 1987, Carson City Landfill Agreement between Carson City and Ormsby Sanitary Landfill, Inc., adding Provision No. 15; fiscal impact \$712.78 from the Ormsby Sanitary Landfill Fund No. 270. Supervisor Swirczek seconded the motion. Motion carried 5-0.

**WATER ENGINEER**

**A-R-PW-3a UPDATE ON CARSON CITY WATER SYSTEM AND WATER PROJECTS (4-1205)** - Water Superintendent Tom Hoffer introduced the other staff members-- Meter Reader Ron Johns, Crewman Richard Pruitt, and Crew Leadman Ted Malone. Ms. Timian-Palmer introduced Consultants Bruce Scott and Paul Lumos. Mr. O'Brien explained his administrative decision to separate the Water and Sewer Divisions and place Ms. Timian-Palmer in charge of the Water Division. He felt that steps were being taken to re-establish the City's creditability on water issues. Ms. Timian-Palmer explained improvements made in the system by re-evaluating the water pressure regulation system which had reduced the electrical costs and automated the wells. Additional changes in the system were detailed which may further improve service. A review of the task orders followed. Funding for the consortium was agendaized for the next meeting. Work accomplished under the consortium as well as improvements within the Division and the purpose of the consortium were discussed. (4-2280) Discussion ensued concerning whether the Board could complete the Agenda before the 5:15 p.m. meeting elsewhere. Ms. Timian-Palmer explained slides showing the water projects. Discussion ensued on the improvements needed at Marlette-Hobart and other items, e.g., stream gauges, pumps, piping, as well as office and computer needs. Ms. Timian-Palmer also explained her desire to utilize some of the funding she was saving from power bills to construct a new office and procure new office equipment. Mr. O'Brien suggested that the report on water availability and consumption be continued until a hearing on the Growth Management Ordinance is held. Mr. Hoffer explained reasons for the failure to adjust the PRV's since 1983. He felt that it could take as long as a year to have them adjusted adequately to function at top levels. Ms. Timian-Palmer noted that water consumption during the summer had remained at the same level, however, the peak demand had decreased by approximately five percent. Supervisor Fettic commended both the public and the staff for this ability to meet the demand while reducing peak demand. The alternating water day policy would remain in effect until November 1. No action was required or taken by the Board on this Item.

**A-R-PW-3b SIERRA PACIFIC POWER COMPANY LINE AND MAIN EXTENSION AGREEMENT TO SERVICE THE TANSTAAFL BOOSTER PUMP STATION (5-0005)** - Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the Sierra Pacific Power Company Line and Main Extension Agreement No. 16-5614-5 for electrical service to the Tanstaafl Booster Pump Station. Supervisor Scrivner seconded the motion. Supervisor Fettic continued his motion to include in an amount not to exceed \$4,207. Supervisor Scrivner seconded the motion. Motion carried 5-0.

**A-R-PW-3c AGREEMENT WITH BUREAU OF LAND MANAGEMENT FOR TEMPORARY WELL SITE AND ACCESS GRANT NO. 48833 (5-0032)** - There is no fiscal impact, however, the City would agree to maintain the well. Supervisor Fettic moved that the Board authorize the Mayor to sign the BLM Right-of-Way Temporary Use Permit No. N-488833 to provide a site to drill a test well for evaluation of remaining Carson Valley Water Rights. Supervisor Scrivner seconded the motion. Motion carried 5-0.

#### **CARSON CITY STORM DRAINAGE MASTER PLAN**

**A-R-PW-5a FINAL REPORT FOR TASK ORDER NO. 3 PROJECT 1987-013B FOR STORM DRAINAGE MASTER PLAN AND A-R-PW-5b TASK ORDER NO. 5 PROJECT 1987-013 FOR POLICY MANUAL (5-0055)** - Continued to another meeting.

#### **14. COMMUNITY DEVELOPMENT DIRECTOR**

**STATUS REPORTS ON: DESIGN REVIEW, DOWNTOWN MASTER PLAN AND DEVELOPMENT PROJECTS (5-0065)** - Deferred.

**HISTORICAL ARCHITECTURAL REVIEW COMMITTEE REFERRAL - APPLICATION H-88/89-2 - BORTOLIN - APPEAL OF HISTORICAL ARCHITECTURAL REVIEW COMMITTEE DENIAL OF EXISTING WROUGHT IRON FENCE AT 304 WEST FIFTH STREET (5-0071)** - Continued to the next meeting.

**A-R-CDD-4 RESOLUTION ESTABLISHING GROWTH MANAGEMENT ENTITLEMENTS FOR 1989-90 (1-0073)** - Continued to the next meeting.

#### **PLANNING COMMISSION REFERRALS - CONSENT MATTERS**

**A-R-CDD-1 SPECIAL USE PERMIT U-88/89-5 - CARSON TAHOE HOSPITAL - ALLOW NEW CONSTRUCTION AND REMODELING OF THE HOSPITAL COMPLEX - 775 FLEISCHMANN WAY AT MOUNTAIN STREET - PLANNING COMMISSION APPROVED 7-0**

**A-R-CDD-2 SPECIAL USE PERMIT U-79-25 - T. E. BERTAGNOLLI - ALLOW CONCRETE BATCH PLANT ON CR 0 NORTH OF CARSON RIVER AT BRUNSWICK CANYON ROAD - PLANNING COMMISSION APPROVED 7-0 (5-0085)** - Supervisor Fettic moved that the Board approve the Consent Agenda as read into the record by the City Manager. Supervisor Scrivner seconded the motion. Motion carried 5-0.

#### **PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS -A-R-CDD-3**

**MISCELLANEOUS M-88/89-2 - ORMSBY, INC. (DOING BUSINESS AS MOTHER LODE CASINO) - ABANDON PORTION OF NINTH STREET BETWEEN CARSON AND CURRY STREETS - PLANNING COMMISSION APPROVED 7-0 (5-0115)** - Mr. Sullivan explained the request and Planning Commission's recommendation and conditions. Supervisor Swirczek explained his contact on this request. Mr. Sullivan explained two telephone conversations on this request. Supervisor Fettic moved to approve M-88/89-2 for Ormsby, Inc., doing business as Mother Lode Casino, to abandon that portion of Ninth Street between Carson and Curry Street subject to the listed conditions of approval as read into the record by the Community Development Director. Supervisor Swirczek seconded the motion. Following Mr. Cockerill's request for an amendment to the motion, Supervisor Fettic amended his motion include "and to direct the District Attorney's office to prepare an order of abandonment for the signature of the Mayor". Supervisor Swirczek continued his second. Motion carried unanimously.

Ms. Kay Bennett noted that Ninth Street was now closed and expressed her feeling that an additional cross street was needed between Curry and Carson in the vicinity of the closed Goodyear dealership.

**ORDINANCES - FIRST READING**

**15. PUBLIC WORKS DIRECTOR - A-01-PW-1 AN ORDINANCE ESTABLISHING CLIENT PARKING ZONES (5-0265) - Deferred.**

**16. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan.**

**A-01-CDD-2 CHANGE OF LAND USE Z-88/89-5 - CARSON TAHOE HOSPITAL - REZONE PROPERTY FROM RO TO P - 775 FLEISCHMANN WAY AT MOUNTAIN STREET - PLANNING COMMISSION APPROVED 7-0** - Supervisor Fettic moved that the Board approve U-88/89-5 Special Use Permit Application for Carson-Tahoe Hospital to allow new construction and remodeling of the hospital complex on APN 1-201-05 and 1-201-06 located at 775 Fleischmann Way and Mountain Street subject to the listed conditions as read into the record by the Community Development Director. Following clarification of the motion, Supervisor Fettic withdrew that motion. Supervisor Fettic then moved that the Board introduce on first reading Bill No. 135, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCELS NUMBERS 1-201-05 AND 1-201-06, SAID AREA BEING APPROXIMATELY 7.75 (PLUS OR MINUS) ACRES LOCATED AT MOUNTAIN STREET AND FLEISCHMANN WAY IN CARSON CITY, NEVADA, FROM RESIDENTIAL OFFICE (RO) TO PUBLIC (P) ZONING. Supervisor Swirczek seconded the motion. Motion carried 5-0.

**ORDINANCES - SECOND READING**

**17. PUBLIC WORKS DIRECTOR - Dan O'Brien.**

**A-02-PW-1 BILL NO. 131 - WATERLINE REIMBURSEMENT ORDINANCE AND AGREEMENT FOR JUAN AND DOROTHY ARRAIZ (APN 10-143-08, 3261 CONTE DRIVE) (5-**

**0342)** - Supervisor Fettic moved to adopt on second reading Ordinance No. 1990-32, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND JUAN AND DOROTHY ARRAIZ REGARDING ASSESSOR'S PARCEL NO. 10-143-08 LOCATED AT 3261 CONTE DRIVE, CARSON CITY, NEVADA and authorize the Mayor to sign the agreement. Supervisor Swirczek seconded the motion. Motion carried 5-0.

**A-02-PW-2 BILL NO. 132 - WATERLINE REIMBURSEMENT ORDINANCE AND AGREEMENT FOR KARL AND KATHI DITTENBER (APN 10-133-15, 2900 CONTE DRIVE) (5-0371)** - Supervisor Fettic moved that the Board adopt on second reading Ordinance No. 1990-33, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND KARL AND KATHI DITTENBER REGARDING ASSESSOR'S PARCEL NO. 10-133-15 LOCATED AT 2900 CONTE DRIVE IN CARSON CITY and authorize the Mayor to sign said agreement. Supervisor Swirczek seconded the motion. Motion carried 5-0.

**A-02-PW-3 BILL NO. 133 - WATERLINE REIMBURSEMENT ORDINANCE AND AGREEMENT FOR RANDY AND PATRICIA ISAMAN (APN 10-143-09, 3111 CONTE DRIVE) (5-0387)** - Supervisor Fettic moved that the Board adopt on second reading Ordinance No. 1988-34, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND RANDY AND PATRICIA ISAMAN REGARDING ASSESSOR'S PARCEL NO. 10-143-09 LOCATED AT 3111 CONTE DRIVE, CARSON CITY, NEVADA, and authorize the Mayor to sign said agreement. Supervisor Swirczek seconded the motion. Motion carried 5-0.

**18. AUTOMATION SERVICES DIRECTOR - A-02-AUT-1 BILL NO. 134 - AMEND CARSON CITY MUNICIPAL CODE 2.31 TO APPOINT THE INTERNAL AUDITOR IN LIEU OF BOARD MEMBER TO THE DATA PROCESSING COMMITTEE (DATA PROCESSING COMMITTEE APPROVED 5-0) (5-0406)** - Supervisor Swirczek moved that the Board adopt on second reading Ordinance No. 1988-35, AN ORDINANCE AMENDING AND REVISING CHAPTER 2.31 OF THE CARSON CITY MUNICIPAL CODE, THE AUTOMATION SERVICES ORDINANCE. Supervisor Fettic seconded the motion. Motion carried 5-0.

BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS - CONTINUED

**A-R-BD-1 REQUEST FOR REFUND FOR APPLICATION FEE FOR LLOYD DICKERSON (5-0420)** - Community Development Director Walt Sullivan and Deputy Community Development Director--Planning Eric Toll explained their understanding of the conversation which had occurred concerning the application to change the zoning. The need to establish a method by which the refund could be granted without establishing a precedence whereby all application fees would be returned if the request is denied was discussed. Mr. Cockerill felt that if there had been a mistake in communication a precedence would not be established. He, too, stressed concern about establishing a precedence for any disgruntled applicants. Mr. Hamilton felt that Mr. Toll's position was one of accepting responsibility for a miscommunication and not an admission of wrongdoing. Mr. Cockerill also pointed out the work performed for the fee and the purpose of the fee. Supervisor Scrivner moved that the Board authorize refunding the \$250 application fee to Mr. Dickerson based on the

miscommunication. Supervisor Swirczek seconded the motion. Supervisor Fetic expressed his feeling that although Mr. Toll was willing to accept responsibility, Mr. Dickerson needed to listen better in the future. The motion was voted by roll call with the following result: Chirila - No, even though she could heartedly sympathize with Mr. Dickerson, she felt that staff had done work that they were commissioned to do for that amount of money; Fetic - No; Scrivner - Yes; Swirczek - Yes; and Mayor Flammer - Yes. Motion carried 3-2.

**19. SUPERVISOR SWIRCZEK (5-0645)** - Requested the District Attorney's Office draft Resolutions of Support for Questions 10, 11, and 12 for Board consideration at the next meeting.

**MAYOR FLAMMER, SUPERVISORS FETTIC, CHIRILA, AND SCRIVNER** - None.

**20. DETERMINATION/ANNOUNCEMENT OF FUTURE MEETING DATES AND TIMES (5-0657)**

**SPECIAL BOARD MEETING OF NOVEMBER 10, 1988, AT A TIME TO BE IDENTIFIED FOR THE ABSTRACT/CANVASS OF THE VOTE OF THE GENERAL ELECTION HELD NOVEMBER 8, 1988** - Discussion ensued on the need for a special meeting next week. Mr. Hamilton scheduled all the items pulled from this Agenda for Thursday at 9 a.m. Supervisor Swirczek changed the time to 5 p.m. Discussion then established November 17 at 10 a.m. for a special session with the Supervisors-Elect and noted the Special Meeting on November 10th.

Supervisor Swirczek moved to adjourn. Supervisor Chirila seconded the motion. Motion carried 5-0. Mayor Flammer adjourned the meeting at 5:30 p.m.

The Minutes of the October 20, 1988, Carson City Board of Supervisors meeting

ARE SO APPROVED ON \_\_\_\_\_December\_20\_\_\_\_, 1990.

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

ATTEST:

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