

DOING BUSINESS AS CHILE LOCO (MEXICAN FAST FOOD) LOCATED AT 557 SOUTH SALIMAN (1-0160.5) - Ms. Martinez indicated she was familiar with Nevada Liquor Laws and would train her employees in them. Sheriff Banister noted the favorable Sheriff's Report. Member Tatro moved that the Liquor and Entertainment Board approve a beer and wine license for Elsa Martinez, DBA Chile Loco, located at 557 South Saliman; fiscal impact is \$500 original new fee and \$150 quarterly fee. Member Bennett seconded the motion. Discussion explained that the \$500 original new fee is for a beer and wine license and that a full bar license is \$1,000. Ms. Martinez indicated she planned to open on July 31. The motion was voted and carried 6-0.

BOARD OF SUPERVISORS (1-0208.5) - There being no other matters for consideration by the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

4. CONSENT AGENDA (1-0210.5)

A. PUBLIC WORKS DIRECTOR

i. ACTION ON DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR THE UTAH NEVADA ASSOCIATION OF SEVENTH DAY ADVENTISTS ON APN 02-052-09 LOCATED AT 405 EAST COLLEGE PARKWAY, CARSON CITY, NEVADA

ii. ACTION ON DEDICATION OF AN EASEMENT FOR PUBLIC SEWER ACCESS AND FOR THE CONSTRUCTION AND MAINTENANCE OF SANITARY SEWER LINES AND APPURTENANCES ON THE WEST SIDE OF NORTH ORMSBY BOULEVARD FROM CARSON HEALTHCARE, INC., ON APN 07-333-23, LOCATED AT 3050 ORMSBY BOULEVARD

iii. ACTION ON DEDICATION OF STREET RIGHT-OF-WAY FOR A RADIUS FILLET AREA AT THE NORTHEAST CORNER OF HOT SPRINGS ROAD AND NORTHGATE LANE ON APN 02-062-08 FROM K AND D PROPERTIES

B. UTILITIES DEPARTMENT - ACTION ON JOINT FUNDING AGREEMENT BETWEEN CARSON CITY AND THE U.S. GEOLOGICAL SURVEY

C. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9899-16 - URBAN FORESTER CONSULTANT, AGREEMENT

ii. ACTION ON CONTRACT NO. 9899-18 - GRAVES LANE ENGINEERING SERVICES, NEW DESIGN

iii. ACTION ON CONTRACT NO. 9798-178 - LINEAR BIKE PATH IMPROVEMENTS, REQUEST FOR FINAL PAYMENT

iv. ACTION ON CONTRACT NO. 9798-14 - FORENSIC SERVICES AMENDMENT NO. 1, REQUEST FOR CONTRACT APPROVAL - None of the items were pulled for discussion. Supervisor Tatro moved that the Board approve the Consent Agenda as presented. Supervisor Bennett seconded the motion. Motion carried 5-0.

Parks and Recreation Director Steve Kastens explained that Capital Engineering and Ken Dorr had donated approximately \$9,000 in engineering costs for the Linear Bike Path improvements. This had been used as a match against the \$16,000 National Trails Grant. He then described the location and the project. Mayor Masayko thanked Mr. Dorr and Capital Engineering for the donation.

5. CITY MANAGER - John Berkich, Capital Projects Advisory Committee Chairperson Gary Sheerin, and Construction Manager Gordon Graham - **STATUS REPORT ON CONSTRUCTION OF THE PUBLIC SAFETY COMPLEX (1-0278.5)** - Chairperson Sheerin provided an oral status report of the building indicating it is approximately 75 percent completed. It should be completed on schedule. The need to stay within the budget was emphasized. The architect's contract needs to be extended. He complimented Gordon Graham on his work as the project's construction manager. Benefits of his services were noted. He urged the Board to visit the site. Mr. Graham briefly gave the Board a verbal overview of the project. The project time and expenditures were about even. The building should be completed by January 10 as required in the contract. The change orders are being scrutinized. Those that have been approved were felt to be necessary. The building should be a source of pride to

the community when it is completed. Mayor Masayko noted the future users' active involvement throughout the process which should eliminate problems in the future. Mr. Graham commended them on this dedication. Discussion explored several of the construction plans, change orders and users' efforts to be sure the building is functional when completed. A comparison was made to other sites on which Mr. Graham had worked. He felt it was a high quality building which had been an ambitious project. It should be able to withstand a "rigorous" earthquake. He briefly described his relationship with the architect. Mr. Berkich then explained that staff and Chairperson Sheerin would be meeting weekly in an attempt to keep the building within the budget. Criteria used in determining which items will be authorized for inclusion in the building was described. Efforts will be made to keep the Board apprised of the building's status on a weekly basis. Monthly summary reports will also be provided. He also urged the Board to visit the site and introduced Committee Member Dick Baker. Chairperson Sheerin cited another example of the users' participation. Efforts are being made to curtail the change orders. He also noted a problem with the architects and expressed his feeling that they are now committed to completing the job in a professional manner. Discussion noted the contractor's request to extend the completion date and that efforts will be made to negotiate diligently on the request. All possible efforts will be made to maintain the January 10 completion date. Chairperson Sheerin agreed that the Committee would make routine quarterly reports and explained the reasons for establishing the smaller committee to review the change order requests. Mayor Masayko thanked the participants for the update.

6. BOARD OF SUPERVISORS

A. PRESENTATION BY ROCKY CONNOR, TOM LYNN, AND KEVIN WALSH REGARDING THE WITHDRAWAL OF PUBLIC LANDS IN THE PINE NUT RANGE FROM THE OPERATION OF THE U.S. MINING LAWS AND POSSIBLE ACTION (1-0685.5) - Discussion between Mr. Connor and the Board indicated the Board had received a copy of his letter. Mr. Connor then explained his position that the 18,000 acre area owned by BLM in Carson City is and should be kept open to the public and for mineral entry. BLM is purportedly attempting to take the mineral rights away from the public by obtaining the Board's support for the closure and protection of the area. Mr. Connor's personal use of the area was described. Motorized destruction of the area was not and had not been occurring. The biggest problem is the illegal trash dumping which is occurring throughout the area. Dirt bikes are not causing deterioration of the area. Only one wash is continually used by dirt bikes. This is above Mexican Dam and it allows the bikers to access other roads at the top of the ridge. Runoff in this wash does not reach the river. He questioned the damage which justifies the closure. There is no documentation to support the closure. The Carson River Master Plan does not have anything to do with BLM's closure. The Master Plan is conceived on the assumption that the Carson River is similar to the Humboldt as they are in the Great Basin. The Carson River Advisory Committee does listen to the public but turns around and does as it pleases and in accordance with its agenda. Its agenda is to keep all motorized vehicles from any area it can. The plan restricts all motorized vehicles on the west side of powerline road, which is essentially where all of his mining claims are. The Plan also indicates that he could be jailed for one year for using motorized vehicles to access his mines. This is the overpowering control of BLM. BLM had not signed the document but had sent a copy of it to him. If the Board gives up the right to enter this area now, the area will eventually be closed completely. This will give BLM complete title to the ground and eliminate all encumbrances including mining claims. Homesteading had been eliminated through this process. Small miners are being regulated out of business. He had been fighting with BLM for over ten years about his mining claims. He had held numerous discussions with BLM officials including Dan Jacquet. Mr. Jacquet purportedly had indicated that there will be a time when the area is closed. A small section may be reserved to one side for dirt bikes. This site may be on the east side of Brunswick Canyon Road. Eventually a permit will be required with a related "fee". BLM has never cleaned up the area nor done any other type of work in the area. The only thing BLM will do is put out a fire if one is started. He suggested that a trash program be established whereby an individual who cannot afford the dump fees could dump large appliances at the landfill at without a charge. Abandoned vehicles should be sold for scrap. This may require a change in the registration process/requirements. He urged the citizens to take care of the property through an "adopt a trail" type of program. He volunteered to use his truck to dispose of the trash. He did not wish to give up control over the land. What BLM tells you and what they do are two different things. His personal experience with BLM during a "surface use examination" was cited to support his comments/concerns.

Mineral entry is keeping the area open and prohibiting the construction of housing. Once the area is closed, BLM can, at some future date when pressure and demand grow for more area, trade the land. Different land trades have allowed this to happen in Carson City already. BLM does not have to seek permission from the Board to do this. This is one time when the Board could help the citizens by not allowing closure of the area for mineral uses. Mining does not destroy the area. Approximately five acres has been disturbed by his family and the five other miners. He felt that the public hearings on the mineral entry proposal had not been publicized. He was purportedly the only person to attend the only meeting that had been held on the mineral entry program. He also indicated that BLM claims that there is only moderate to "real low" minerals found in the area, therefore, mineral entry should be removed. He questioned the need to remove it if no one goes to the area to mine it. He felt the true reason was to clear the title to the land for future use/control. The area is not being destroyed by its use. The existing roads and trails are not designated County roads and trails. Therefore, BLM, if they can get it on, can remove it and close it by use of visual resources, vegetation destruction, etc. The roads have been there for over 100 years. What is being destroyed? There is no documented proof. They have made no attempt to fix anything. All BLM is after is to close the area and take control of it. He volunteered to provide additional information if the Board desired. There will be another plan proposed this fall but it will still have mineral withdrawal as part of the program. All three of the original contingency plans contained the mineral withdrawal as did the 1996 Interface Booklet. The Board is the citizens' last chance. Only with the Board's support could BLM do it. Without that support, BLM will be forced to continue managing the area as it currently is which he felt was the best program for everyone.

(1-0905.5) Mayor Masayko indicated that BLM had decided that its original Pine Nut Mountain Plan was to be rewritten and brought back. Mr. Connor may be ahead of the curve and had presented several valid reasons. Mayor Masayko suggested a transcript of the testimony be submitted to BLM.

Michael's Cycles Parts Manager Tom Lynn pointed out that the BLM plan did not include economical figures on the impact upon Carson City. It had estimated that approximately one-tenth of one percent of the public is involved in the industry. His survey indicated there are actually 26 people in Carson City who derive their livelihood from the industry--motor bikes/cycles. Redesignation of the area would seriously impact their livelihood. TRPA's passage of the two-cycle prohibition on Lake Tahoe had negatively impact his business as indicated by the reduction from 230 personal watercraft vehicles had been sold in 1996. In 1997 only 60 such vehicles were sold. BLM's regulations will have a similar impact on his business/livelihood. He requested additional research be conducted as he felt that there is no supporting documentation on the OHV usage and erosion. Purportedly, there had been only one scientific study performed which concluded that OHV use does not have an impact on erosion, soil degradation, etc., etc. He felt that the group was being used as an escape goat in many incidents similar to this. The fact is they are not the problem. He indicated that he could not pay for the research. Supervisor Bennett indicated that the Board could not afford it. Mr. Lynn felt that BLM has the resources and that they should be the ones to do it.

(1-0982.5) Kevin Walsh explained his education, his bar degree, and motorcycle experience in this area. He acknowledged that BLM is proposing to issue a revised proposal this fall. Problems with the current proposal were cited to illustrate areas of concern which would assist in the review of the future proposals. He read a letter which had appeared in last month's The Nevada Appeal entitled "A Few Bad Apples Can Spoil the Whole Pine Nuts". The letter purported that the proposed plan dealt with only conduct of the users and not access to the area. Mr. Walsh had read, studied, outlined, and worn out his copy of the proposal. A statement under Alternative A and the proposed amendment reads "Road and trail alignments that are experiencing resource damage may be rerouted or in certain cases closed to protect natural and cultural resources. This effort will focus on riparian areas and steep erosive slopes." This phrase was felt to be a catchall and would control all access. This is beyond conduct. The terms "damage", "certain cases", "riparian", and "steep erosive slopes" are not explained anywhere in the proposal. The entire Pine Nut Mountain range could be deemed erosive. He indicated his intent to check the new proposal for additional definitions. He questioned whether an appeal officer or panel would determine which trails could/would be closed, the composition of such a panel, and whether the Board would have a say in the process. The new proposal needed to contain accountability. What are the Pine Nuts? The description provided in the proposal was read, however, felt to apply to other areas as well. The difference between the Sierra

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Mountain Range and the Pine Nuts was listed. He urged the press and Board to visit the area. He offered to provide an appropriate means to view the area for anyone wishing to do so. A list of sites which they should visit was given. This would also provide an opportunity to visit the areas where people have been dumping trash. He then explained his proposal for families and businesses to "adopt a trail". He had already received approximately 25 names from individuals who are interested in participating. He agreed with BLM's Representative Arthur Callan that the public does care about the Pine Nuts as the public had been contacting him on their own. He requested Board support for his cleanup program. Mayor Masayko indicated that he had included this on a list for staff to handle.

Supervisor Bennett commended Mr. Walsh on his approach and effort to find a solution. She hoped that he realized that all of the users have an impact on sensitive lands. She also hoped that he and his group recognize the need to provide appropriate areas for the use of OHV and 4-wheel drive vehicles which are not on sensitive sites. Although some of the sensitive areas may be more readily accessible, their use creates erosion problems. It had not been her intent to limit access to the Pine Nuts but rather to designate where it is appropriate for this type of recreational use to occur. This is part of each user's stewardship responsibility particularly in view of the impact such use may have on the water resource used by other areas. She also commended him on pointing out the need for BLM to provide accountability for its program.

Mr. Walsh responded by explaining his feeling that erosion occurs naturally. He did not feel that the erosion of public rights under the access of public lands is inevitable which is his reason for feeling that BLM must be made accountable. Definitions must be provided. He planned to keep using the area. He agreed that the use needed to be balanced. The Sierra Mountain range was cited as an example of an area where vehicular access had been restricted. The Pine Nut Range contains 362,000 acres which had been traditionally open to off-road vehicle use. The area is practical for this type of use as hiking is difficult. The re-routing and trail closure would infringe on the public's access rights. He agreed that ownership of public lands belongs to everyone. He had proposed the "adopt a trail" program to provide ownership responsibility. Supervisor Bennett explained the position that it is necessary to protect the resources such as the river and sensitive lands. This mandates active participation as stewards of the area. Mr. Walsh felt that the public should also protect its rights. There appears to be a federal and state conflict. He, as an attorney, felt bound to represent the public in the protection of their rights. If BLM is going to restrict access, it should be based on sound procedures and definitions.

Supervisor Smith commended the group on their involvement. The group had accomplished its goal which was to make the Board aware of the need for additional input and study. Mr. Walsh repeated his invitation for the Board to tour the area and expounded on his ability to provide the vehicles and reasons for urging them to accept his invitation. Supervisor Smith explained his personal knowledge of the area and his concern about the use of the terms "conduct" and "restriction" and the inference that everyone with a motorized vehicle is "an idiot and goes up there and does everything possible to damage the land". This is an unfair and prejudiced remark. He hoped that it was not another case of "government saving us from ourselves". Mr. Callan had described in his presentation a play area in the vicinity of Johnson Lane which is to serve the entire area. On the map it appeared to be a postage stamp. He questioned whether it is adequate and the topographical description of the area.

Mr. Walsh then explained how people could contact him to participate in his "adopt the trail" program. There are signup sheets in the local motorcycle shops. Additional flyers are going to be put up in other areas. He asked for City support/funding for a dump truck by the river. There are cars, washing machines, dryers, refrigerators, mattresses, etc., which have been abandoned. Supervisor Tatro commended the group on their efforts. He felt that "government has the responsibility to prove that its efforts are being made in the best interest of the public" and that Mr. Walsh should not pay for the study. Carson City has had a good relationship with BLM, however, the last two agendas had contained items which related to BLM and they had failed to attend either meeting. His personal experience had been that BLM had always attended and provided information when requested. Mr. Walsh explained a CATF television program where he had discussed the plan. He had personally invited Mr. Callan to participate in the program, however, he had declined to do so. Mr. Callan had purportedly indicated to him at that time that their focus would not be on enforcement. Mr. Walsh then questioned the point if enforcement is not part of the program. He then explained rumors that Douglas County is obtaining federal funding for enforcement. He

also felt that a representative may have chosen not to attend due to understaffing problems at the local office.

Supervisor Tatro then explained his philosophy of how federal government should operate--the local community should establish the standard which the Feds follows. Carson City had in the past established a high mark for public participation. He urged BLM to deal with the public who will be impacted in the same manner as Carson City's public forum. He suggested that BLM accept this as a challenge and do so if a federal regulation has not been adopted requiring this level of notification/participation. They are part of Carson City's government. He hoped that the next review process will include this suggestion and provide the same involvement as Carson City normally provides. Mr. Walsh also urged them to provide correct information and cited a media report that the closure would not impact all of the accesses to the Pine Nuts which the "catch phrase" he had read covered.

Supervisor Plank pointed out that the Board had considered the issue on two separate occasions and had, through written communication, requested additional time for public comment. The Board's original concern had merely dealt with adverse conditions which would cause additional erosion into the river basin. The Board had not considered any other restrictions into the Pine Nuts. Federal lands should be open for multiple uses including mineral investigation/removal. This is a revenue source. He had spent a lot of his life in the Pine Nuts and had not observed any major erosion as a result of this process. The area should be open for recreational use. Feral horses cause more damage. He echoed Supervisor Tatro's comments that "all levels of government should be for the people and include the people" as the community is part of the environment. He also commended the group on its efforts to resolve the situation in a positive fashion. He felt that he could support such an effort and that the City should also.

Supervisor Bennett explained a river cleanup program and suggested that it be expanded to include Mr. Walsh and his group(s). She volunteered to participate with him on this effort. Mr. Walsh indicated that his telephone number is 882-8080.

(1-1426.5) Mayor Masayko suggested a transcript of the discussion and a cover letter from either himself or Mr. Berkich be sent to the local field office. This would provide BLM with an understanding of the concerns/comments and an opportunity to respond, if so desired. He also hoped that BLM would incorporate within the hearings process the procedure Supervisor Tatro had spelled out. He pointed out the difficulty in getting rid of the junked/abandoned cars. Supervisor Bennett explained her understanding of the program which had been used in previous cleanup efforts. Mayor Masayko continued his suggestion that the "general trash cleanup" and, specifically, the "adopt a trail" program be supported by the City, which may include providing a dumpster for it or a fee waiver program as suggested by Mr. Connor. These programs may not mitigate all of the irresponsible dumping which had occurred but would provide a good starting point. It may be necessary to bring back some of the programs for Board action if materials/funding is required. It may also be necessary to establish a written process for handling the program(s). He then commended the group on their presentations and for making the Board aware of the issues.

B. MAYOR MASAYKO - DISCUSSION AND ACTION REGARDING PROPOSED NEVADA ASSOCIATION OF COUNTIES (NACO) 1999 LEGISLATIVE ISSUES (1-1492.5) - Finance Director Mary Walker - Ms. Walker briefly described changes which had been implemented in the legislative process due to the time constraints demanded by the electorate. Although each entity can present five bill drafts, the Legislature may only consider the top three. The City's bills will be considered at the next meeting. Reasons for addressing the unfunded mandates were noted. Programs warranting adoption and mandating funding from the local governments should include revenue sources with which to provide the program. Programs which the State provides financial support with the local entities should include a provision allowing the local entity to decide whether to participate. The local entity should not be forced to participate. Home rule should be allowed. The County Medicaid Match Program was explained. Supervisor Bennett briefly explained a Nevada Checkup Program and expressed a desire to work with Ms. Walker and the Legislature on it. Ms. Walker then explained her involvement with the SB 253 Program and its analysis of the property tax distribution procedure. A history of the property tax rates was distributed to the Board and Clerk and explained. Justification for removing the State from the property tax rate

was provided. Each time the State increases its rate, the Counties' portion is reduced to maintain the \$3.64 cap. Several Counties have been experiencing financial difficulties due to the State increases. The proposal is to have the State rate be outside the cap. Interest has also been expressed in removing the School rate and putting the cap on only the local governments. The Conservancy rate, Eureka County's land exchange concerns and bill draft were discussed. Reasons for requesting support from the NACO members were noted. Supervisor Tatro moved that the Board approve in concept the proposed 1999 NACO legislative package as presented and the priority order as listed in the packet. Supervisor Smith seconded the motion. Motion carried 5-0.

C. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

(1-2108.5) - Supervisor Bennett reported on the plans for the American Hospital Association Trustees conference scheduled for January 2000; a partnership meeting with NDOT which will provide a plan for addressing the erosion control issues on Spooner Summit; Tahoe Transportation District's withdrawal of financial support for the shuttle due to Douglas County's failure to fund it; erosion concerns on Highway 28; the status of the parking lot improvements along Highway 28 including additional funding from FHWA for consulting services; status of the Healthy Communities Initiative and briefly described the program. She announced and described the purpose of the State and Federal meeting to commence work on Lake Tahoe's MPO which was scheduled for this afternoon. Supervisor Tatro did not have a report. Mayor Masayko reported on the NACO meeting; the "Adeline"--the Chamber of Commerce tourist trolley and its successful acceptance and funding; the Downtown Mainstreet Committee meeting; the Redevelopment Authority Citizens Committee meeting and its plans to contract for a business recruitment consultant; yesterday's Capital Projects Working Committee meeting; a meeting with the State concerning the downtown parking needs, and the City's BDR on the sewer agreement and connection fees. Supervisor Plank reported on a meeting with Supervisor Bennett on the Highway 50 East and Highway 395 North beautification/safety programs; a presentation he and Mr. Lipparelli had made to the Chamber of Commerce Leadership Training Class on the Open Meeting Law; yesterday's RTC meeting; and the problems encountered by the Home Consortium. Supervisor Smith noted that Lyon County will be discussing the Home Consortium during its County Commissioners' meeting today. Douglas County is not in a financial position in which it could support the Lake Tahoe shuttle as Carson City had been able to do. He then reported on the RTC meeting and the request to reconsider Ormsby Boulevard. Efforts will be made to contact all of the participants/interested parties. The meeting may be on Monday at 6 p.m. in the Sierra Room and be televised. Concerns about the comments relating to "public trust" were noted. Board and Commission action/consideration on this issue were briefly explained. His concern with the Transportation Advisory Committee's apparent interest in relieving the north/south traffic congestion problems at the cost of any other project was expressed as local traffic concerns warranted consideration also. NDOT will address the north/south traffic problems with the freeway and other modifications. He also urged the Board to reconsider the RTC composition and expand it to five members. Supervisor Bennett then explained that the shuttle funding for Douglas County would have been taken from the air quality funds. These funds are not allocated at this time and are held by TRPA. There is more than \$250,000 available. The request was for \$8,000.

D. STAFF REPORTS (1-273505) - Mr. Berkich explained the reasons brown water was coming from the waterlines in Southeast Carson. The situation is improving. The public was urged to be patient. If there are any other problems, the public was asked to contact the Water Department at 887-2355. He also noted that Sheriff Banister had advised him that his office had been active in the capture of a 250 pound, six foot bear at Saliman and Telegraph. The bear had done some damage before it was captured and transported. The public was urged to be careful and report any other incidents.

BREAK: An eight minute recess was declared at 11 a.m. The entire Board was present when the meeting was reconvened at 11:08 a.m., constituting a quorum.

AGENDA MODIFICATIONS (1-2775.5) - The Growth Management Ordinance, the Sheehan Business Park, and the Sid Williams' appeal were to be heard next. The Barone item, which was scheduled for 11:30 a.m., will be heard at that time. All of the other items scheduled prior to 11:30 a.m. were to be heard after lunch and those listed under Heading No. 13 for the City Manager.

7. TREASURER - Al Kramer

A. ACTION ON TREASURER'S REPORT FOR THE MONTH OF JUNE 1998 (1-2812.5) -
Supervisor Tatro moved that the Board accept the Treasurer's report from June as presented. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 120 - AN ORDINANCE DESIGNATED BY THE SHORT TITLE "1998 SRF SEWER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 1998, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,100,000; PROVIDING THAT THE BOND MAY BE EVIDENCED BY A SINGLE, REGISTERED BOND; STATING THE PURPOSES FOR WHICH THE BOND IS TO BE ISSUED; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND AND THE HANDLING OF FUNDS; PROVIDING FOR THE SALE OF BOND TO THE STATE; AND RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF SAID BOND AND EFFECTING THE PURPOSE OF ITS ISSUANCE; PROVIDING FOR OTHER MATTERS RELATING THERETO (1-2920.5) - Supervisor Tatro moved that the Board adopt Ordinance No. 1998-23, Bill 120 on second reading, an ordinance of the Board of Supervisors of Carson City, Nevada, AN ORDINANCE DESIGNATED BY THE SHORT TITLE "1998 SRF SEWER BOND ORDINANCE"; PROVIDING FOR THE ISSUANCE OF ITS REGISTERED, NEGOTIABLE, GENERAL OBLIGATION (LIMITED TAX) SEWER BOND (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 1998, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,100,000; PROVIDING THAT THE BOND MAY BE EVIDENCED BY A SINGLE, REGISTERED BOND; STATING THE PURPOSES FOR WHICH THE BOND IS TO BE ISSUED; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND COVENANTS RELATING TO THE PAYMENT OF SAID BOND AND THE HANDLING OF FUNDS; PROVIDING FOR THE SALE OF BOND TO THE STATE; AND RATIFYING ACTION PREVIOUSLY TAKEN TOWARD THE ISSUANCE OF SAID BOND AND EFFECTING THE PURPOSE OF ITS ISSUANCE; PROVIDING FOR OTHER MATTERS RELATING THERETO. Supervisor Plank seconded the motion. Motion carried 5-0.

11. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

H. ACTION ON U-97/98-33 - AN APPEAL OF THE REGIONAL PLANNING COMMISSION'S DECISION TO APPROVE A REQUEST FROM SID WILLIAMS (PROPERTY OWNERS: SID AND KEITH WILLIAMS) TO ALLOW A SINGLE STORY RETAIL COMMERCIAL DEVELOPMENT (16,330 SQUARE FEET) ON A 1.21 ACRE PARCEL SPLIT ZONED SINGLE FAMILY ONE ACRE (SF1A) TO THE WEST, AND RETAIL COMMERCIAL (RC) TO THE EAST, LOCATED AT 4200 COCHISE STREET, APN 9-261-03 (1-2971.5) - Senior Planner Juan Guzman, Jim McGee, Applicant's Architect Scot Barbour, Acting Public Works Director Tim Homann, Lumos and Associates Director of Planning Carol Dotson, Applicant Sid Williams - Mr. McGee based his appeal on the project's impact on his property value; the lack of adequate parking; its increased traffic; the lack of input at the Commission's hearing including the Commission's failure to recognize the petition in opposition; the inadequate landscape plan; the intrusion it would create on the adjacent residential property; and the project's increased noise and its impact on the residential area. Although the project is a major improvement over the original proposal, it should be denied.

(1-3311.5) Mr. Guzman used the packet to explain the Commission's justification for approving the request and responded to each of Mr. McGee's points.

Supervisor Smith agreed that the project was "nice looking", however, it is the same project as had been considered a year ago. The project continues to use the back parcel which is the small half acre residential buffer. The buffer should be maintained. Supervisor Bennett suggested a noise/use restriction be placed against the project prohibiting any activity after a set hour which would eliminate the noise concern. Mr. Guzman felt that the

applicant had agreed in a letter to such a restriction. Supervisor Plank did not oppose the noise which would occur during construction. The condition restricting the use to specific hours was not contained in the conditions of approval. He also opposed allowing the users/tenants to park on the street due to the problems encountered with parking at the Hospital. All of the parking should be provided on-site. He also felt that the trees should be larger.

(2-0020.5) Mr. Barbour described the location and surrounding uses with a parcel map. The entire parcel was zoned in the master plan as commercial.

The property is split zoned. He agreed that the view of the Albertson's shopping center from Mr. McGee's property is unpleasant. The project and its mitigation plans were described. Justification for the large evergreen trees, use of the building as a buffer, the block wall, restricted accesses, height restrictions, the architectural design's ability to reflect the residential character of the neighborhood, noise inhibitors, and the signage plans were described. Discussion among Mr. Barbour, the Board, and staff indicated the Applicant planned to build the center and explained the loading/unloading area, the walkway at the back of the building, the location of the HVAC equipment, the trash area, and the design elements which will reduce the noise impact.

Mr. Homann explained the traffic study. Traffic on Roventini may be increased. Methods to restrict its access from the shopping center were described. Roventini could handle the traffic. Parking restrictions are implemented on arterial and collector streets. Roventini is a residential street and would not be restricted unless there are unusual circumstances. Cochise may become a collector street in the future and may eventually go to the Fairgrounds and Curry Street. Parking would be prohibited along Cochise at that time. If the Board desired, it could be restricted now. Roventini will always remain a local access street. The Board could prohibit parking on it but his engineering standards did not support a restriction at this time. The project should handle all of its parking needs on-site. Overflow parking should be able to use the street. Restricting parking on Roventini merely transferred to the parking to another area.

Supervisor Smith felt that the proposed 56 spaces would be inadequate to handle the center's needs in the future. The employees would then be required to park on the street which would impact the residents. Only with appropriate enforcement would a parking restriction work. Signet was cited to support his concern. A smaller center would provide the necessary parking. Supervisor Plank felt this is the same problem as experienced around the Hospital. The trees will take a considerable amount of time to mature. He felt that more mature trees should be installed.

(2-0356.5) Ms. Dotson explained a letter which she planned to distribute to the Board later which described the understanding reached with the residents and the issues of concern. The parking plan meets the Code requirements. They concurred with staff's recommendations relating to the traffic report. The traffic movements should not be detrimental to the surrounding areas. Improvement fees will be paid to assist with traffic enhancements as additional growth occurs in the neighborhood. Landscaping plans exceed the Code requirements. Stipulations relating to the landscaping and buffer treatments were made to the Commission and will be incorporated in the design. The project is consistent with the zoning and land use plan. The project had been discussed with four of the adjacent neighbors as well as Mr. McGee and his neighbors. One of these individuals is present and supports the project. The meeting had helped address some of the issues as indicated in her letter, which she read into the record. Copies were distributed to the Board and Clerk. (A copy is in the file.) The stipulations contained in the letter have not been studied by staff and may violate the Code. The one year review process will allow the Board to reconsider the project and address any problems which may arise.

Supervisor Smith complimented her on the efforts to mitigate the residential concerns. He also pointed out that the parking requirements had been met and if additional requirements are warranted, the Code should be modified. The same is true of the landscaping requirements. Mr. Sullivan explained that the Commission had not considered the mitigation program stipulated in the letter. This is new information and the item should be returned to the Commission due to the policy on such information. Mayor Masayko felt that the issue should not be returned to the Commission for additional consideration. Supervisor Tatro explained his reasons for supporting the policy, however, the new information merely supports the Commission's action and it should not be necessary to return the item to the Commission. Mr. Lipparelli supported his statements, however, the promises could not be enforced

if made by the Board and not the Commission. The Board's role is to determine whether the Commission made an error in its finding. Withholding such information from the Commission could establish a precedence for the future. The Board should consider whether the Commission's decision was correct. Discussion between the Board and Mr. Lipparelli explored the Board's options. Supervisor Bennett suggested that "resident only" parking signs be installed beyond the property line on Roventini. Discussion explored Mr. Lipparelli's contention that the stipulations could not be enforced.

(2-0745.5) Mayor Masayko asked the applicant if he wished to take the new information back to the Planning Commission. Ms. Dotson indicated that if the Board wished to uphold the Commission's action, she would agree to, in one year, return and the Board could make a determination about conformance with the stipulations or she would agree to file for an amendment to add the stipulations as conditions. Mayor Masayko explained his reluctance to approve the stipulations. Ms. Dotson expressed a willingness to return to the Commission if only the stipulations are discussed. She then requested an opportunity to discuss the request with her client. Mayor Masayko indicated that under this process the Board would not make a decision on the request until after the Commission considers the new information. Discussion indicated that the application would have to be amended and all issues were open for discussion under his plan. Ms. Dotson indicated a desire to discuss the issue with her client.

Discussion between Supervisor Bennett and Mr. Sullivan indicated that the new information should be returned to the Commission. Approval of the project prior to that could be establishing a precedence and the stipulations may not be enforceable.

(2-0795.5) Mr. Barbour requested that a decision be made based upon the information which is available. The firm intended to comply with the conditions. The owner wished to expedite the process and not continue to delay the project as it had already been two years since the beginning. The conditions are doable and financially possible. The owner's "good faith" commitment should be accepted. Supervisor Smith indicated that there is no doubt about the applicant's "good faith". Efforts were being made to protect everyone and make the conditions enforceable and legal. The concern is that, if the owner sells the property, which he has a right to do, the new owner will meet all of the conditions and requirements. Discussion ensued between the Board and Mr. Lipparelli on the Board and Mr. McGee's roles in the appeal process. If the item is to be returned to the Planning Commission, the McGees should participate in the discussion of this decision process as the Board will again reconsider the item after the Commission acts. Discussion included potential motions.

(2-0865.5) Additional comments were requested. Mr. Williams explained his father's acquisition of the property in 1975, its original zoning and development plans, his efforts to mitigate the neighbors' concerns, and the current feeling that the lot is not usable due to the split zoning. Supervisor Smith explained his visit to the site with Mr. Williams and belief that he is a sincere, honest individual who wishes to do a good project. In view of the District Attorney's comments, however, he felt that a motion should be made and the issue resolved. The District Attorney's concerns with the enforceability of the conditions was explained. Therefore, the item should be returned to the Commission for consideration of the new conditions. Mayor Masayko noted the Applicant's request that a decision be made based on the information which the Commission had already considered. Ms. Dotson indicated that there is no concern about returning to the Commission and amending the special use permit to include all of the statements made today. Mr. Williams wished to begin the project. Opening the entire project to new appeal points could cause them to continue "chasing" issues. Mayor Masayko did not feel that the Board could restrict the issues which could be discussed.

(2-0975.5) Mr. McGee apologized for "opening a can of snakes". For the record, he noted that the letter included a thank you for supporting the project. He was not supporting the project. The items contained in it are ones which, if the project passes, he would like to see included. In addition to his wife and him, there are two other residents who are appealing the project. Their names had not been included on the appeal as Community Development had advised him that he needed only one letter. He requested a decision today rather than to continue delaying the process.

Additional testimony was solicited. Al Reese supported the project due to the need for a buffer zone. The Applicant needs the additional property in order to provide the buffer. The landscaping will provide the proper buffer. The parking should be allowed along the street. Roventini will not be used for parking as the terrain is too steep.

Mike Kechely agreed that the Applicant was attempting to mitigate all of the issues as best he could, however, the traffic problems at Clearview and 395 remain regardless of the changes which have been made. The project will compound these problems. He did not feel that the residents would oppose development of the half acre retail commercial property. The remaining .6 acre should be developed as residential and allowed to serve as the buffer. It is unfair to change the rules on the one acre residential properties.

Jean Bondiott also opposed the project as it would impact the rural residential character of the area, i.e., the ability to have livestock, maintain Voltaire as a dirt road, the traffic impact and its increased dust problems. She supported allowing the commercial portion to be improved as commercial and opposed changing the zoning on the residential half acre. The master plan should be maintained.

Elaine McGee felt the buffer had always been the half acre residential property. The buffer is being developed for the property owner's benefit rather than their's. A wall cannot be constructed tall enough to block the view of the commercial site. She questioned the reasons the property is only now being developed as they have owned it for many years. The traffic concerns were reiterated.

Additional public testimony was solicited but none given.

Supervisor Tatro moved that the Board of Supervisors uphold the Regional Planning Commission's decision to approve U-97/98-33, a request from Sid Williams, property owners: Sid and Keith Williams, to allow a single story retail commercial development of 16,330 square feet on 1.21 acre parcel split zoned Single Family One Acre to the west and Retail Commercial to the east, located at 4200 Cochise Street, on Assessor's Parcel Number 9-261-03. Supervisor Bennett seconded the motion. Supervisor Smith indicated that the Board is acting on only the information that was received by the Planning Commission and everything within the letter is not considered a part of the decision even though it was part of the Board's record and had been stipulated to by the Applicant. Mayor Masayko agreed. The motion to uphold the Planning Commission's recommendation was voted by roll call with the following result: Tatro - Aye; Bennett - Aye; Plank - No; Smith - This is like putting him in a size 34 jeans, it just does not fit, No; and Mayor Masayko - Noting a previous decision on noise, I must say it is a quality project and a quality effort on behalf of Mr. Williams. I am very sorry that there is a quirk. He is not the only one faced with this quirk. When we drew the zoning lines, we drew them right down the middle of some pieces of property. This is the problem. The last time we went through this we asked Community Development to try to amend and fix some of those by redrawing the zoning lines. This is a real tough situation. I must say that it is my feeling that, given Mr. McGee's perception of the project and my perception of the fact that this is a friction area, friction zone, that, in essence, he and some of the other neighbors out there, and probably me included, are never going to be convinced that the approval of this is not going to be detrimental to their neighborhood, their quality of life, and the quality of life that they have built, bought and expected when they moved there. It is the proper approach for the Planning Commission and the Community Development to bring this forward because that is exactly how we do planning. That is exactly how we do the friction zones, but it is a matter of timing. The matter of timing is that if the property is zoned commercial and the people bought later knowing that it was, that is an entirely different perception than if we are going to ask for a special use permit which in effect will change the zoning. This is a tough decision for me and I think and agree that the Applicant has virtually bent over backwards to satisfy the neighborhood and the community. But, as I have watched this government and neighborhood long enough, I know that no matter what he does there will still be some friction and the one year review of the special use permit will still continue to have some problems. Some problems that we probably are going to have to face in the future. I am just not prepared to do that because they are convinced that the detriment to the neighborhood does exist if we grant the special use permit. On that basis I must vote No. Motion failed on a 2-3 vote.

Mr. Lipparelli then requested that the motion include findings of error made by the Planning Commission in its

decision.

(2-1275.5) Supervisor Smith moved that the Board of Supervisors reverse the Planning Commission's decision of approval on U-97/98-33 and deny the request based on the incompatibility with the surrounding neighborhood and the fact that the proposed project would be detrimental to the residential neighborhood. Supervisor Plank seconded the motion. Motion was voted and carried 3-2 with Supervisors Tatro and Bennett voting Naye.

12. DISTRICT ATTORNEY - Chief Deputy District Attorney Paul Lipparelli - ACTION TO VACATE THE AWARD OF THE RIGHT TO LEASE TO THE HIGHEST BIDDER (BAR-ONE ENTERPRISES, INC.) OR TO ANY PARTY, GRANTED PURSUANT TO RESOLUTION 1995-R-61, CARSON CITY'S DECLARATION OF ITS INTENT TO LEASE SOME PORTION OF THE CARSON CITY FAIRGROUNDS FOR THE PURPOSES OF CONSTRUCTING AN EVENTS CENTER, BASED UPON THE FAILURE OF THE CITY AND THE HIGHEST BIDDER TO SUCCESSFULLY NEGOTIATE A LEASE CONSISTENT WITH THE TERMS OF THE RESOLUTION, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1285.5) - Kevin Merch indicated that he and Attorney George Keele represented Barone Enterprises. He had reviewed staff's recommendation. As Deputy District Attorney Forsberg had indicated at the last meeting, Barone had complied with all of the requirements and even exceed the terms in several areas. He then indicated for the record that if the award is vacated it would be a breach of the contract. They had expended several hundred thousands of dollars in respect to the project. They had relied upon representations made during the course of it. Mr. Keele thanked the Board for the opportunity to speak. Mr. Merch had spoken for the firm. No other comments were made. Supervisor Tatro moved to vacate the award of the right to lease to the highest bidder, Bar-One Enterprises, Inc., or to any party, pursuant to Resolution 1995-R-61, Carson City's declaration of its intent to lease some portion of the Carson City Fairgrounds for the purposes of constructing an events center, based upon the failure of the City and the highest bidder to successfully negotiate a lease consistent with the terms of the resolution. Supervisor Bennett seconded the motion. Motion carried 5-0.

BREAK: A lunch recess was declared at 1:03 p.m. A quorum of the Board was present when the meeting was reconvened at 2:15 p.m. although Supervisors Smith and Tatro were absent.

13. CITY MANAGER - John Berkich

A. STATUS REPORT ON THE TRUCKEE-CARSON CONSERVANCY DISTRICT - Representative Andy Aldax gave an oral history of the Conservancy including its purpose, membership, and activities. He offered their assistance with any Carson River projects. He supported Tom Westergaard's reappointment to the Conservancy. Supervisor Bennett thanked him for the report and explained her reasons for requesting the presentation. She also explained her knowledge of Mr. Aldax' role on the Subconservancy. She requested copies of the Conservancy's agenda and for him to keep the Board apprised of its activities. She commended him on his work on both Boards. Her concern about Mr. Westergaard's letter was voiced, however, she felt that he should be representing the City and the Carson River while serving on the Conservancy District, particularly if the recommendation to appoint him to the District is made to the Governor. She had also asked Mr. Westergaard to keep the Board informed about the District's activities. Mayor Masayko again noted the offer to assist with funding for Carson River projects if well defined and physical activity is imminent. He also felt that the communication lines had been opened. He thanked Mr. Aldax for the presentation.

B. ACTION ON APPOINTMENT TO THE TRUCKEE-CARSON CONSERVANCY DISTRICT (3-0185.5) - Supervisor Bennett moved that the Board of Supervisors recommend to the Governor the appointment of Mr. Todd Westergaard for another four year term on the Carson-Truckee Water Conservancy District. Supervisor Plank seconded the motion. Motion carried 5-0.

8. CHIEF JUVENILE PROBATION OFFICER - Bill Lewis

A. ACTION TO APPROVE CARSON CITY JUVENILE PROBATION DEPARTMENT TO RECEIVE \$22,216 IN FEDERAL GRANTS DURING THE 1998-99 FISCAL YEAR FROM THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION (3-0205.5) - Mr. Lewis briefly described the grant and the programs the funding will provide. The City does not have to match the grant. Supervisor Plank noted for the record that he is a member of the Ron Wood Resource Center's Board of Directors and that a portion of the grant is for contract services from the Center. Supervisor Bennett commended Mr. Lewis on his programs. Supervisor Plank moved that the Board of Supervisors approve the Carson City Juvenile Probation Department to receive \$22,216 in federal grant funds during the 1998/99 fiscal year from the Office of the Juvenile Justice and Delinquency Prevention. Supervisor Bennett seconded the motion. Supervisor Plank amended his motion to include that the fiscal amount which would be received is \$22,216 from the Office of Juvenile Justice and Delinquency Prevention Funds from the State of Nevada. Mayor Masayko indicated that no City funds are required. Supervisor Bennett concurred. Motion was voted and carried 5-0.

B. ACTION TO APPROVE CARSON CITY JUVENILE PROBATION DEPARTMENT TO RECEIVE \$13,950 IN FEDERAL GRANTS DURING THE 1998-99 FISCAL YEAR FROM THE EDWARD BRYNE MEMORIAL LAW ENFORCEMENT FORMULA GRANT (1-0350.5) - Mr. Lewis briefly described the grant, its programs, and the requirement to match the funds. Discussion explained the programs' success rate, the substance abuse recidivism rate, public support for the programs, and the need for additional facilities/programs for both treatment and prevention. Supervisor Plank voiced his support for the program. Supervisor Plank moved that the Board of Supervisors approve the Carson City Juvenile Probation Department to receive \$13,950 in Federal grant funds during the 1998/99 fiscal year from the Edward Byrne Memorial Law Enforcement Formula Grant, fiscal impact is \$4,650 from the General Fund which had been approved during the budget session for this fiscal year and the funding source is the Carson City General Fund. Supervisor Bennett seconded the motion. Motion carried 3-0.

9. FINANCE DIRECTOR - Acting Public Works Director Tim Homann - ACTION ON RESOLUTION STATING THE PURPOSE FOR THE CARSON CITY TRANSIT FUND AND TO DIRECT THE CONTROLLER TO ESTABLISH THE FUND AS OF JULY 1, 1998 (3-0455.5) - Supervisor Plank moved to adopt Resolution No. 1998-R-40, A RESOLUTION STATING THE PURPOSE FOR THE CARSON CITY TRANSIT FUND AND TO DIRECT THE CONTROLLER TO ESTABLISH THE FUND BEGINNING JULY 1, 1998; fiscal impact and funding source are not applicable. Supervisor Bennett seconded the motion. Motion carried 3-0.

10. PUBLIC WORKS DEPARTMENT - Acting Public Works Director Tim Homann - ACTION ON ENTERING INTO A COOPERATIVE AGREEMENT WITH THE NEVADA DEPARTMENT OF TRANSPORTATION FOR THE NOW COMPLETED FIFTH STREET IMPROVEMENT PROJECT (9798-129) (3-0502.5) - Mayor Masayko commended staff on their efforts to get the sidewalk and motivate NDOT. Supervisor Bennett moved that the Board of Supervisors approve the Cooperative Agreement with the Nevada Department of Transportation for the completion of Fifth Street Improvements, Project 9798-129, so that NDOT can reimburse the City for half of the construction costs; fiscal impact is that Carson City will receive from NDOT \$25,885.50, which is half of the cost of construction for the project. Supervisor Plank seconded the motion. Clarification indicated the contract number will be assigned by NDOT. Motion carried 3-0.

11. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. ACTION ON AB-97/98-11 - A REQUEST FROM JOHN SERPA AND LSP SPECIALTY PRODUCTS COMPANY TO ABANDON AN APPROXIMATE 50 FOOT WIDE BY 635 FOOT LONG PORTION OF THE PREVIOUSLY DEDICATED PUBLIC RIGHT-OF-WAY LOCATED WEST OF ARROWHEAD DRIVE AND EAST OF LAMOTTE DRIVE ON PROPERTY ZONED LIMITED INDUSTRIAL (LI) AND GENERAL INDUSTRIAL (GI), APN 8-205-01 AND 02, AND 8-204-01 AND 04 (3-0549.5) - Capital Engineering and the Applicant's Representative Ken Dorr indicated he had read the report and concurred with the conditions. Supervisor Bennett moved that the Board of Supervisors approve AB-97/98-11, a

request from John Serpa and LSP Specialty Products Company to abandon an approximate 60 foot wide by 635 foot long portion of the previously dedicated public right-of-way located west of Arrowhead Drive and east of LaMotte Drive on property zoned Limited Industrial, LI, and General Industrial, GI, APNs 8-205-01 and 02 and 8-204-01 and 04. Supervisor Plank seconded the motion. Motion carried 3-0.

F. ACTION ON S-94/95-2(f3) - APPROVAL OF A FINAL SUBDIVISION MAP FROM LANDMARK HOMES AND DEVELOPMENT FOR PHASE III OF NORTHRIDGE SUBDIVISION LOCATED BETWEEN NORTH ROOP STREET AND LOMPA LANE, NORTH OF THE MARK TWAIN SCHOOL ON A PORTION OF APNS 2-101-59, 60, 61, AND 62, SUBJECT TO 28 CONDITIONS OF APPROVAL AND EIGHT STIPULATIONS (3-0592.5) - Applicant's Representative Ron Kipp briefly explained the reasons some of the lots were under 6,000 square feet. Supervisor Plank moved that the Board of Supervisors approve a final subdivision map from Landmark Homes and Development for Phase III of Northridge Subdivision, located between North Roop Street and Lompa Lane, north of the Mark Twain School, on a portion of APN 2-101-67, subject to 28 conditions of approval and eight stipulations; fiscal impact is zero funding, and the funding source is not applicable. Supervisor Bennett seconded the motion. Motion carried 3-0.

B. ACTION ON AB-97/98-13 - A REQUEST FROM CARSON CITY (PROPERTY OWNER: HOT SPRINGS CENTER ASSOCIATES) TO ABANDON AN APPROXIMATE 2,548 SQUARE FOOT TRIANGULAR-SHAPED PORTION OF THE PREVIOUSLY DEDICATED PUBLIC RIGHT-OF-WAY LOCATED ON THE WEST SIDE OF NORTHGATE LANE, NORTH OF HOT SPRINGS ROAD ADJACENT TO APN 2-061-31 ON PROPERTY ZONED RETAIL COMMERCIAL (RC); AND C. ACTION ON AB-97/98-14 - A REQUEST FROM CARSON CITY (PROPERTY OWNER: HOT SPRINGS CENTER ASSOCIATES) TO ABANDON AN APPROXIMATE 1,499 SQUARE FOOT TRIANGULAR-SHAPED PORTION OF THE PREVIOUSLY DEDICATED PUBLIC RIGHT-OF-WAY LOCATED ON THE WEST SIDE OF NORTHGATE LANE ADJACENT TO APN 2-061-16 ON PROPERTY ZONED RETAIL COMMERCIAL (RC) (3-0665.5) - Acting Public Works Director Homann - Discussion noted the related Consent Agenda item and the benefits of the Northgate realignment at Hot Springs Road. Supervisor Plank moved that the Board of Supervisors approve AB-97/98-13, a request from Carson City, property owner: Hot Springs Center Associates, to abandon an approximate 2,548 square foot triangular-shaped portion of the previously dedicated public right-of-way located on the west side of Northgate Lane, north of Hot Springs Road adjacent to APN 2-061-31 on property zoned Retail Commercial, RC; fiscal impact is none, and funding source is not applicable. Supervisor Bennett seconded the motion. Motion carried 3-0.

Supervisor Plank moved that the Board of Supervisors approve AB-97/98-13, a request from Carson City, property owner: Hot Springs Center Associates, to abandon an approximate 1,499 square foot triangular-shaped portion of the previously dedicated public right-of-way located on the west side of Northgate Lane adjacent to Assessor's Parcel Number 2-061-16 on property zoned Retail Commercial, RC; fiscal impact is none, and the funding source is not applicable. Supervisor Bennett seconded the motion. Following discussion Supervisor Plank amended his motion to correct the title to be AB-97/98-14. Supervisor Bennett concurred. Motion carried 3-0.

D. ACTION ON GM-97/98-1 - A RESOLUTION FIXING THE NUMBER OF RESIDENTIAL BUILDING PERMITS UNDER THE CITY'S GROWTH MANAGEMENT ORDINANCE FOR 1999 AND 2000, ESTIMATING THE NUMBER OF RESIDENTIAL BUILDING PERMITS FOR 2001 AND 20002, AND ESTABLISHING NUMBERS WITHIN CATEGORIES (3-0785.5) - Discussion between the Board and Mr. Sullivan explained the ordinance revision which now allows the issuance of entitlements for mobile homes and apartments at a one-per-one ratio. The Commission will now begin reviewing any commercial projects using more than 7500 gallons of water per day. The entitlement revisions for subdivisions wherein individual lots are sold to other developers was also noted. The Growth Management Commission had analyzed the need to revise the growth rate and decided to maintain the current three percent. The one-for-one ratio may utilize more of the allocations, however, history does not indicate that 100 percent will be used. The permits are issued for a specific parcel and remain with that parcel. The permits are paid for at the time they are issued. School concerns, potential bond issues, and possible solutions were explained. Cooperation/communications between the District and City

have improved as a result of the growth/bond concerns and the Growth Management Commission's evaluation. Concerns indicated the need to establish a better method for determining the student population which may be outside the Growth Management process. Potential methods including the State Demographer's figures were noted. The City's budget process will include growth impacts in the future. Supervisor Plank commended staff on the information provided within the packet. Mayor Masayko pointed out the problems Carson City has with the State Demographer's methods of estimating the population by using the number of jobs in the community which then includes the migrant population. School bonds are a public issue. Due to the electorates' negative attitude on the bonds and the District's inability to mitigate this attitude, the District must find another answer. Supervisor Plank moved that the Board of Supervisors approve Resolution No. 1998-R-41, A RESOLUTION FIXING THE NUMBER OF RESIDENTIAL BUILDING PERMITS UNDER THE CITY'S GROWTH MANAGEMENT ORDINANCE FOR 1999 AND 2000, ESTIMATING THE NUMBER OF RESIDENTIAL BUILDING PERMITS FOR 2001 AND 2002, AND ESTABLISHING NUMBERS WITHIN CATEGORIES, utilizing Option 1, which is a three percent rate. Supervisor Bennett seconded the motion. Mayor Masayko indicated this would be 640 building permits for next year and 660 for the following year. The motion was voted and carried 3-0.

E. ACTION ON A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CITY OF CARSON CITY, NEVADA, TO APPROVE CERTAIN FINDINGS OF THE DIRECTOR OF THE STATE OF NEVADA, DEPARTMENT OF BUSINESS AND INDUSTRY RELATING TO THE HUCK STORE FIXTURE COMPANY OF NEVADA PROJECT TO BE LOCATED IN CARSON CITY, NEVADA (3-1162.5) - Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1998-R-42, A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE CITY OF CARSON CITY, NEVADA, TO APPROVE CERTAIN FINDINGS OF THE DIRECTOR OF THE STATE OF NEVADA, DEPARTMENT OF BUSINESS AND INDUSTRY RELATING TO THE HUCK STORE FIXTURE COMPANY OF NEVADA PROJECT TO BE LOCATED IN CARSON CITY, NEVADA. Supervisor Plank seconded the motion. Motion carried 3-0.

G. ACTION ON S-97/98-5 - A REQUEST FROM R. L. SHAHEEN COMPANY FOR A TENTATIVE INDUSTRIAL SUBDIVISION MAP (PREVIOUSLY APPROVED AND NOW EXPIRED) KNOWN AS SHAHEEN BUSINESS PARK SOUTH ON PROPERTY ZONED LIMITED INDUSTRIAL (LI) LOCATED SOUTH OF COLLEGE PARKWAY, BETWEEN RESEARCH WAY AND GONI ROAD, APNS 2-571-29 AND 37, AND 2-572-14 AND 18 (1-1205.5) - Mayor Masayko explained Applicant's Representative Glen Martel's absence and his commitment to continue the item if the Board had questions. The map had been approved previously but expired prior to its recording. The conditions were updated but remained the same. The applicant had concurred with them. Supervisor Plank moved that the Board of Supervisors approve S-97/98-5, a request from R. L. Shaheen Company for a tentative industrial subdivision map, previously approved and now expired, known as Shaheen Business Park South on property zoned Limited Industrial, LI, located south of College Parkway between Research Way and Goni Road, APNs 2-571-29 and 37 and 2-572-14 and 18, subject to three findings and 13 conditions of approval; there is no fiscal impact and the funding source is not applicable. Supervisor Bennett seconded the motion. Motion carried 3-0.

There being no other matters for consideration, Supervisor Bennett moved to adjourn. Supervisor Plank seconded the motion. Motion carried 3-0. Mayor Masayko adjourned the meeting at 3:33 p.m.

The Minutes of the July 16, 1998, Carson City Board of Supervisors meeting

1999. ARE SO APPROVED ON ___January_21___,

_____/s/_____

Ray Masayko, Mayor

CARSON CITY BOARD OF SUPERVISORS
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ATTEST:

/s/ _____
Alan Glover, Clerk-Recorder