

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the January 17, 1991, Meeting  
Page 1

A regularly scheduled session of the Carson City Board of Supervisors was held on Thursday, January 17, 1991, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

|                |                              |                                |
|----------------|------------------------------|--------------------------------|
| PRESENT:       | Marv Teixeira                | Mayor                          |
|                | Tom Feticc                   | Supervisor, Ward 2             |
|                | Greg Smith                   | Supervisor, Ward 1             |
|                | Tom Tatro                    | Supervisor, Ward 3             |
|                | Kay Bennett                  | Supervisor, Ward 4             |
| STAFF PRESENT: | John Berkich                 | City Manager                   |
|                | Kit Weaver                   | Assessor                       |
|                | Kiyoshi Nishikawa            | Clerk-Recorder                 |
|                | Paul McGrath                 | Sheriff                        |
|                | Steve Kastens                | Parks and Recreation Director  |
|                | Charles P. Cockerill         | Chief Deputy District Attorney |
|                | Vic Freeman                  | Undersheriff                   |
|                | Tim Homann                   | City Engineer                  |
|                | Greg Biggin                  | Assistant Sheriff              |
|                | Katherine McLaughlin         | Recording Secretary            |
|                | (B.O.S. 1/17/91 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. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

Mayor Teixeira called the meeting to order at 9:05 a.m. Rev. Tom Hutson of the Stewart Community Baptist Church gave the Invocation. Supervisor Bennett lead the Pledge of Allegiance. Roll call was taken and a quorum was present as noted.

**APPROVAL OF MINUTES - None.**

**SPECIAL PRESENTATIONS (1-0066)**

**1. WILLA OLDHAM - PRESENTATION OF A GIFT TO THE CITY BY THE AUTHOR OF THE AUTHOR'S FIRST BOOK ON CARSON CITY, "CARSON CITY - NEVADA'S CAPITAL CITY", AND ACCEPTANCE BY THE CITY -** Mrs. Oldham explained the purpose of her book, reasons for dedicating the first two books to the City, and gave Mayor Teixeira the two books. Mayor Teixeira thanked her on behalf of the City for the books and acknowledged her efforts.

**2. MAYOR TEIXEIRA - PRESENTATION OF LONGEVITY AWARDS TO CITY EMPLOYEES (1-0125) -** Awards were presented to the following individuals for ten years: Jim Asa, Gary Fried, Kathryn Goddard, Arthur Cruickshank, Osmer Trent, Joe Piscitelli, Pam Horton, Karen Johnson, Jeanette Sullivan, Susan Osbern, Rob Joiner, John Warne, and Raymont Saylo. The following received awards for 15 years. Ken Engles, James Stahl, Ronald Senneff, and Steve Kastens. The following received awards for 20 years: Marilyn Wright and Greg Biggin. Mr. Cruickshank explained his reasons for serving as a crossing guard and acceptance of the award on the children's behalf. He urged the Board to consider the children's library needs during the budget deliberations. Mayor Teixeira commended the employees on their dedication.

**CITIZEN COMMENTS (1-0317) - None.**

**LIQUOR AND ENTERTAINMENT BOARD (1-0319)**

Mayor Teixeira then recessed the Board of Supervisors and immediately convened the Liquor and Entertainment Board. The entire Board was present including Sheriff McGrath, constituting a quorum.

**3. TREASURER - Deputy Pam Robinson.**

**A. ACTION ON LIQUOR LICENSE APPLICATION OF CONNIE J. EASLEY AND JOHN E. EASLEY, DOING BUSINESS AS THE NEVADA WEST COLLECTION LOCATED AT 3650 RESEARCH WAY (1-0331)** - Ms. Easley was present but did not enter her name. Mr. Easley explained the proposed operation. The Sheriff's investigation was favorable. Member Smith moved that the Carson City Liquor and Entertainment Board approve a Liquor License for Connie J. Easley and John E. Easley for their business, The Nevada West Collection, Inc., located at 3650 Research Way, Space No. 26. Member Bennett seconded the motion. Motion carried 6-0.

**B. ACTION ON LIQUOR LICENSE APPLICATION OF GEORGE METROPOULOS AND MARIE METROPOULOS, DOING BUSINESS AS NICK'S PIZZA LOCATED AT 303 NORTH CARSON STREET (1-0391)** - Marie Metropoulos was present but did not enter her name on the record. Mr. Metropoulos explained their request to be added to the license and identification of minors procedures. Member Bennett moved that the Liquor and Entertainment Board approve a liquor license for George Metropoulos and Marie Metropoulos for their business Nick's Pizza located at 303 North Carson Street. Member Smith seconded the motion. Motion carried 6-0.

**C. ACTION ON LIQUOR LICENSE APPLICATION OF GUS D. PAPPAS, DOING BUSINESS AS SCOTTY'S FAMILY RESTAURANT NORTH LOCATED AT 1480 NORTH CARSON STREET (1-0459)** - Mr. Pappas explained his request. The Sheriff's investigation was favorable. Discussion with Mr. Pappas noted the location, the operation, and his identification requirements from minors. Member Tatro moved that the Liquor and Entertainment Board approve the liquor license for Gus Pappas for his restaurant Scotty's Family Restaurant North located at 1480 North Carson Street. Member Smith seconded the motion. Motion carried 6-0.

**D. ACTION ON REVOCATION OF DELINQUENT LIQUOR LICENSES (1-0517)** - All delinquent establishments had either brought the licenses current or were out of business. Therefore, no action was taken or required on this item.

**4. SHERIFF - Paul McGrath and Chief Deputy District Attorney Charles P. Cockerill.**

**A. ACTION ON SUSPENSION OF LIQUOR LICENSE OF JAMES L. HATCHER AND ANNICE MARNELLA, DOING BUSINESS AS JIM'S JUNGLE, PURSUANT TO CARSON CITY MUNICIPAL CODE 4.13.160**

**B. ACTION ON ISSUANCE OF ORDER TO SHOW CAUSE WHY THE LIQUOR LICENSE OF JAMES L. HATCHER AND ANNICE MARNELLA, DOING BUSINESS AS JIM'S JUNGLE, SHOULD NOT BE REVOKED PURSUANT TO CARSON CITY MUNICIPAL CODE 4.13.150 (1-0533)** - Mr. Cockerill outlined several alleged illegal acts which had occurred during a private bachelor party at the bar. The legal procedures for suspension and the Show Cause Order were explained. Inspector William Omnes was sworn in and answered questions from Mr. Cockerill and the Board concerning the Sheriff's investigation and the alleged acts. James Hatcher was then sworn in and explained his actions and knowledge of the party. Purportedly all of the participants were to be "carded" by one of the party members. Murray Cohen explained his association with Mr. Hatcher and testified on his behalf in an attempt to show that he was a reputable person and should retain his license. (1-1751) Mainstreet Project Manager Gail Thomssen explained Mr. Hatcher's donation to Mainstreet and support for its programs. Sheriff McGrath indicated his feeling that the affidavits before the Board were true and

factual on the activities which had occurred. Discussion noted that a criminal investigation is being pursued. Board action should not consider the criminal process. Member Fettic expressed his feeling that Mr. Hatcher was an honorable person who was interested in the community. If the liquor license is revoked, Mr. Hatcher would be out of business. Board alternatives were discussed. Members Fettic and Bennett noted Mr. Hatcher's and his employee's lack of judgement in this matter. Member Bennett expressed her disappointment in the party participants who created the situation and their failure to be present and take responsibility for their actions. Member McGrath explained the Sheriff's Departmental request to revoke the license and moved to suspend the liquor license. Following Mr. Cockerill's clarification of the need to base the motion on specific findings, Member McGrath then moved to suspend the liquor license of Jim's Jungle pursuant to CCMC 4.13.160 and direct the Sheriff's office to pursue the--. Following Mr. Cockerill's clarification of the finding requirement, Member McGrath continued his motion to include pursuant to the testimony received today from officers of the Sheriff's Office. Member Bennett seconded the motion. Following further clarification by Mr. Cockerill, Member McGrath continued his motion to include based upon testimony which established that the public health, safety, and morals will be endangered by the continued existence of the license. Member Bennett continued her second. Following the request for comments and hearing none, the motion was voted by roll call with the following result:" Fettic - No; Smith - No; Tatro - No; Bennett - Yes; McGrath - Yes; and Chairperson Teixeira - Yes. The motion was defeated due to a tied voted.

Member Fettic then moved that the Board order that staff issue an Order to Show Cause why the liquor license of James L. Hatcher and Annice Marnella, doing business as Jim's Jungle, 302 South Carson Street, Carson City, Nevada, should not be revoked pursuant to CCMC 4.13.150 and directing that a Show Cause Hearing be set for the Carson City Liquor and Entertainment Board on February 7, 1991, at 9 a.m. and authorizing the Chairperson to sign said Order. Member Smith seconded the motion. Member Bennett expressed her feeling that the motion failed to support the Sheriff's Department enforcement efforts. The motion was voted by roll call with the following result: McGrath - Yes; Bennett - No; Tatro - Yes; upon clarification of the motion by Chairperson Teixeira, Member Bennett changed her vote to Yes; Fettic - Yes; Smith - yes; and Chairperson Teixeira - Yes. Motion carried 6-0. Member Fettic then explained that his motion was not against the Sheriff's Department integrity, however, was based on the feeling that Mr. Hatcher needed an opportunity to present further evidence on the matter due to the lack of problems encountered by the Sheriff's office at his location. He could not condone the actions and was unsure what action the Board would ultimately take on this issue.

**C. REVIEW OF CURRENT LIQUOR LICENSE VIOLATIONS AND ACTION TO DETERMINE A POLICY FOR FUTURE LIQUOR LICENSE VIOLATIONS OF RETAIL ESTABLISHMENTS (1-2307) -**  
The request was for clear policy direction from the Board to the Sheriff's Department. It was felt that this had occurred during discussion of the previous item. Discussion noted that presently there are criminal charges filed against the individual selling to minors, however, the proprietor is not charged. Board discussion indicated a feeling that this situation should be corrected as the proprietor benefits from the transactions. Fines of \$2,500 to \$5,000 were suggested as a penalty for the proprietor and could be utilized instead of revocations. Member Tatro suggested that any funds beyond the expenses incurred by the City be dedicated to drug education at the high school level. Mr. Cockerill expressed the desire to have an ordinance rather than a policy for such penalties. Chairperson Teixeira with Board concurrence directed staff to research a fine ordinance. Following discussion of support for Chairperson Teixeira's proposal which would include first, second, and third violations, Chairperson Teixeira directed the Sheriff's Office to do the research on alternatives and a fine structure which would be assessed against the owners of the establishments. No formal action was taken by the Board.

Member Fettic moved to adjourn. Member Smith seconded the motion. Motion carried 6-0. Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS (1-2800)**

**5. TREASURER - Deputy Merlene Alt - ACTION ON REMOVAL OF TAXES FROM THE 1990-91 TAX**

**ROLL DUE TO CARSON CITY ACQUISITION OF PROPERTY** - Supervisor Feticc moved that the Board of Supervisors approve removal of taxes from 1990-91 tax roll on Parcel 8-361-18 due to the Carson City acquisition of the property on November 30, 1990, for placement of sewer and water utilities, fiscal impact loss of revenue in the amount of \$1.70. Supervisor Tatro seconded the motion. Motion carried 5-0.

**6. CLERK-RECORDER** - Kiyoshi Nishikawa

**A. ACTION ON CERTIFICATION OF 1991 PROSPECTIVE JURORS LIST (1-2874)** - Supervisor Tatro moved that the Board of Supervisors certify the list of prospective jurors. Supervisor Bennett seconded the motion. Motion carried 5-0.

**8. ACTION ON A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS - 1986-89 TERMINATED EMPLOYEE FILES (1-2918)** - Supervisor Bennett moved that the Board of Supervisors adopt Resolution No. 1990-R-5, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS FOR PERSONNEL. Upon request for clarification of the number, Supervisor Bennett corrected the number to 1991-R-5. Supervisor Tatro seconded the motion. Motion carried 5-0.

**7. DISTRICT ATTORNEY** - Chief Deputy District Attorney Charles P. Cockerill - **DISCUSSION AND POSSIBLE ACTION ON POCKET PARK LEASE BETWEEN LANDLORDS BORTELIN AND BERNARD AND TENANT CARSON CITY (1-2968)** - Supervisor Bennett moved that the Board approve the lease between Landlords Bernard and Bortelin and Tenant Carson City to use the east half of APN 2-113-03 as a pocket park. Supervisor Tatro seconded the motion. Motion carried 5-0.

**REDEVELOPMENT AUTHORITY MATTERS - APPROVAL OF MINUTES** - None.

**CITIZEN COMMENTS (1-3034)** - None.

**BREAK:** A ten minute recess was taken at 10:30 a.m. When the meeting reconvened at 10:40 a.m., the entire Board was present constituting a quorum.

**PETITIONS AND COMMUNICATIONS (2-0001)**

**8. PETE BACHSTADT - DISCUSSION OF A POSSIBLE CHANGE IN CARSON CITY'S ANIMAL CONTROL ORDINANCE TO REFLECT A MORE COMPREHENSIVE SOLUTION TO OUR PET OVERPOPULATION PROBLEM (MANDATORY SPAYING AND NEUTERING)** - Mr. Bachstadt explained his proposal to adopt an ordinance mandating spaying or neutering unless the pet owner pays a "breeder's fee". This fee would be used to defray the cost of Animal Control. Under his program this would reduce the number of unwanted and abandoned animals and the need to euthanize such animals. This program is being used in other areas and is considered successful. Mayor Teixeira direct the City Manager to evaluate the proposal and report back to the Board for further discussion. No formal action was taken by the Board.

**9. FIRE CHIEF** - Louis Buckley - **ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE SECTION 2.04.400 (PUBLIC OFFICERS) BY DELETING THE DEPUTY FIRE CHIEF AND FIRE MARSHAL THEREFROM (2-0384)** - Mr. Buckley explained the purpose of the Ordinance and responded to Board questions on the proposed reorganization, its perceived function, and support from within the Department. Supervisor Feticc moved that the Board introduce on first reading Bill 104, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) BY DELETING DEPUTY FIRE CHIEF AND FIRE MARSHALL FROM THE LIST). Supervisor Smith seconded the motion. Motion carried 5-0.

**10. PURCHASING AGENT** - Purchasing Assistant John Iratcabal.

**A. ACTION ON AWARD OF CONTRACT NO. 9091-168 - ROAD BASE AGGREGATE (2-0451) -** Mr. Iratcabal outlined the differences in the bids, reasons for the recommendation, and responded to Board questions on the material and verification procedures to confirm that the material meets specifications. Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and award Contract 9091-168, Road Base Aggregate, to Bidder No. 1, T. E. Bertagnolli and Associates of Carson City as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332. Supervisor Bennett seconded the motion. Motion carried 5-0.

**B. ACTION ON AWARD OF CONTRACT NO. 9091-138 - FIRE FIGHTING PROTECTIVE SUITS (2-0545) -** Mayor Teixeira noted the letter from Chief Buckley and that the recommendation was to the lowest bidder. Supervisor Bennett moved that the Board approve the Purchasing Agent's recommendation to award Contract 9091-138 to Bidder No. 2, Cascade Fire Equipment, P. O. Box 4248, Medford, Oregon, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 324 for a contract amount of \$471 per coat and pant unit, for a not to exceed cost of \$28,000, funding source Capital Acquisition Account No. 260-000. Supervisor Tatro seconded the motion. Motion carried 5-0.

**C. ACTION ON AWARD OF CONTRACT NO. 9091-121 - MAINTENANCE OF PITS AND SUPPORT SERVICES (2-0601) -** Discussion ensued among the Board and Mr. Iratcabal concerning the work required, the low bid price, and whether the work could/would be performed at that rate. Mr. Iratcabal was instructed to advise the Bidder that he would be held to the bid and expected to perform when request. Supervisor Bennett moved that the Board accept the Purchasing Agent's recommendation and award Contract 9091-121 to Bidder No. 3, Construction Supply, Inc., of No. 6 Sierra Circle, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS 332, funding source various Public Works Divisions utilizing the annual contract. Supervisor Tatro seconded the motion. Motion carried 5-0.

**11. PUBLIC WORKS DIRECTOR - Dan O'Brien and City Engineer Tim Homann.**

**A. DISCUSSION AND POSSIBLE ACTION ON PARKING PERMIT POLICIES, DESIGNATED PARKING AREAS, AND RELATED MATTERS (2-0737) -** Mr. Homann reviewed his report and introduced Senior Parking Enforcement Officer John Tuttle. Discussion ensued among the Board and staff on the areas utilized by City Parking Permits, failure to consult with individuals in the Carson to Curry and Second to Proctor area, need for parking permits in the downtown area versus the parking availability at Northgate, the change for 26 spaces from free parking to two hour time limit parking, the changes to King and Nevada, the need for policy direction as to whether the City should provide parking for its employees, utilization of the clientele parking for employees, the proposed super parking lot at Nevada and Musser, proposed impact on the residential neighborhood, proposal to remove two hour parking zones from Nevada and Curry, proposal to increase the clientele parking fee, clientele parking enforcement, revenue from the present system versus parking meters, lack of notification to the clientele parking permit user, and revenue loss under the fines.

(2-1875) District Court Judge Michael Griffin explained his problems with the lack of parking in the Courthouse vicinity; Public Works' lack of notification about its desire to change the parking policies and knowledge about the parking needs of the State and City employees and juries; and lack of security in the area utilized for parking. Supervisor Smith explained the parking problems he encountered when conducting business at the Election Department and responding to a jury summons. He also expressed his concerns for the neighboring businesses located in the vicinity of the Courthouse. Judge Griffin responded by expressing his feeling that both the general public and employees had the right to expect availability of reasonable facilities.

(2-2178) Supreme Court Clerk's and Attorney General's Representative Tom Patton used a poster board to display area photographs to illustrate the parking within three blocks of his area and to explain his parking recommendations. He detailed the present parking spaces, the time zones, the parking needs of the three facilities between Second and Musser, his count of the parking utilized at various times on Wednesday, and recommendation that the parking around the Presbyterian Church be changed back to unrestricted. He felt that a

reasonable walking distance was two to three blocks, which some of the individuals in his office could not do, and noted the safety concerns.

(2-2644) Deputy Clerk Tammy Steele explained her concern as a City employee about the lack of parking and lack of security particularly when she has worked late at night. She felt that the courthouse employees did not have the same benefits as the Northgate employees, who have a parking lot adjacent to their job sites.

(2-2644) Chamber of Commerce Executive Director Larry Osborne expressed concerns about the lack of turnover and adequate parking. While he agreed that employees should not be required to walk "long distances" for parking, he could not agree with the procedure allowing employees to utilize reserved business parking. He urged Public Works and the other Departments to meet with the downtown businesses including City and State agencies which would be affected by the program. He, too, supported increasing the Client Parking space fee. He expressed a willingness to work with the City to develop a compromise.

(2-2938) Mainstreet Project Manager Gail Thomssen expressed her surprise that her parking committee had not been contacted. She expressed a desire to be included when the compromise committee meets. She supported retaining two hour parking on Curry Street.

Supervisor Tatro expressed his feeling that Northgate employees do not need a parking permit. Any permits held by Northgate employees could, therefore, be pulled. He also questioned whether the Supervisors needed parking permits. Mayor Teixeira explained his need for a permit, however, had commented earlier that he could not understand why he had three permits. He also noted that the Fire Department would be relocated and this would, hopefully, reduce the demand for parking. Also, the "super lot" should be completed during 1991. He felt that the individuals who would be affected by the proposals should have been contacted. Supervisor Tatro supported increasing the client parking fee and suggested it be based upon the cost to construct parking. He also felt that the superblock survey should be considered in the parking issue. Mr. Berkich explained that the proposal was a result of his request and supported the suggestion that a meeting be held with the impacted area representatives. The value of including the superblock survey in the parking assessment was noted. Mayor Teixeira also felt that the restricted parking around the Church did not need to be enforced at this time. Supervisor Bennett noted her experience with hospital parking security to support the concern expressed earlier. She urged consideration of the retail businesses as well. Clarification indicated the Church parking would be part of the study. (3-0229) Mr. Patton suggested potential jurors be issued a one day parking permit and that the selected jurors be given a two week permit. Following Mr. O'Brien's request for direction on the employee parking permits, the Board directed that the permits be honored until the issues are resolved, that only one permit should be issued to an individual, and that the proposal be "workshopped" and brought back within a reasonable period--30 days or a month--with a compromise.

## **B. ORDINANCES - SECOND READING (3-0392)**

**i. ACTION ON BILL NO. 101 - AN ORDINANCE AND DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JAMES J. AND SHARON NEWMAN** - Supervisor Bennett moved that the Board adopt on second reading Ordinance No. 1991-2, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND JAMES J. AND SHARON NEWMAN REGARDING ASSESSOR'S PARCEL NOS. 8-031-01 AND 8-031-02, LOCATED AT BONANZA DRIVE AND WEST SUTRO TERRACE, CARSON CITY, NEVADA, FOR WATERLINE CONSTRUCTION. Supervisor Feticc seconded the motion. Motion carried 5-0.

**ii. ACTION ON BILL NO. 102 - AN ORDINANCE AMENDING TITLE 12 OF THE CARSON CITY MUNICIPAL CODE, ADDING CHAPTER 12.02 - THE FORMATION OF A CARSON CITY WATER DISTRICT (3-0427)** - Supervisor Feticc moved that the Board adopt on second reading Ordinance No. 1991-3, AN ORDINANCE AMENDING TITLE 12 OF THE CARSON CITY MUNICIPAL CODE, ADDING CHAPTER 12.02 (CARSON CITY WATER DISTRICT), INCLUSIVE, AND PROVIDING FOR OTHER

MATTERS PROPERLY RELATING THERETO. Supervisor Bennett seconded the motion. Discussion ensued concerning the clauses prohibiting the use of funds generated under this Ordinance for Water Utility projects. The motion adopt Ordinance 1991-3 was voted and carried 5-0.

BREAK: At 12:20 p.m. a lunch recess was taken. When the meeting reconvened at 1:35 p.m. the entire Board was present constituting a quorum.

**AGENDA MODIFICATIONS (3-0585) - 14. B. DISCUSSION AND ACTION ON COOPERATIVE AGREEMENT NO. 2 BETWEEN CARSON CITY AND THE AIRPORT AUTHORITY FOR LAND ACQUISITION AT EAST END OF THE CARSON CITY AIRPORT AND 12. B. iv. Z-90/91-5 REGARDING HAROLD JACOBSEN, ET AL., REQUEST TO REZONED PROPERTY FROM SF1A TO SF12000 ON THE NORTH SIDE OF KOONTZ LANE BETWEEN SILVER SAGE AND HICKORY DRIVES** were pulled. Z-90/91-5 was rescheduled for February 7th at 6:30 p.m.

**12. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan and Principal Planner Rob Joiner**

**A. ACTION ON FINAL APPROVAL OF COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION AND DIRECTION TO SUBMIT TO THE STATE OF NEVADA (3-0545)** - Following Mr. Sullivan's introduction, Brewery Arts Executive Director Peggy Collins explained the need and reasons for making the request. Supervisor Feticc moved that the Board approve the acceptance of the application for funding in the amount of \$50,000 to construct an elevator in the Brewery Arts Center of the Carson City Brewery building and direct staff to forward the Application to the State Commission on Economic Development for consideration of funding. Supervisor Bennett seconded the motion. Discussion noted that the City's 1990 \$65,000 request had been successfully presented by Supervisor Feticc and suggested that, in view of his success, he make a presentation this year. The motion to accept the application and forward it was voted and carried 5-0.

**B. PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS (3-0744)**

**i. DISCUSSION AND POSSIBLE ACTION ON M-90/91-2 REGARDING THE DETERMINATION OF CONSIDERATION FOR ABANDONMENT OF AN ALLEYWAY LOCATED IN BLOCK 42 OF THE SEARS, THOMPSON AND SEARS DIVISION BETWEEN EAST FIFTH AND EAST SIXTH STREETS AND CURRY AND NEVADA STREETS - PLANNING COMMISSION APPROVE 5-0-2-0)**

**ii. DISCUSSION AND POSSIBLE ACTION ON M-90/91-3 REGARDING THE DETERMINATION OF CONSIDERATION FOR ABANDONMENT OF AN ALLEYWAY LOCATED IN BLOCK 52 OF THE SEARS, THOMPSON AND SEARS DIVISION BETWEEN EAST SEVENTH AND EIGHTH STREETS AND CURRY AND NEVADA STREETS - PLANNING COMMISSION APPROVED 5-0-2-0** - Following Mr. Sullivan's introduction, discussion ensued among the Board and staff concerning other abandonments, the waiver or property value of those abandonments, the value of these alleyways in view of the buildings/encroachments, tax value, revenue derived if the property is placed on the tax rolls, making the payment due when the property is sold, the lack of alternatives, the desire to have an MAI appraisal, and concern about establishing a precedence. Supervisor Bennett suggested the involved individuals obtain an MAI appraisal and negotiate with the City Manager and Property Management Committee on the cost. Mr. Cockerill reiterated the legal requirements mandated for the sale of public property. Discussion indicated the feeling that although the Board was unwilling to accept the Assessor's valuation, an appraisal should be obtained by the buyer at his expense. Supervisor Tatro moved that the Board of Supervisors accept the Assessor's office value of consideration for street abandonments on Applications M-90/91-2 and M-90/91-3 with the understanding that if the abutting landowners do not concur with the valuation, they have the opportunity to obtain an appraisal and bring the additional facts to the Board for consideration. Supervisor Bennett seconded the motion. Following discussion of an amendment, Supervisor Tatro amended his motion to include that the appraisal should be completed by an MAI at the property owner's expense. Supervisor Bennett continued her second. The motion carried 5-0.

iii. **DISCUSSION AND POSSIBLE ACTION ON M-90/91-10 REGARDING A REQUEST FROM LEWIS HOMES OF NEVADA TO ABANDON A PUBLIC UTILITY EASEMENT LOCATED ALONG A PORTION OF DAMON ROAD AND TANGERINE DRIVE AND BETWEEN APN'S 10-458-34 AND 33 AND 10-457-01 - PLANNING COMMISSION APPROVED 6-0-0-1 (3-1319)** - Supervisor Tatro moved that the Board uphold the Planning Commission recommendation to approve Abandonment Request M-90/91-10 from Lewis Homes to abandon two 7.5 foot public utility easements and two adjacent five foot public utility easements located between Assessor's parcel numbered 10-458-3 and 10-458-34. Supervisor Smith seconded the motion. Motion carried 5-0.

**13. HISTORICAL COMMISSION - CHAIRPERSON LAURA ADLER (3-1375)**

**A. DISCUSSION AND ACTION ON RECOMMENDATION DESIGNATING THE LAST THURSDAY OF FEBRUARY OF EACH YEAR AS "FOUNDERS DAY" (HISTORICAL COMMISSION APPROVED 6-0) (NOTE: ONLY THE FIRST ANNUAL EVENT WILL INCLUDE A REDEDICATION OF CARSON CITY'S BIRTHPLACE - INTERSECTION OF FIFTH AND THOMPSON STREETS)** - Ms. Adler explained the proposal, reasons for selecting the last Thursday of February, and read the Resolution into the record. Supervisor Smith moved that the Carson City Board of Supervisors adopt Resolution 1991-R-6, A RESOLUTION DESIGNATING THE LAST THURSDAY OF FEBRUARY OF EACH YEAR AS CARSON CITY FOUNDER'S DAY. Supervisor Bennett seconded the motion. Motion carried 5-0.

**B. STATUS REPORT REGARDING ADDITIONAL HISTORICAL COMMISSION MATTERS (3-1752)** - Ms. Adler briefly noted the status report and responded to Board questions on coloring the City's seal and adoption of a City flag.

**14. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (3-1885)**

**A. DISCUSSION AND ACTION ON LAND PURCHASE AGREEMENT BETWEEN JOHN SERPA AS SELLER AND CARSON CITY AS BUYER FOR 29 PLUS ACRES OF LAND EAST OF THE CARSON CITY AIRPORT** - Mr. Berkich explained the request and potential funding. Mr. Sullivan read the FAA letter on the grant into the record. Mr. Berkich then completed the review of funding and the fiscal terms of the agreement. Due to the related nature, Mr. Berkich then went to the next Item.

**B. DISCUSSION AND ACTION ON COOPERATIVE AGREEMENT NO. 2 BETWEEN CARSON CITY AND THE AIRPORT AUTHORITY FOR LAND ACQUISITION AT EAST END OF THE CARSON CITY AIRPORT** - Mr. Berkich briefly explained the agreement which would have the Authority assume the City's responsibility for the terms of the note under Item A. The Authority denied the Agreement on a 4-3 vote. Mr. Berkich and staff urged the Board to proceed with the grant and fund the note under the General Fund due to the revenue derived from the property taxes at the airport. Reasons for his recommendation were detailed. Supervisor Tatro explained that his father-in-law is Ron Kitchen, who is a member of the Authority. He did not feel that this would create a conflict. Discussion ensued on the Serpa lawsuit/settlement, the liability, the ability to meet that liability with the grant, ultimate ownership of the parcel, the appraisals, utilization of the property in the clear zone, the recent zone changes, and the Assessor's value. (3-3005) Dan Leck, (4-0210) Stephen Johnson, and (4-0385) Lyn Norberg explained their values, issues considered in establishing that value, and noted the various differences in opinion on what should be considered when establishing a value. The Board questioned each appraiser on these matters. Mr. Norberg also pointed out that although he was aware of the media's comments on the value, he had not included that information in his valuation. (4-0185) Joe Capouly expressed a desire to speak on the issue, however, as questions were limited to the agreement and Mr. Auer had a 3 p.m. appointment, he was asked to wait until public comment is solicited. As the Board had no questions of Mr. Auer on the agreement, he left the meeting. Board procedures were explained. Discussion among the Board and staff clarified that the entire 29 acres is included in the airport master plan. Property adjacent to the north side of the runway had not been included in the FAA Grant at FAA's instructions. Mr. Cockerill clarified for Supervisor Bennett that the City would be assuming the liability for the note. Airport Authority Chairperson Bob Thomas

responded to Board questions concerning reasons for the Authority's action. Discussion ensued among the Board and staff on the administration fees, potential use of the areas outside the clear zone, the modified take-off and landing patterns, and the impact of the airport on the appraisals.

(4-1058) Mr. Capouly expressed his feeling that the City should obtain the property posthaste.

(4-1172) Mayor Teixeira and Supervisor Bennett explained for May Ruth French the FAA recommendation to procure the 29 acres. Ms. French then expressed her feeling that the appraisal should not consider the zoning but rather its planned use. She requested the record reflect that she did not feel that the appraisal was a fair evaluation of the use. Supervisor Bennett responded by acknowledging the appraisal, however, in view of the safety concerns and FAA's funding commitments for similar purchases in Reno, urged approval of the request.

Based upon the appraisers' testimonies, Supervisor Feticc moved that the Board approve the agreement between John Serpa as seller and Carson City as buyer for 29 plus acres of land east of the Carson City Airport, funding sources are the FAA grant and the City General Fund in the amount of \$86,000 at six percent for ten years, that the FAA grant will be in the amount of \$1,141,500, and that the City or FAA will be responsible for another \$157,000. Supervisor Tatro seconded the motion. Upon request for an amendment, Supervisor Feticc continued the motion to include and authorize the Mayor to sign the agreement and Promissory Note. Supervisor Tatro continued his second. Following Mr. Berkich's clarification, Supervisor Feticc continued his motion to include and that the first payment of the note is June 1992. Supervisor Tatro continued his second. Motion as amended was voted by roll call with the following result: Smith - No; Feticc - Yes; Tatro - Yes; Bennett - Yes; and Mayor Teixeira - Yes, while noting that President Bush had not advised him of his budget plans, felt concerned about the \$1.3 million price and whether the City could financially handle it, he was in essence voting against the Airport Authority's recommendation even though he had supported establishing the Authority, the number of complaints received during maneuvers have diminished, the Authority will eventually become an asset in the running and improvements at the airport, however, he was concerned that the City was taking on a responsibility which the Authority should have handled, he felt that the price should be considered even though the appraisals had included all the concerns, in the long run, the process was correct, the procurement had been specified by FAA, and to reject the appraisers' figures would be considered arbitrary. Motion carried 4-1.

BREAK: At 3:30 p.m. a ten minute recess was taken. When the meeting reconvened at 3:40 p.m. the entire Board was present constituting a quorum.

#### **15. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-1359)**

**A. DISCUSSION AND ACTION ON CARSON CITY'S LEGISLATIVE PACKAGE FOR THE 1991 SESSION** - Following Mr. Berkich's introduction, Mayor Teixeira requested an agenda item for discussion of the legislative proposals be added for all future meetings. He urged the Board and staff to communicate with each other and the City's Legislators, to maintain an united front, and establish appropriate funding. Supervisors Feticc, Tatro, and Bennett urged the Board to encourage expediting the Mint rehabilitation. Discussion ensued concerning the need to obtain funding for the 395 By-Pass and concern about Clark County's Referendum 10. **Supervisor Tatro moved that the Carson City Board of Supervisors adopt as its number one priority for the 1991 Legislature obtaining and working to secure passage of legislation by the State to appropriate funding to the State Public Works Board to fund the rehabilitation of the old Mint Building and that such funding be made available upon passage and approval. Supervisor Feticc seconded the motion. Motion carried 5-0.**

(4-1860) Discussion ensued on the need to establish a more equitable SCRRT tax allocation program than is currently used. Supervisor Tatro explained his feeling that the Board should have time to respond to any legislative bills and **moved that the Board of Supervisors authorize its representatives at the Legislature to represent on behalf of Carson City that Carson City supports the concept to retain revenues generated in the County. Supervisor Bennett seconded the motion. Supervisor Tatro then explained his reasons for restricting the representation. Motion carried 5-0.**

Discussion indicated that the City should not take a position on the State Fire Marshall's proposal to takeover plan checking until further evaluation has occurred, Referendum 10 should be watched carefully, not support the cooperative agreements on the management of underground water basins at this time, support the City's conservation plan, and support the funding for the purchase of the "Fremont School District". **Supervisor Bennett moved that the Board of Supervisors authorize its representatives to the Nevada Legislature to support legislation that would purchase, the BDR that is drafted, to purchase the Fire Station on Stewart Street and authorize funding for the purchase of the Courthouse building. Supervisor Smith seconded the motion. Upon clarification of the motion, Supervisor Bennett corrected her motion to be that would result in the funding for the acquisition of land for the fire station and the Courthouse. Supervisor Smith continued his second. Motion carried 5-0.**

Discussion ensued on BDR 897 and potential restoration/utilization of the State Library facility, the City's legislative staff committee, BDR 722 support, the desire to have the complete BDR before voicing a stand, the petition BDR requiring submittal of recall petitions, not supporting the publication requirement amendment, 086, and 722. **Supervisor Bennett then moved that the Board support and authorize its delegates to the Legislature to speak in support of BDR 722, which allows local government tax caps to be increased for any new State mandated service requirements from the Federally mandated service. Supervisor Feticc seconded the motion. Motion was voted by roll call with the following result: Ayes - Smith, Feticc, Tatro, Bennett, and Mayor Teixeira. Nays - None. Motion carried 5-0.**

**Supervisor Tatro then moved that the Board authorize its representatives to the Nevada Legislature to present the Board's position in support of legislation that maximizes Federal financial participation in providing long-term care to Nevada residences. Supervisor Smith seconded the motion. Motion carried 5-0.**

Discussion ensued on the need for a BDR to increase the Medicaid reimbursement and other matters. **Supervisor Tatro then moved that the Board of Supervisors authorize its representatives at the Nevada Legislature to support legislation that would exempt non-reoccurring revenues and certain funds of local government from consideration of collective bargaining. Supervisor Bennett seconded the motion. Motion carried 5-0.**

The need and support for enabling legislation to add another Justice of the Peace were discussed. **Supervisor Tatro moved that the Carson City Board of Supervisors authorize its representatives to support legislation which will give the Counties the ability to add another Justice of the Peace position. Following discussion of the motion, Supervisor Tatro amended his motion to be to add another Carson City Justice of the Peace position. Supervisor Feticc seconded the motion. Motion carried 5-0.**

Discussion noted the lengthy involvement between introduction of a bill and final adoption. The need to address reapportionment was noted.

(5-0412) Assemblyman Dean Heller explained the bill drafts on the Mint and his appreciation for the City's position. Mayor Teixeira urged him to feel free to contact the City, its representatives, or Board members at any time. Mr. Heller then responded to Supervisor Bennett that he was unaware of a BDR creating a State Mainstreet program.

**B. MAYOR TEIXEIRA; C. SUPERVISOR SMITH; D. SUPERVISOR FETTIC; AND, E. SUPERVISOR TATRO (5-0531) - None.**

**F. SUPERVISOR BENNETT - DISCUSSION AND POSSIBLE ACTION ON ESTABLISHMENT OF STREET LIGHTING STANDARDS** - Reasons for requesting consideration of this matter were outlined. She then introduced Sierra Pacific District Manager Ray Masayko and Consumer Service Engineering Supervisor Rod Anderson. Mr. Masayko expressed a willingness to work with the City to establish the standards, however, noted the financial impact the program would create. Supervisor Tatro requested Mr. Masayko provide impact figures

from Reno and Sparks for discussion. Mr. Masayko explained the tariff which establishes the rates. Supervisor Bennett expressed her feeling that with SCCRT and other revenue sources the City could afford to establish these standards. She urged the Board to schedule another session on this matter. No formal action was taken on this matter.

**APPOINTMENT OF ALTERNATE CARSON CITY REPRESENTATIVES (5-0715)** - None.

**DETERMINATION/ANNOUNCEMENT OF FUTURE MEETING DATES AND TIMES (5-0720)** - A special joint meeting with Mainstreet was scheduled for Saturday, February 9th at 9 a.m.

BREAK: At 4:50 p.m. a recess was taken. When the meeting reconvened at 6:30 p.m. the entire Board was present constituting a quorum. Staff members present included: City Manager Berkich, Clerk-Recorder Nishikawa, Undersheriff Freeman, Community Development Director Sullivan, City Engineer Homann, Deputy District Attorney Auer, Senior Planner Guzman, and Recording Secretary McLaughlin (5-0771).

**16. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan, City Engineer Tim Homann, and Senior Planner Juan Guzman - PLANNING COMMISSION REFERRAL - REVIEW AND APPEAL MATTER - DISCUSSION AND POSSIBLE ACTION ON U-90/91-9 REGARDING AN APPEAL BY EUGENE LEPIRE OF A PLANNING COMMISSION DECISION TO DENY A SPECIAL USE PERMIT APPLICATION TO ALLOW A BAR AS AN ACCOMPANYING USE TO A LAUNDROMAT ON PROPERTY ZONED RETAIL COMMERCIAL LOCATED AT 1300 EAST FIFTH STREET (APN 4-113-02) - PLANNING COMMISSION DENIED 7-0-0-0** - Following Mr. Sullivan's introduction, the Board and staff discussed the Picnic House's liquor license, the master plan, Code requirements which must be meant in order to grant the Special Use Permit, the bar hours and operation. (5-1185) Mr. Lepire's attorney Ed Bernard reminded the Board of the legal restrictions concerning the issues which could be considered by the Board. He felt that these requirements had not been meant at the Planning Commission hearing, that Mr. Lepire's proposal had improved the area and specifically the general neighborhood's environment, reasons for the Undersheriff's attendance, and urged the Board to consider the issues and not emotions or personalities. Mr. Auer responded by explaining to the Board the reasons for feeling that the case cited had no bearing on this issue and the concerns which should be addressed. Mr. Bernard responded by reiterating his feeling that the case did have bearing. Mayor Teixeira noted that the Board makes the ultimate decision based on what it feels is best for the City. Staff recommendations have on occasion been over-ridden. The conditions for granting a special use permit--18.05.062--were read into the record. (5-1931) Gene Lepire explained his background in the City including the liquor licenses he had held and is holding now. His developments have been considered innovative. His comments reiterated his plan to have a "relaxed atmosphere", that it was not a bar but rather a "lounge", which would be located next to a laundromat for people who must "do an ugly job". He suggested that the license be conditioned to keep it from becoming is primary revenue source. He then explained his approval by the Sheriff's Department and the Planning Department. He had felt that it was not necessary to go through the lengthy hearing process. Although he was aware that developers have enemies, he had thought it unnecessary to retain Mr. Bernard until after the Planning Commission hearing. Mr. Lepire responded to Board questions clarifying approvals given by the Sheriff's Department and Planning Department. Mr. Lepire also explained the delicatessen which was operated under Jim Smith and his Camp 'N' Town RV Park 15 years ago. Liquor license restrictions, Mr. Lepire's bar layout and slot plans, his allowable slot revenue, and the State approval for four slots were discussed.

(5-2720) Undersheriff Vic Freeman explained reasons for his presentation, that he was not representing either side, his office's review of applications, his contacts with various Sheriff/Police Departments throughout the State, the three laundromat-bar operations in the State, their experience with these operations, rules/regulations/procedures used to keep minors from obtaining liquor, and responded to Board questions concerning these items.

(6-0225) Eldon and Joan Styles explained their knowledge of Mr. Lepire and support for the project.

(6-0301) Richard Waiton expressed his feeling that the Permit should be issued in view of the liquor sold at the

Eagles' Hall and PDQ Market as well as the former delicatessen.

**BREAK:** At 7:45 p.m. a five minute recess was declared. When the meeting reconvened at 7:50 p.m. the entire Board was present constituting a quorum.

(6-0385) Marie Blanchard noted the packet of information supplied to the Board concerning the dangers created by the sale of beer and wine, and the location of several school bus stops adjacent to the site. Her concerns included the potential sale of the facility which a liquor license would help inflate the value at the detriment of the surrounding residential values. Her petition was signed by the residents and was compared to the petition submitted by Mr. Lepire and signed by this clientele. She was also concerned about the minors in the arcade portion of the laundry and its proximity to the bar. The restricted permit procedure was unacceptable. She then explained the neighborhood, and the location of the school bus stops. Discussion among the the Board, Ms. Blanchard, and staff indicated that a Special Use Permit, once it is issued, remains with the property. A Special Use Permit could be conditioned upon ownership. Two or three percent are ever reconsidered by the Board.

(6-0781) Charlie Case explained his opposition to the bar based on the fact that the child care center which was located west of the delicatessen had been denied. Prudent business considerations should have dictated thorough investigation of the neighborhood and zoning before funds were expended. He urged the Board to resolve the issue and not delay the matter further. His location, the minors in his home, the school bus stop adjacent to the site, and problems with the Eagles' Hall were explained.

(6-0889) Jo Anne Maker explained her concern with the traffic on Fifth Street and acknowledged the beauty of the new facility. She did not feel that there is any difference between beer and wine or liquor. Even though the bar and laundry were to be considered as a unit, she felt that patrons would use the bar to drink at when not doing their laundry.

(6-0956) Niel Larson expressed his feeling that the bar would limit the number of individuals interested in renting his home across the street. Therefore, his property value would decrease. The delicatessen had generated a lot of traffic. There is a lot of traffic on Fifth Street now. Cars which had been hit during his tenure there were noted. He was concerned about DUI's on Fifth Street.

(6-1104) Arthur Nystrom explained his and his tenants concerns about the proposal. He felt the bar would reduce his property values as well as be a detriment to the neighborhood children.

(6-1165) Mary Carter explained her concern for her daughters' safety walking to and from school particularly in view of several incidents which had occurred during construction of the facility. She was also concerned about the safety of the female teenage joggers.

(6-1230) Sandy Alec explained her concept of the neighborhood, concern for the safety of the neighborhood children, and feeling that bars and children do not mix.

(6-1335) Mr. Waiton felt that the traffic and need for laundromats indicated the growth which had been incurring in the City.

(6-1365) Mary Geissler expressed concern about mixing children who are with their parents at the laundromat and the easy accessibility to liquor. If the request were granted, she felt certain the other laundromats in the City would apply also.

(6-1425) Gerald Sullivan felt that the laundromat had increased the parking demands on Fifth Street. He urged the Board to consider no parking signs from Roop to Saliman if the request is approved. This would eliminate some traffic problems.

(6-1485) Mark and Molly Kvam explained their traffic and juvenile pedestrian traffic concerns. Ms. Kvam would

not use the cross walk at the laundromat if a bar is installed. Their property value may be affected by the bar's location.

(6-1620) Mr. Bernard responded by expressing his feeling that the only issues to be considered were related to the impact the bar would have on the crime rate in the immediate vicinity, which is none, and the property market values. Any detrimental property value posed by the bar were minimized by the new structure. In view of the acceptance of the concept in other areas, he felt it would not pose a problem in Carson City. Mayor Teixeira responded by reading into the record commitments made on the application submittal to the Planning Commission. These comments stressed that in the application itself the "Lounge" was called a "bar". Likewise, comments made during the appeal of the Planning Commission's denial of the caretaker's quarters. These comments stressed the crime problems in the area. He questioned why the Fallon facility had staggered hours for the sale of liquor based on school hours. These were welfare and children's well-being concerns. The comments also stressed the desire to remain within the confines of the retail commercial zoning and obtain a good tenant. Mr. Bernard responded by stressing that this had been the intent at that time.

Mr. Lepire responded by explaining that it had always been his intent to have a laundromat at that site and Utility Manager Dorothy Timian-Palmer's involvement in the request. He then explained his knowledge of the Fallon operation.

Supervisor Feticc then noted the applications' responsibility to prove that the five conditions for a Special Use Permit had been meant. He then reviewed those conditions which he felt had been meant. He was concerned with the condition requiring that it not be detrimental to the public health, safety, convenience and welfare. Testimony given indicated some concern with the requirement that it would result in material damage or prejudice to other property in the vicinity. His main concern was with the requirement that the proposed use not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood and will cause no objectionable noise, vibrations, fumes, odors, dusts, glare or physical activity. Testimony indicated that the area is a family neighborhood with a heavy population of children who walk to school or catch the school bus. Testimony was concerned over the consumption of alcohol and problems which it could have related to the safety of those children. This would indicate to him that the proposed "bar" would have an impact on the residents' peaceful enjoyment and create questionable concerns about noise and safety. In spite of attempts to control occurrences, an occasion may arise where the noise and safety concerns may be justified. The concept is innovative and may be needed but not in a neighborhood area. The Eagle's Hall should not be used as a comparison as it has restricted access. Mr. Lepire responded by expressing his feeling that the Sheriff's Department does not have nuisance calls when 150 to 200 people are attending weddings at the Hall. Therefore, he should also have a license. The pros and cons of these positions were discussed among Mr. Lepire, Mr. Bernard, and Supervisor Feticc.

Supervisor Bennett then explained her concern about the bar becoming the primary operation rather than an accessory use. She suggested restricting the space utilized by the bar area. Restrictions of minors in bars were discussed. The reasonableness of the stipulation that the space allocated to the bar be restricted was discussed and felt valid.

Supervisor Tatro then indicated reasons for his feeling that the permit could be approved if conditioned. **Supervisor Tatro then moved that the Board of Supervisors approve the Application subject to the five findings that were provided in the original staff report and presented to the Planning Commission and based on the conditions that were in the original Planning Commission packet with the following changes: On Point No. 4, that the Special Use Permit shall be reviewed by the Planning Commission at a public hearing in six months; and, Condition No. 5, that the Permit is approved for a bar as an accessory use only; the bar area not to exceed 10 (ten) percent of the total facility, and on Point No. 7, that the hours of operation will be limited from 4 p.m. to 10 p.m. for the bar area.** Following Mr. Auer's request for justification of the motion, **Supervisor Tatro continued his motion to include: That the primary objection heard today is the safety of the children in the area and that the safety issue is primarily - and then withdrew his motion as**

**he could not justify the legal requirement.** Mr. Auer noted that his request was not to force the withdrawal of the motion but rather for clarification of the record.

**Supervisor Bennett then moved that the Board approve the Special Use Permit and support the findings as presented by the Community Development and add to those findings additional conditions that the Planning Commission and the Liquor and Entertainment Board will review the Liquor License within six months and then at the end of a year, that the bar area is indeed an accessory use comprising of only ten percent of the total facility, that the hours for serving alcohol be limited to from 4 p.m. to 10 p.m., that the findings are based upon the fact that it is consistent with the need to protect the health, the safety, the welfare of the community, and particularly the presence of children in the community. When a second was not forthcoming, Mayor Teixeira ruled the motion died for lack of a second.**

Supervisor Bennett explained her feeling that her motion had been an attempt to reach a compromise in view of the Applicant's investment, his improvement to the area, and was meeting a need found in that area. Mayor Teixeira then explained why the Board was considering the issue, his support for Mr. Lepire's integrity and intent, however, best intentions do not always occur. He could also share the concern for the children's safety. He suggested that Mr. Lepire may have been premature in assuming that the permit would be issued and hoped that it was not a mixing of signals from staff. Therefore, he could not support the application based on the concerns for the neighborhood residents and their welfare.

**Supervisor Feticc then moved that the Board uphold the decision of the Planning Commission for the denial of U-90/91-9, the Appeal of Gene Lepire to the Planning Commission's decision based upon testimony received this evening from Mrs. Blanchard, Mr. Charlie Case, Joanne Maker, Mary Carter, Andy Alec, Mary Geissler, and Mr. and Mrs. Mark Kvam, all of whom had spoken about their concerns for the safety of their teenage or small children as a result of a bar being situated in their immediate neighborhood and that the Appellant has failed from a preponderance of evidence to satisfy 18.05.062 Subsection 5. SubSub. e. That the establishment of a bar in that area will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood and; f. Has not proven by a preponderance of the evidence that it will not be detrimental to public safety, convenience, and welfare. Supervisor Smith seconded the motion. The motion was voted by roll call with the following result: Feticc - Yes; Bennett - Yes, having a profound respect for the concerns of the citizens in the area and the health and protection of their children and their concerns whether real or perceived, but did regret that they could not find in their hearts the opportunity for a compromise and allow the Applicant an opportunity to prove himself, because certainly he has an excellent track record in the community; Smith - Based on the fact that Supervisor Feticc and I are on the same page and perhaps the same paragraph and sentence on this matter, he had said 98 percent of my comments, I fully came here and have thought about this decision, and expected a real tough decision, in fact it became very easy, one of the reasons I brought up the different findings and wanted them to be read into the record, that was what I was looking for the entire time, personalities set aside, the emotions set aside, what I was looking for is exactly as stated in the Municipal Code, the Applicant for a Special Use Permit has the burden of proof, the people who spoke against it didn't have the burden of disproving it, the Applicant had the burden of proof, as far as I am concerned the people who spoke in disfavor of this could have not said a word, it wouldn't have made any difference, as a businessman, I appreciate what Mr. Lepire is going through, I appreciate his effort to try and earn a buck and try to earn a living, I also appreciate the comments that have been made by folks in the audience, that is their neighborhood, that's their community, with that and most of the comments that Mr. Feticc said, I don't believe that the Applicant has shown to me, especially in b. about the detrimental use, peaceful enjoyment, economical value, and so on and so forth, as far as I am concerned, not only has he not shown that to be true, testimony that I have heard from the other side leads me to believe it may very well be in fact not true, I wish some sort of compromise could be worked out, unfortunately, these conditions had to be meant before I feel we could even talk about a compromise, and I don't believe they were and I will have to vote Yes - Yes; Tatro - Yes; and Mayor Teixeira - Yes. Motion carried 5-0.**

CARSON CITY BOARD OF SUPERVISORS  
Minutes of the January 17, 1991, Meeting  
Page 15

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

The Minutes of the January 17, 1991, Carson City Board of Supervisors meeting

ARE SO APPROVED ON February 21, 1991.

/s/  
Marv Teixeira, Mayor

ATTEST:

/s/  
Kiyoshi Nishikawa, Clerk-Recorder