

A regular session of the Carson City Board of Supervisors was held on Thursday, August 18, 1988, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT: Dan Flammer Mayor
 E. M. "Doc" Scrivner Supervisor, Ward 4
 Ron Swirczek Supervisor, Ward 1
 Tom Fetic Supervisor, Ward 2
 Marilee Chirila Supervisor, Ward 3

STAFF PRESENT: L. H. Hamilton City Manager
 Alan Glover Clerk-Recorder
 Ted P. Thornton Treasurer
 Gary Kulikowski Internal Auditor
 Bob Auer Deputy District Attorney
 Katherine McLaughlin Recording Secretary
 (B.O.S. 8/18/88 Tape 1-0001)

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. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during the normal business hours.

Mayor Flammer called the meeting to order at 9 a.m. by leading the Pledge of Allegiance. Roll call was taken and a quorum was present as noted.

D. APPROVAL OF MINUTES - Agenda Sessions of 9/28 and 10/16/87 and 8/15/88; Special Session of 10/13/87; and Regular Sessions of 9/17 and 10/1/87 (1-0018) - Action was deferred.

E. LIQUOR AND ENTERTAINMENT MATTERS - None.

AGENDA MODIFICATIONS (1-0035) - Items G. 7. b. Contract 8788-108 Fuji Park Stable Labor Acceptance and Final Payment and J. 1. Reconsideration of Appointment and Possible Action to Remove Ms. Navarro from Carson City City Parks and Recreation Commission Pursuant to CCMC 2.16.045(4) were pulled. Items 8. d. 1. and 2. Wastewater Treatment and Disposal Facilities Contract I-2, Change Order No. 1 and Task Order No. 14, Letter of Request No. 23 were scheduled for 10 a.m. Items 9. d. and e. Miscellaneous M-87/88-14 Cactus Jack's Abandonment of a Portion of an Alley and M-87/88-17 Reid's Proposed Abandonment of a Portion of Sedge Way were placed on the Planning Commission Appeal and Review Agenda.

F. CITIZENS COMMENTS (1-080) - Richard Waiton suggested the Board consider the merits of condemning the V and T Roundhouse in view of the gas and oil smells he encountered when looking in the facility several days ago. The owner was aware of this problem and currently has plans which he had not

disclosed to Mayor Flammer.

(1-0125) Rhinestone Cowboy requested a set of the plans for the Senior Citizens Center as he felt it had not adequately addressed the needs of the handicapped, was not located in the correct area, and should be only one floor. Purportedly he had a builder who would redraw the plans gratis. Therefore, it was not unreasonable to place a moratorium on it. Mayor Flammer and Mr. Hamilton explained that the complex had been prepared at the direction of the Senior Citizen Building and Design Committee. Once the design is completed additional public testimony will be solicited by the Board before construction begins. Rhinestone Cowboy then explained his reasons for feeling that the handicapped and seniors had not been contacted concerning the facility. He was advised to contact Bruce Scott or the Architects Eissman and Pence.

G. RESOLUTIONS (1-0402)

1. ASSESSOR - Kit Weaver - CORRECTION OF 1988-89 TAX ROLLS - Supervisor Feticc moved to adopt Resolution No. 1988-R-52, A RESOLUTION TO CORRECT THE 1988-89 TAX ROLL, Parcel No.s 1-121-18, 2-130-05, 4-021-08, 2-401-06, and 9-133-09 in the total amount of \$331.95. Supervisor Swirczek seconded the motion. Following a correction to the parcel numbers Supervisor Feticc corrected the second number to be 2-131-05. Supervisor Swirczek continued his second. Motion carried 5-0.

2. CLERK-RECORDER - Alan Glover.

a. PUBLICATION OF CARSON CITY'S QUARTERLY FINANCIAL REPORT (1-0455) - Discussion included an explanation of the statutory requirement for publication, the need to augment the budget to address the cost, and request for direction as to whom the responsibility for publication would belong. Richard Waiton suggested copies be filed at several public buildings, such as the libraries, and that the requirement that it be published in a newspaper be amended due to the cost. Supervisor Feticc moved that the Board direct the City Manager to instruct the Finance Director to provide the quarterly financial report to the Nevada Appeal for publication in accordance with the appropriate Carson City Municipal Code and Nevada Revised Statutes requirements. Supervisor Scrivner seconded the motion. Motion carried 5-0.

b. TWO REGULAR SEPTEMBER BOARD MEETING DATES - FIRST AND FIFTEENTH VERSUS EIGHTH AND TWENTY-SECOND (1-0749) - A meeting on the eighth is required to address the canvass of the election and bond sale. The pros and cons of the other dates were noted. Supervisor Scrivner moved to concur and have the meeting dates on the eighth and twenty-second as suggested. Supervisor Swirczek seconded the motion. Motion carried 5-0.

3. DISTRICT ATTORNEY - Bob Auer - ATTORNEY FEES FOR GEORGE ALLISON, ESQUIRE - SERPA VERSUS CARSON CITY (1-0808) - This may not be the final bill on this lawsuit. Supervisor Scrivner moved that the attorney fees from the

law firm of George Allison, Esquire, on the Serpa versus Carson City lawsuit be paid in the amount of \$6,614.05 for the dates May 1, 1988, through July 31, 1988. Supervisor Scrivner seconded the motion. Following Supervisor Swirczek's suggestion for amendment, Supervisor Scrivner moved to include in the motion that the funding source would be the Insurance Fund. Supervisor Chirila continued her second. Discussion then noted that the District Attorney's office had reviewed the billing and felt the charges were appropriate. Motion carried 5-0.

4. TREASURER - Ted Thornton.

a. FINANCIAL REPORT FOR JULY 1988 - Discussion noted that the Internal Auditor does not audit these statements although he does review them. Supervisor Fettic moved that the Board accept the Treasurer's Monthly Report for July 1988. Supervisor Swirczek seconded the motion. Motion carried 5-0.

Discussion explained the June and July reports for Mr. Waiton.

b. ADJUSTMENT TO 1988-89 TAX ROLL DUE TO THE U. S. FOREST SERVICE ACQUISITION OF PROPERTY (1-1033) - Supervisor Swirczek moved that the Board approve the change of assessed value on APN 7-091-13 from \$70,000 to \$28,000 due to the U. S. Forest Service acquisition of some of the property with the tax roll being adjusted accordingly, total loss of revenue \$892.08. Supervisor Fettic seconded the motion. Motion carried 5-0. Clarification noted the location of the property.

c. REFUNDS AND REMOVAL OF TAXES FROM 1988-89 TAX ROLL DUE TO STATE OF NEVADA ACQUISITION OF PROPERTY (1-1086) - Supervisor Swirczek moved that the Board approve refunds to Robert P. and Julie M. Brace, Parcel Number 8-052-18, in the amount of \$11.66 and to Jerry S. and Lewannah R. Parker, Parcel Number 10-184-06, in the amount of \$4.81 due to the State of Nevada acquisition of their property for the Carson 395 By-Pass Project and direct the Treasurer to remove these parcels from the tax roll. Supervisor Fettic seconded the motion. Motion carried 5-0.

5. FINANCE DIRECTOR - CHECK DISBURSEMENT REGISTER FOR JULY 1988 (1-1190) - Internal Auditor Gary Kulikowski explained his test of the register. Supervisor Fettic moved that the Board approve the Check Disbursement Register for the Month of July 1988. Supervisor Swirczek seconded the motion. Motion carried 5-0.

6. PARKS AND RECREATION DIRECTOR - AGREEMENT BETWEEN CARSON CITY AND LOVE - SALE/LEASE OPTION RELATIVE TO CENTENNIAL PARK SOFTBALL BATTING CAGE (1-1215) - Parks Superintendent III Kent Hurliman introduced the request. Supervisor Fettic explained the presentation made to Park and Recreation Commission and its recommendation. Supervisor Fettic then moved that the Board approve the recommendation from the Parks Department and the Parks and Recreation Commission to abandon the City's right to purchase the Centennial

Park Softball Batting Cage facility. Following discussion with Mr. Auer, Supervisor Fettic continued his motion to include "at this time". Supervisor Swirczek seconded the motion. Discussion noted the lease terms. The motion was voted and carried 5-0.

7. PURCHASING AGENT - Ron Wilson.

a. CONTRACT 8788-40 - FUJI PARK STABLE BUILDING, ACCEPTANCE AND FINAL PAYMENT (1-1335) - Clarification of the reasons for returning the default ensued. Supervisor Swirczek moved that the Board accept the performance by "Port-A-Stall" as the supplier of the unassembled captioned building and authorize the final payment thereto pursuant to Contract No. 8788-40, the Fuji Park Stable Building, final payment in the amount of \$8,763.20. Supervisor Fettic seconded the motion. Motion carried 5-0.

b. CONTRACT 8788-108 - FUJI PARK STABLE LABOR ACCEPTANCE AND FINAL PAYMENT (1-1418) - Pulled.

c. CONTRACT 8889-32 - CENTENNIAL ADULT SOFTBALL COMPLEX NO. 2, IRRIGATION SYSTEM (1-1420) - Mr. Wilson introduced Purchasing Assistant John Iratcabal. The desire to use effluent for irrigation on the fields and the contingency were discussed. Supervisor Fettic moved that the Board approve Contract No. 8889-32, Centennial Adult Softball Complex No. 2 Irrigation System, and award this two part Contract to Bidder No. 7, Angelo Pecorilla, for the installation of the irrigation system in the amount of \$31,679 and to award to Record Supply Co. for the irrigation system materials as both are the lowest responsive and responsible bidders pursuant to the provisions of the Nevada Revised Statutes Chapters 332, 338, and 339 as well as the requirements set forth in the Contract documents identified as Bid No. 8889-2, that the award to Record Supply Company be in the amount of \$21,735.26 plus a ten percent contingency fund not to exceed a total of \$24,000. Supervisor Scrivner seconded the motion. Motion carried 4-0.

8. PUBLIC WORKS DIRECTOR - Deputy Community Development Director--
Planning Eric Toll.

d. WASTEWATER TREATMENT AND DISPOSAL FACILITIES

1. CONTRACT I-2, PRISON FARM IRRIGATION SYSTEM PHASE II, CHANGE ORDER NO. 1 (1-1659) - Consortium Representative Jim Vasey explained the Change Order, estimated the amount of the project which had been completed at 75 percent, may be used next year, status of the dam, and responded to Mr. Waiton's questions on the project and its funding. Supervisor Fettic moved that the Board approve the Wastewater Treatment and Disposal Facilities Contract I-2, Prison Farm Irrigation System Phase II, Change Order No. 1 in the amount of \$20.93. Supervisor Scrivner seconded the motion. Motion carried 5-0.

2. CHANGE IN DESIGNATION FOR TASK ORDER NO. 14, LETTER OF

REQUEST NO. 23 (1-1950) - Mr. Vasey explained the request. Supervisor Fettic moved that the Board approve the changing of Task Order No. 14, General Engineering Services, Letter of Request No. 23, with Vasey Engineering to Amendment 1 under Task Order 30 and authorize the Mayor to sign same. Discussion noted that unless this procedure is adopted, the City would not be reimbursed at the 85 percent rate. Supervisor Swirczek seconded the motion. Motion carried 5-0.

BREAK: AT 10:05 a.m. a fifteen minute recess was taken. When the meeting reconvened at 10:20 a.m. the entire Board was present constituting a quorum.

a. DEDICATION D-88/89-1 SMITH'S FOOD STORE - DEDICATION OF SANITARY SEWER AND STORM DRAIN EASEMENTS - PARCELS SOUTH OF WILLIAM STREET AND NORTH OF WASHINGTON STREET - PLANNING COMMISSION APPROVED 6-0-1 (1-2044) - Supervisor Fettic moved that the Board accept the sanitary sewer and storm drain easements offered by Smith's Food King. Supervisor Swirczek seconded the motion. Motion carried 5-0.

b. DEDICATION D-88/89-2 - STANTON PARK DEVELOPMENT - DEDICATION OF PORTIONS OF MONTE ROSA, STANTON, AND NORTH EDMONDS DRIVE - PLANNING COMMISSION APPROVED 6-0-1 - Supervisor Fettic moved that the Board accept the dedication of Monte Rosa, Stanton and North Edmonds Drives with the understanding that the Developers will complete all improvements to these streets as their development approaches completion. Supervisor Swirczek seconded the motion. Motion carried 5-0.

c. DEDICATION D-88/89-3 - M. G. STAFFORD, INC. - DEDICATION OF PORTIONS OF PANACA AND TANGERINE DRIVES - PLANNING COMMISSION APPROVED 6-0-1 (1-2175) - Supervisor Swirczek moved that the Board accept dedication of Panaca and Tangerine Drives with the understanding that all improvements will be provided by the Developer. Supervisor Scrivner seconded the motion. The requirement stipulating the placement of all utilities underground was explained for Mr. Waiton. The motion to accept the dedications carried 5-0.

Discussion ensued on Public Works' comments soliciting directions. The Planning Commission had responded to the request.

9. COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR - Deputy Director Eric Toll - PLANNING COMMISSION REFERRALS - CONSENT MATTERS (1-2242)

a. SPECIAL USE PERMIT U-87-13 - ROSS (LEWIS HOMES, INC.) - ALLOW OFF-PREMISE SIGN ON RC - SOUTHWEST CORNER OF US 395 SOUTH AND COLORADO STREET - PLANNING COMMISSION APPROVED 6-0-1

b. SPECIAL USE PERMIT U-87-44 - LOFTIN (ORMSBY HOUSE HOTEL/CASINO) - EXCEED SIGNAGE REQUIREMENTS - 600 SOUTH CARSON STREET - PLANNING COMMISSION APPROVED 6-0

c. VARIANCE V-88/89-1 - VIANO/RUTLEDGE - VARY FROM TEN FEET OF REQUIRED REAR SETBACK ON RO - 632 AND 676 SALIMAN ROAD - PLANNING COMMISSION APPROVED 5-1-1 - Mr. Hamilton read the items into the record. Supervisor Swirczek moved to approve the Planning Commission Referral Consent Matter

items as read into the record by the City Manager. Supervisor Feticc seconded the motion. Motion carried 5-0.

PLANNING COMMISSION REFERRALS - APPEAL AND REVIEW MATTERS (1-2387)

a. **MISCELLANEOUS M-87/88-14 - CACTUS JACK'S - ABANDON A PORTION OF AN ALLEY BETWEEN WEST SPEAR AND WEST TELEGRAPH STREETS - PLANNING COMMISSION DENIED 5-0-2** - The request, Planning Commission recommendation, and need for the Board to approve the concept of an encroachment permit were explained. Applicant Ron Piersanti was willing to allow the Planning Commission denial to stand if the Board accepted the encroachment permit concept. There had been no opposition at the Planning Commission, however, it should be noted that staff's recommendation to the Planning Commission had been for denial. Public comment was solicited but none made. Fire and Sheriff Department issues had been resolved based on the encroachment permit proposal. Mr. Piersanti would retain an architect to draft the necessary plans for the expansion if the Board accepts the concept. Redevelopment had reviewed the request, however, had made no comment. **Supervisor Swirczek moved to deny M-87/88-14, Cactus Jack's request for an abandonment of a portion of an alleyway.** Discussion ensued on the Applicant's request for a denial conditioned upon the encroachment process. **Supervisor Feticc seconded the motion to allow further discussion.** (2-0087) Gary Owen, representing C. B. Investment Co., Inc., requested the motion for denial be conditioned upon conceptual approval of the encroachment permit. He then explained the present restricted access to the alley and urged the Board to consider its total abandonment at some future date. Discussion included the lack of information as to the cost to relocate the utilities. Mr. Piersanti had expressed a willingness to pay the \$5,000 cost to relocate the gas line. Discussion also noted that Board authorization was not required for an encroachment permit. Supervisor Feticc explained that, although he had seconded the motion, as it presently stood he would vote against the motion. He felt that the Planning Commission denial should be upheld and that conceptual approval of the encroachment permit should be given. Mr. Piersanti explained his reasons for not following the encroachment permit process. Supervisor Swirczek explained his reasons for not including the conceptual approval in his motion even though he felt that he could support the concept. Mr. Piersanti expressed his feeling that the abandonment was long overdue. This position, the time needed to survey the utilities in the alleyway, and the other issues which should be considered if the alley is abandoned were discussed at length. Mr. Piersanti noted that he had been paying taxes on his portion of the alleyway even though it had remained under public ownership. Supervisor Swirczek suggested the matter be deferred until additional information is available or a determination is made as to the amount of time needed to respond to the questions. **Supervisor Swirczek then withdrew his motion. Supervisor Feticc agreed to withdraw his second.** Discussion then noted that if the alley is abandoned several stores would lose an exit. **Supervisor Feticc moved that the Board deny M-87/88-14, Cactus Jack's abandonment of a portion of an alleyway and that the Board recognize**

the validity of the encroachment process available to the Applicant and that his application will be heard on its own merits as are all other similar matters that come before the Board. Mayor Flammer passed the gavel to Mayor Pro-Tem Scrivner and seconded the motion. Reasons for the motion were discussed. Motion was voted by roll call with the following result: Fetic - Yes; Mayor Flammer - Yes; Swirczek - No; Chirila - Following assurances that the motion was not granting an implied guarantee that the encroachment would be approved; Yes; and Mayor Pro-Tem Scrivner - No. Motion carried 3-2.

Mayor Pro-Tem Scrivner returned the gavel to Mayor Flammer.

b. MISCELLANEOUS M-87/88-17 - REID - PROPOSED ABANDONMENT OF A PORTION OF SEDGE WAY, WEST OF PINION HILLS DRIVE - PLANNING COMMISSION APPROVED 6-0-1 (2-0679) - Supervisor Fetic moved that the Board approve an abandonment application by Terry and Terese Reid for a portion of Sledge Way west of Pinion Hills Drive subject to the four listed conditions of approval. Supervisor Scrivner seconded the motion. Motion carried 5-0.

J. BOARD OF SUPERVISORS' RESOLUTIONS, REPORTS, AND PROCLAMATIONS

D. SUPERVISOR CHIRILA - ANIMALS ORDINANCE (CCMC TITLE 7) - ENFORCEMENT PROGRAM, EMERGENCY AND AFTER HOURS POLICY, AND OPERATIONS AND ENFORCEMENT POLICY ISSUES (2-0731) - Supervisor Chirila explained her reasons for placing this item on the Agenda due to the number of complaints she had received and the allegations that there was a lack of enforcement after hours. (2-0869) Beverly Pacheco explained an enforcement problem she had repeatedly encountered in her area. She explained her understanding of the complaint process and procedures. Animal Control Director Mike Conklin responded by explaining the after hours enforcement procedures and the complaint process. He also compared the caseload, funding, and staffing levels with Douglas County. The number of dog bites for this year are down 16 or 17 percent. Discussion noted that violations of Animal Enforcement Codes were misdemeanors requiring the offense to be observed by a peace officer or a minimum of two unrelated individuals. His staffing level was discussed. For dawn to dusk coverage seven days a week Mr. Conklin needed three more officers. Ms. Pacheco explained her 17 year knowledge of the Department and its present lack of visibility in the community. She urged the Board, if it is necessary, to increase the staffing level so that children may play outside and people may walk/run in the community without fear of the dogs. Supervisor Scrivner expressed his feeling that the Board needed to consider contracting the Animal Control services and urged the Board to consider the matter posthaste. Supervisor Swirczek noted that the Code mandates the Sheriff's Department assist with the enforcement of the Animal Control regulations. Sheriff McGrath explained the response his office provides to complaints, however, his Department does not have the expertise nor the equipment to remove or pick up an animal. Mr. Conklin explained his experience in having the Sheriff's Department respond to calls. An evaluation of the daily logs would indicate the location and number of complaints received by the Sheriff's Department and final disposition.

Supervisor Chirila then expressed her feeling that it may be necessary for the City to establish stronger controls over the types of animals allowed within its limits in view of the number and ferocity of the animals on which she had been receiving complaints. She also suggested that manpower be shifted to address these problems. Mayor Flammer noted the potential for animal haters to harass animal owners. He, too, felt that additional staff is needed. (2-2001) Mr. Conklin explained the animal immunization requirements for Richard Waiton. Supervisor Scrivner noted that many animal owners utilize Douglas County as well as Carson City veterinarians and that they should be checked to determine the status of an animals' inoculations as well. (2-2106) Pete Bachstadt expressed his feeling that the question was that of irresponsible pet owners and over-population. He suggested that the reasons behind a dog bite be evaluated when the complaint is investigated. He also urged the Board to consider supporting low cost neutering clinics and volunteered to serve on any animal committee including one considering privatization of the animal control services. (2-2360) Ann Young explained that her nephew had been attacked by the dogs which reside across from her residence. She had filed three complaints against the owners and done other things to have them controlled but to no avail. She felt that the wild animals services provided by the Department should be abandoned so that more time could be dedicated to controlling the domestic animal problems. Mr. Conklin responded by explaining reasons for his taking over the wildlife problems. Supervisor Scrivner suggested that Animal Control be directed to take action against the two animals specified. Mr. Conklin explained the status of the tickets which had been issued to the owners. Ms. Young then explained a communication problem she had encountered with Animal Services which Mr. Conklin felt was due to a new employee. (2-2561) National Association for the Protection of Animal Resident Agent Unilda Marshall expressed her feeling that the Animal Control Division was providing the best service possible for the level of funding and staffing given. She urged privatization be considered posthaste. She also felt that one breed of animal should not be singled out for exclusion as the training and treatment received influenced its reaction. She then introduced Dr. Ursula Carlson and urged the public and Board to take time to visit the Center. (2-2780) Dr. Carlson explained her article and evaluation of the Center and services. She felt the Shelter was among the best in the United States specifically in view of the staffing level. Until morality can be mandated, however, she felt little could be done to address the responsibility problems. She, too, supported privatization. Discussion ensued concerning whether the issue was lack of manpower, Animal Control's response to complaints, need to restrict the type of animals kept within the City, or abuse at the Animal Shelter. (3-0025) Gail Thomssen explained her communication problems and expressed her feeling that the problem was related to the need for 24 hour a day, seven days a week service and urged the Board to provide additional manpower. She urged the Board to consider using prisoners to supplement the staff and volunteered to serve on a Committee establishing procedures to do so. (3-0085) Dr. Kent Miller expressed his feeling that the City was attracting irresponsible individuals as adequate funding was not being provided to retain sufficient staffing. (3-0154) Earl Milliken indicated he felt the irresponsible owners should be made examples and that the Board should

address the situation. (3-0201) Bill Whear felt the Sheriff and Mr. Conklin had done a good job. He urged steps be taken against the irresponsible owners. Mr. Hamilton explained the status of the privatization request. Ms. Thomssen felt that a committee should be utilized to evaluate the proposals and standards. Supervisor Swirczek requested Ms. Thomssen provide whatever information she could to him. Supervisor Scrivner urged that consideration be given to allowing the Director to privatize his service rather than contracting the service to an outside vendor. Discussion ensued on the direction that had been provided by the conversations. Mayor Flammer directed Mr. Hamilton to evaluate the present procedures and work with Mr. Conklin and Sheriff McGrath to establish a better mechanism until the privatization issues are answered. Supervisor Swirczek urged staff to contact Clark County to determine its new spaying/neutering clinic and other progressive steps.

BREAK: At 12:25 p.m. a lunch recess was taken. When the meeting reconvened at 1:30 p.m. the entire Board was present constituting a quorum.

K. RACKLEY (CARSON WATER SUBCONSERVANCY DISTRICT) - REGIONAL WATER PLAN (3-0392) - Mr. Hamilton briefly outlined previous discussion on the regional water concept and the decision to have the District function in this capacity. He then introduced Ira Rackley. Mr. Rackley explained that Douglas and Lyon Counties had approved the concept. He then reviewed the program, area included under the program, and explained where copies of the Plan could be obtained. A summary of the report was given to the Board. (None to the Clerk.) Goals, objectives, funding, program examples, program benefits, and Board membership were explained by Mr. Rackley and discussed with the Board and Gail Thomssen. (3-1352) Resource Concepts Bruce Scott expressed his support for the District program. Discussion ensued among the Board and Mr. Rackley on the need to add the Carson City's downtown area to the District. This proposal had originally been opposed by Douglas County, however, was now supported due to funding potential. Discussion included the need for Carson City to continue to manage its growth due to other limiting factors of which water was only one and timetables for various projects. Water Engineer Dorothy Timian-Palmer expressed staff's support for the regional concept. (3-1925) Dwight Millard questioned whether the "partnership" concept would be upheld when benefits to one of the partners may conflict with the group or vice versa. Ms. Timian-Palmer explained her feeling that Carson City would have no need to ship private water from Douglas County. Mr. Rackley felt that the District would be responsible for whatever water is furnished in its system and it would not be necessary for Carson City to procure additional water from Douglas. He felt that the City should be allowed to purchase water within its boundaries for the District's benefits. Mr. O'Brien felt that this problem would be addressed in the agreement and under the will serve program. Mr. Scott stressed the point that the agreement would eliminate a conflict among the Districts and add strength to the area's ability to retain its resource. He also explained the benefits of a cooperative effort. The proposal to have a pipeline from Gardnerville/Minden to Carson City, the Indian Hill water needs, and the

benefits of the proposal were discussed at length. The Subconservancy was willing to takeover and operate water districts, however, this was not its primary goal. (3-2318) Mr. Rackley explained for Marv Teixeira how the Marlette-Hobart project could be utilized in the District and the interstate compact on Marlette-Hobart. (3-2410) Mr. Millard then explained his support for the District, however, cautioned the Board against using Carson City's water fund for the District. Mr. Rackley and Supervisor Swirczek explained how the pipeline to Indian Hills and Carson City would be funded and the District's taxing ability. Ms. Timian-Palmer explained that water funds had already been allocated for the Marlette-Hobart improvements. Supervisor Fettic moved that the Board direct the City Manager and authorize the District Attorney's office and the staff's Water Resource Employees to work with the Subconservancy District in attempting to draft an agreement to bring back to the Board. Supervisor Swirczek seconded the motion. Motion was voted by roll call with the following result: Fettic - Yes; Scrivner - Yes; Chirila - Yes, Swirczek - Yes, and Mayor Flammer - Yes. Motion carried 5-0.

Supervisor Fettic commended Mr. Rackley on his work and presentation.

H. ORDINANCES - SECOND READING (3-2721)

a. BILL NO. 120 - CARSON CITY MUNICIPAL CODE 17.44 (RESIDENTIAL CONSTRUCTION TAX) - MODIFICATIONS ADDING SECTION 17.44.045 WHICH DESIGNATES CARSON CITY AS ONE NEIGHBORHOOD PARK FACILITIES DISTRICT - Supervisor Fettic moved to adopt Ordinance No. 1990-21, AN ORDINANCE AMENDING CHAPTER 17.44 OF THE CARSON CITY MUNICIPAL CODE (RESIDENTIAL CONSTRUCTION TAX) BY ADDING SECTION 17.44.045 WHICH DESIGNATES CARSON CITY AS ONE NEIGHBORHOOD PARK AND PARK FACILITIES DISTRICT. Supervisor Chirila seconded the motion. Motion carried 5-0.

b. BILL NO. 121 - CARSON CITY MUNICIPAL CODE 8.04 (PUBLIC PEACE, SAFETY AND MORALS - PROHIBITED CONDUCT) - MODIFICATIONS ADDING SECTION 8.04.045 MAKING IT UNLAWFUL TO WILLFULLY OR MALICIOUSLY DESTROY OR INJURE ANY REAL OR PERSONAL PROPERTY OF ANOTHER (3-2758) - Supervisor Fettic moved to adopt Ordinance No. 1990-22, AN ORDINANCE AMENDING CHAPTER 8.04 OF THE CARSON CITY MUNICIPAL CODE (PUBLIC PEACE, SAFETY AND MORALS - PROHIBITED CONDUCT) BY ADDING SECTION 8.04.045 MAKING IT UNLAWFUL TO WILLFULLY OR MALICIOUSLY DESTROY OR INJURE ANY REAL OR PERSONAL PROPERTY OF ANOTHER. Supervisor Chirila seconded the motion. Motion carried 5-0.

I. CITY MANAGER RESOLUTIONS, REPORTS, AND BOARD DIRECTIVES - RECOGNITION OF CONTRIBUTORS TO THE C-SCAPE PROGRAM (3-2795) - Supervisor Swirczek recognized the following individuals/firms who had helped make the C-Scape Program viable: Carson City Board of Supervisors and City Departments; Casinelli's Landscaping and Sprinklers; Southwest Gas Corporation; Carson City Railroad Association; Office of the State Climatologist; Dayton Valley Turf Company; MH-1 Graphics; MSB Properties; Carson City-Storey County Cooperative Extension Service; KPTL Radio Station; Carson Sertoma Club; Art Hannifin, Architect/Builder; Nevada Division of Forestry; National Weather

Service; Garden America; L. T. Kellog; Nevada Appeal; K-Mart; Garden Spot Nursery; Sierra Pacific Power Company; Carson City Rentals; Builders Association including Capital City Concrete, Carson Building Supply, Garretson-Ferguson Construction, A. M. Smith Electric, Stanton Park Development, K and K Concrete, Mountaineer, Millard Construction; and, Natives and Newcomers. The Board commended all for their efforts and donations. No formal action was taken nor required.

J. BOARD OF SUPERVISORS' RESOLUTIONS, REPORTS, AND PROCLAMATIONS (3-2951)

SUPERVISOR SWIRCZEK - Requested a status report on the Ambulance Committee.

SUPERVISOR CHIRILA, FETTIC, AND SCRIVNER, AND MAYOR FLAMMER - None. Discussion ensued on the reasons for an evening meeting. Supervisor Swirczek expressed his feeling that the concept of a split meeting was not as agendized today.

BREAK: There being no other matters for discussion at 2:40 p.m., Mayor Flammer recessed the meeting until 6:15 p.m. When Mayor Flammer reconvened the meeting at 6:15 p.m. a quorum was present although Supervisors Scrivner and Chirila were absent. Staff members present included: City Manager Hamilton, Community Development Director Sullivan, Deputy Community Development Director--Planning Toll, Deputy District Attorney Auer, Traffic Engineer Madigan, and Recording Secretary McLaughlin. (B.O.S. 8/18/88 Tape 4-0001)

J. BOARD OF SUPERVISORS RESOLUTIONS, REPORTS, AND PROCLAMATIONS - Mayor Flammer explained his concern about the sale of Hertz vehicles on City property and the number of telephone calls he had received. This item will be discussed under Citizen Comments.

L. PETITIONS AND COMMUNICATIONS - None.

M. RESOLUTIONS - CONTINUED - COMMUNITY DEVELOPMENT - Walt Sullivan and Deputy Director--Planning Eric Toll - **PLANNING COMMISSION REFERRALS - DISCUSSION AND APPEAL MATTERS - PLANNED UNIT DEVELOPMENT P-88/89-1 - NEWMAN CONSTRUCTION, LTD. - TENTATIVE APPROVAL OF THE MEADOWS PLANNED UNIT DEVELOPMENT ON RC - SALIMAN ROAD, SOUTH OF EAST FIFTH STREET - PLANNING COMMISSION APPROVED 6-0-1** - (Supervisor Chirila arrived during Mr. Sullivan's introduction--6:20 p.m.) Mr. Sullivan explained for the Board the reasons why a Master Plan amendment had not been requested, the development's inclusion under the Growth Management program, water availability, designation on the flood plain map, and drainage. Project Engineer Bruce Scott from Resource Concepts explained the location, current drainage and planned improvements. (4-0465) Earl Milliken questioned the availability of flood insurance. Mr. Sullivan explained his reasons for feeling that it would not be required. Discussion ensued between Supervisor Fettic and Mr. Scott on financing, the impact flood zones have on its availability, and that Mrs. Lompa was willing to accept the runoff for irrigation purposes. Supervisor Swirczek moved that the Board approve the tentative approval of

the Meadows Planned Unit Development for Newman Construction, Limited, on property zoned Retail Commercial on Assessor's Parcel Number 10-04147, located at Saliman Road south of East Fifth Street, subject to the listed conditions of approval. Supervisor Fettic seconded the motion. Motion was voted by roll call with the following result: Chirila - Yes; Fettic - Yes; Swirczek - Yes; and Mayor Flammer - Yes. Motion carried 4-0.

N. ORDINANCES - FIRST READING - CHANGE OF LAND USE Z-88/89-8 - CARSON CITY - REZONE APPROXIMATELY 50 ACRES (UNIVERSITY HEIGHTS SUBDIVISION) FROM SF12000 PUD TO SF21000 PUD - NORTH OF WEST NYE LANE, WEST OF WEST ORMSBY BOULEVARD ADJOURNING EITHER SIDE OF COOMBS CANYON ROAD - PLANNING COMMISSION APPROVED 6-0-1 (4-0571) - Supervisor Swirczek explained his conflict of interest and abstention from participation. (A quorum was still present.) Public comment was solicited but none made. The error establishing the zoning as SF12000 was discussed. Earl Milliken questioned how many dwellings would be located on the parcel, which is one single family dwelling per 21,000 square feet. Supervisor Fettic moved to introduce on first reading Bill No. 122, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON UNIVERSITY HEIGHTS PLANNED UNIT DEVELOPMENT, UNITS 1 AND 2, SAID AREA BEING APPROXIMATELY 51.38 ACRES LOCATED NORTH OF WEST NYE LANE, WEST OF WEST ORMSBY BOULEVARD, AND ADJOINING EITHER SIDE OF COOMBS CANYON ROAD IN CARSON CITY, NEVADA, FROM SINGLE FAMILY 12000-PLANNED UNIT DEVELOPMENT (SF12000-PUD) TO SINGLE FAMILY 21000-PLANNED UNIT DEVELOPMENT (SF21000-PUD) ZONING. Supervisor Chirila seconded the motion. Motion was voted by roll call with the following result: Chirila - Yes; Fettic - Yes; and Mayor Flammer - Yes. Motion carried 3-0-1-1.

BREAK: At 6:45 p.m. a five minute recess was taken. When the meeting reconvened at 6:50 p.m. a quorum was present although Supervisor Scrivner was absent as noted.

O. CITIZEN COMMENTS (4-0810) - Dick Companion, Carson City Toyota, BMW, Mazada dealership owner and Carson City New Car Dealers Association representative, and Mike Team, representing Valley Chevrolet, expressed their concern about Hertz being given a business license for a two-day event and approval to operate on City property in competition with local dealers. Mayor Flammer noted that the Board could not act on the matter this evening. Treasurer Ted P. Thornton explained how the business license had been requested, why it was issued, the issuance of other permits as required by the State, and the Community Center lease. Ordinances do not prohibit the issuance of such a license. A comparison was made with the antique shows and sales/auctions which have been held on several occasions at the Community Center. Discussion ensued among the Board and Mr. Thornton on the DMV requirements for automobile sales and similar events in Reno and Sparks. (4-1121) Mike Fowler, Carson Honda and Subaru representative, noted the DMV ten mile franchise law and explained his concern about having an out-of-town dealer take revenue from Carson City. (4-1155) Hale Bennett explained his experience with DMV and knowledge about licensing and Hertz' facilities in Carson City. He also expressed his concerns about the misleading

advertisements and the lack of a permanent sales facility within the City. These questions will be resolved by DMV tomorrow. He urged City licensing procedures be re-evaluated to address this type of function. The Board thanked Mr. Bennett for providing information on this issue and his research. Mayor Flammer expressed a willingness to advise the public of DMV's decision tomorrow. Board discussion with Mr. Thornton stressed the need to address the ordinances and policy on renting the Community Center. Supervisor Fettic requested the issue be agendaized for further discussion. Mr. Thornton supported the need to address the ordinance. Mayor Flammer stressed that the City was not holding the "auction". Mr. Companion stressed that Carson City dealers are prohibited from going to Reno to sell vehicles. He felt that the license could be withdrawn due to the fact that Hertz does not sell cars in Carson City, it only leases them. Supervisor Swirczek requested the Reno and Sparks policies be obtained to see if Carson City could adopt same. Mayor Flammer thanked the participants for their input.

(4-1465) Earl Milliken felt that the City should have an ordinance prohibiting the parking of vehicles for sale on public property. It was felt that this could not be enforced as Hertz had rented the facility.

(4-1485) Mr. Bennett offered to work with the City to resolve the issue.

There being no other matters for discussion, Supervisor Fettic moved to adjourn. Supervisor Swirczek seconded the motion. Motion carried 4-0. Mayor Flammer adjourned the meeting at 7:15 p.m.

The Minutes of the August 18, 1988, Carson City Board of Supervisors meeting

ARE SO APPROVED ON October 4, 1990.

/s/

Marv Teixeira, Mayor

ATTEST:

/s/

Alan Glover, Clerk-Recorder