

A regular session of the Carson City Board of Supervisors was held on Thursday, March 21, 1991, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT:	Marv Teixeira	Mayor
	Greg Smith	Supervisor, Ward 1
	Tom Tatro	Supervisor, Ward 3
	Kay Bennett	Supervisor, Ward 4

STAFF PRESENT:	John Berkich	City Manager
	Kiyoshi Nishikawa	Clerk-Recorder
	Paul McGrath	Sheriff
	Ted P. Thornton	Treasurer
	Gary Kulikowski	Internal Auditor
	Jack Fralinger	Health Director
	Charles P. Cockerill	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary

(B.O.S. 3/21/91 Tape 1-0042)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during the normal business hours.

Mayor Teixeira called the meeting to order at 9:05 a.m. Reverend Sam Caldwell of St. Peter's Episcopal Church gave the Invocation. Mr. Berkich lead the Pledge of Allegiance. Roll call was taken and a quorum was present although Supervisor Feticc was absent.

**APPROVAL OF MINUTES - 2/7, 221/ and 3/791 Regular Sessions and 2/28/91 Founders Day, 2/28/91 Public Officials Liability Workshop, and 3/14/91 Special Sessions (1-0081)** - Supervisor Smith noted that he had listened to the 2/7 tape and that the Minutes had been clarified. Supervisor Smith then moved to approve all the Minutes as presented. Supervisor Tatro seconded the motion. Motion carried 4-0.

**CITIZEN COMMENTS (1-0095)** - Richard Waiton suggested that the work month be reduced by one day for all City employees. This would reduce the expenditures. This money could then be used to establish a Contingency Account and funding for equipment. The reduced work month has been used in other States to meet budget crunches. This would be a first in the State and could set an example for the other Cities/Counties.

**AGENDA MODIFICATIONS (1-01** - The Agenda Correction was explained. The following items had been removed from the Agenda: 5. C. Sheriff - Action to Support 1991 Legislative Bill to Increase Base Salaries for Carson City Elected Officials; 9. C. i. Planning Commission Referral - Review and Appeal Matters - Action on M-90/91-14 Lepire's Request to Abandon a Portion of Public Right-of-Way, 9. D. Other Matters - i. Action on M-90/91-5 First Presbyterian Church Request to Abandon a Portion of Public Right-of-Way, and 13. Planning Commission Referral - Review and Appeal Matter - Action on MPA-90/91-4 and Z-90/91-5 Harold Jacobsen's Request to Amend the Master Plan Land Use Designation and Change of Land Use Request.

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS (1-0285)**

**1. HEALTH DIRECTOR - Jack Fralinger - ACTION ON REQUEST FOR APPROVAL OF DISINTERMENT OF BODY FOR OUT-OF-STATE RE-BURIAL** - Supervisor Bennett moved that the

Board approve the request by Walton's Funeral Home for disinterment of a body for out-of-state re-burial. Supervisor Smith seconded the motion. Motion carried 4-0.

**2. TREASURER - Ted P. Thornton - ACTION ON REMOVAL OF TAXES ON PARCEL NO. 8-752-34 PREVIOUSLY KNOWN AS LAXALT ENTERPRISES NOW UNDER CARSON CITY, PARCEL FURTHER KNOWN AS CONESTOGA DRIVE (1-0310)** - Discussion noted the area had been determined necessary for a street. Supervisor Tatro moved that the Board approve the removal of taxes from the tax years 1987-88, 1988-89, 1989-90, and 1990-91 on Parcel 8-752-34 previously known as Laxalt Enterprises and now under Carson City, parcel further known was Conestoga Drive, fiscal impact is the loss of tax revenue in the amount of \$339.85. Supervisor Bennett seconded the motion. Motion carried 4-0.

**3. PURCHASING AGENT - Ron Wilson.**

**B. ACTION ON THE AWARD OF CONTRACT NO. 9091-221 - TANSTAAFL WATER TANK AND PIPELINE PROJECT (1-0377)** - Discussion ensued among the Board and staff concerning the difference between bid items and reasons for that difference. The overall bid was under the budget and engineer's estimate. Change Orders are "tracked". Considerations evaluated prior to authorization of a Change Order were briefly noted. Mr. Wilson also requested if approved that the motion include a ten percent contingency. Supervisor Smith moved that the Board accept the Purchasing Assistant's recommendation and award this Contract to Bidder No. 6, Q and D Construction Co., Inc., 3675 Mill Street, Reno, Nevada 89502, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624, for a contract amount of \$262,339, funding source Accounts 520-834 and 420-752. Following clarification, Supervisor Smith included in his motion with a ten percent contingency as stated by the Purchasing Agent. Supervisor Bennett seconded the motion. Following further clarification, Supervisor Smith stated that the contingency amount was to be a not to exceed amount. Supervisor Bennett continued her second. Motion carried 4-0.

**A. ACTION ON REQUEST FOR CONTRACT APPROVAL OF CONTRACT NO. 9091-242 - TWO (2) V AND T ENGINE HOUSE STONE ARCHES AND JAMBS (1-0597)** - Following Mr. Wilson's introduction, Mr. Berkich explained that the stone arches had been examined and were cataloged. Photographs of the arches and instructions have not yet been received. The price and funding were discussed. Mr. Taylor had offered to give the City additional material if the City was willing to transport it back from St. Helena. The items which he was willing to donate were discussed. Mr. Berkich was directed to contact Mr. Taylor and determine what items he was interested in donating and to contact local construction workers who are working in the vicinity regarding bring the material back. Supervisor Bennett moved that the Board approve the "Request for Contract Approval" and authorize the Purchasing Agent to issue a Purchase Order to T and O Masonry, Inc., P. O. Box 136, St. Helena, California, for an amount not to exceed \$18,900. Following Mr. Wilson's request for amendment, Supervisor Bennett continued her motion to include and declare it exempt from competitive bidding as a sole source. Following Mr. Cockerill's request for amendment, Supervisor Bennett further continued the motion to include and subject to receipt of appropriate drawings with the funding source of Capital Acquisition and a fiscal impact of \$18,900. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Smith - No; Tatro - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 3-1.

Mr. Berkich thanked Shaw Construction and Ed Shaw for their assistance in moving the stones to the Corporate Yard. He also thanked the Appeal for the photograph and article concerning the procurement. The stones are stored in a guarded, fenced area. Scott Miller was willing to accept the one arch as indicated previously. Supervisor Bennett suggested the Museum be contacted concerning the possibility of it going after the hardware. Mayor Teixeira directed Mr. Berkich to write a letter for his signature thanking Mr. Shaw.

Mayor Teixeira then recessed the Board of Supervisors session and passed the gavel to Redevelopment Vice-

Chairperson Bennett. For Minutes of the Redevelopment Authority see its folder. Following adjournment of the Redevelopment Authority, Vice Chairperson Bennett passed the gavel to Mayor Teixeira who reconvened the Board of Supervisors. A quorum was present although Supervisor Fetic was absent as noted.

**4. DISTRICT ATTORNEY - Chief Deputy District Attorney Charles P. Cockerill - ORDINANCE - SECOND READING - ACTION ON BILL NO. 108 - AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE SECTION 10.20.010 (BASIC RULE) AND OTHER MATTERS PROPERLY RELATED THERETO (1-0890)** - Following Mr. Cockerill's introduction, Mayor Teixeira noted that this proposal would allow the City to receive revenue from tickets issued by the Highway Patrol. Richard Waiton questioned the reasons for different speed limits throughout the City. He felt that this would encourage people to speed. He felt the speed limit at the High School was inappropriate. Mayor Teixeira and Mr. Berkich noted that Public Works was working on this matter. Sheriff McGrath noted that Saliman in front of the High School is a State Highway. The State is in the process of reviewing all signage. Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1991-9, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 10.20.010 (BASIC RULE) AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 4-0.

**5. SHERIFF - Paul McGrath.**

**A. ACTION ON A RESOLUTION AUTHORIZING THE CARSON CITY SHERIFF'S OFFICE TO EMPLOY ONE DEPUTY SHERIFF FOR ASSIGNMENT WITH THE TRI-AGENCY NARCOTICS ENFORCEMENT TEAM (TRINET) (1-0995)** - Sheriff McGrath explained the request and reasons of his change in the Resolution to have the General Fund support the program. Board comments supported Internal Auditor Gary Kulikowski's contention that the last line of the first page should read "shall be used to offset the aforementioned commitment" rather than "could be used to offset the aforementioned commitment.". Sheriff McGrath repeatedly explained that forfeitures and seizures had been used to support the program last year when there was a three month delay in the grant funds. This had depleted his account. The Board felt that if funding is not available under the forfeitures and seizures, the matter could be brought back for further discussion/action. Mr. Kulikowski's research of the original authorization to hire and enter this program was explained. The program was to support itself if grant funds were not available via the forfeitures and seizures. Board discussion indicated the word "could" left the funding to the Sheriff's discretion. The position is presently staffed by one Deputy from the streets. The Sheriff did not feel that the position should be terminated if the funding was not available. Board direction indicated future items of this nature should be presented to and approved/disapproved by the Finance Director. Mr. Berkich supported offsetting the program costs with the fines and forfeitures and felt that this is the Finance Director's position. Sheriff McGrath agreed with Mr. Berkich that the \$20,000 in funding should be from the fines and forfeitures. Mr. Cockerill expressed his support for "shall or will". He emphasized that if a funding problem arises, the Sheriff could bring the matter back to the Board. The pros and cons of the wording were discussed at length. Support for Trinet was indicated repeatedly, however, funding from the forfeiture and seizures was felt appropriate by the Board. Sheriff McGrath felt that if the wording is changed, a line item for Trinet should be established in his budget. The deadline for submitting the proposal indicated the matter could not be delayed. Mr. Kulikowski noted that Undersheriff Biggin had maintained excellent records. Sheriff McGrath then explained his feeling that the program would be supported by the grants for another year, however, may not be supported after that. Sheriff McGrath agreed to use his fines and forfeitures account to support the program before seeking General Funds. Supervisor Tatro moved that the Board of Supervisors adopt Resolution 1991-R-19, A RESOLUTION AUTHORIZING THE CARSON CITY SHERIFF'S DEPARTMENT TO EMPLOY ONE DEPUTY SHERIFF FOR ASSIGNMENT WITH THE TRI-AGENCY NARCOTICS ENFORCEMENT TEAM (TRINET) with the change to the Resolution as presented on Line 25 to delete the word could and insert the word shall. Supervisor Bennett seconded the motion. Supervisor Tatro continued his motion to include fiscal impact \$20,000, funding source the General Fund. Supervisor Bennett continued her second. (1-1660) Sheriff McGrath

explained that there would not be additional City funding for Richard Waiton. The total grant was \$65,000. Carson City's share of the forfeitures and seizures last year had been \$8,000. Supervisor Tatro explained that the Board was committing \$20,000 of General Fund monies if the forfeitures and seizures were not adequate to meet the expenditures. Supervisor Bennett stressed that the forfeitures and seizures would be used before the General Fund. (1-1775) Sheriff McGrath explained for Ms. May Ruth French that there would not be an additional position created. The position is currently filled. The motion to adopt Resolution 1991-R-13 as amended was voted and carried 4-0.

**B. ACTION ON A RESOLUTION AUTHORIZING PARTICIPATION IN DRUG REDUCTION AND ALTERNATE SENTENCING PROGRAM (1-1850)** - Funding may not be necessary. The Item will be presented again at the next meeting. A letter concerning Federal funding was discussed. Formal Board action will be taken to accept the grants at some future meeting. Sheriff McGrath explained that the purpose of having the matter on the Agenda was to inform the Board of his request for a grant. No formal action was taken. Mayor Teixeira directed the matter be continued until more data is available.

**6. INTERNAL AUDITOR - Gary Kulikowski - ACTION ON APPROVAL OF FEBRUARY 1991 CHECK DISBURSEMENT REGISTER (1-1978)** - Mr. Kulikowski's review was explained. The failure of the City to take advantage of a discount was discussed at length. Purchasing Agent Ron Wilson stressed his feeling that his Department should be authorized to issue payments and keep such discounts from being overlooked in the future. He had at one time been authorized to do this, however, a determination was made indicating a conflict of interest as his Department also issued the purchase orders. Supervisor Tatro stressed the need to have a written policy concerning this procedure. Discussion among the Board and staff indicated the need for a minimum of 15 days to make payments. Golf Course Superintendent Tom Kunkle explained the reason the oversight occurred and procedures established to prevent a reoccurrence. Mr. Berkich requested an opportunity to evaluate the situation and bring back a recommendation. Supervisor Tatro moved that the Board approve the February 1991 Check Disbursement Register. Supervisor Bennett seconded the motion. Motion carried 4-0.

**7. ADMINISTRATIVE SERVICES DIRECTOR - POSSIBLE ACTION REGARDING A NEW LOAN TO THE CARSON CITY REDEVELOPMENT AUTHORITY AGENCY (1-2455)** - Discussion ensued among the Board, Mr. Berkich, and Mr. Cockerill concerning Redevelopment's need to maintain indebtedness, however, Redevelopment had not taken action requesting the loan. If necessary Redevelopment would have a special meeting next week to request the loan. Supervisor Bennett moved that the Board of Supervisors loan Carson City Redevelopment Authority \$25,000 at 8 percent interest secured by Promissory Note Number 5 due and payable not later than March 30, 1992. Supervisor Tatro seconded the motion. Motion carried 4-0.

**BREAK:** At 10:20 a.m. a six minute recess was taken. When the meeting reconvened at 10:26 a.m. a quorum of the Board was present although Supervisor Feticc was absent as noted.

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

**A. ORDINANCES - FIRST READING - ACTION ON A WATERLINE REIMBURSEMENT ORDINANCE AND AGREEMENT FOR PETE RASNER (APN 9-226-03) LOCATED AT 230 CLEAR CREEK AVENUE AND (APN 9-226-04) LOCATED AT 270 CLEAR CREEK AVENUE (1-2593)** - Supervisor Tatro moved that the Board of Supervisors introduce on first reading Bill No. 109, AN ORDINANCE APPROVING A WATERLINE REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND PETE RASNER, REGARDING ASSESSOR'S PARCEL NO. 9-226-03, LOCATED AT 230 CLEAR CREEK AVENUE, AND ASSESSOR'S PARCEL NO. 9-226-04, LOCATED AT 270 CLEAR CREEK AVENUE, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 4-0.

**B. REGIONAL TRANSPORTATION COMMISSION MATTER - ACTION ON AWARD OF CONTRACT FOR CONSTRUCTION OF FAIRVIEW DRIVE IMPROVEMENTS FROM U.S. HIGHWAY 395 TO ROOP STREET (1-2678)** - Harvey Brotzman noted the estimate. Mayor Teixeira noted his earlier comments concerning the bid line item differences. Mr. Brotzman disclaimed the Eagle Valley excavation bid as it is going out of business. Supervisor Bennett moved that the Board approve Contract No. 9091-219, Fairview Drive Improvements, to T. E. Bertagnolli and Associates Construction as the lowest responsive and responsible bidder at the not to exceed cost of \$144,000. Supervisor Smith seconded the motion. Following a request for amendment, Supervisor Bennett continued the motion to include funding source is the RTC - Regional Transportation Commission - Funds. Supervisor Smith continued his second. Clarification noted that there is a \$10,000 contingency fund in the force account. The timeframe would allow completion prior to the opening Wal-Mart. The motion to approve the contract as indicated was voted and carried 4-0.

**C. UTILITY DIVISION MATTERS** - Dorothy Timian-Palmer.

**i. ACTION ON THE RIGHT-OF-WAY GRANT AGREEMENT BETWEEN UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT, AND CARSON CITY FOR THE PLACEMENT, CONSTRUCTION, AND FUTURE MAINTENANCE ACTIVITIES RELATED TO THE PROPOSED LOCATION OF THE TANSTAAFL WATER TANK AND PIPELINE (1-2885)** - Ms. Timian-Palmer explained the notification process for Richard Waiton. The agreement did not create a fiscal impact, therefore, Ms. Walker was not required to sign off. Supervisor Tatro moved that the Board accept staff's recommendation and approve and authorize the Mayor to sign the acceptance agreement between the Bureau of Land Management and Carson City to allow for the construction, project operation, and the maintenance of the proposed Tanstaafl Water Tank project. Supervisor Bennett seconded the motion. Motion carried 4-0.

**ii. ACTION ON CHANGE ORDERS NO. 6 AND 7 TO CONTRACT NO. 1988-03, DAYTON VALLEY AND CARSON VALLEY TEST WELLS (1-3053)** - Ms. Timian-Palmer explained the Change Orders in detail and responded to Board questions concerning the decision to convert the test wells into production wells and redrill Well 3. Another Change Order will be given to the Board at the next meeting on the another well. Staff felt the bid prices were valid and reasonable. Supervisor Tatro moved to approve and authorize the Mayor to sign Change Order No. 6 to Contract 1988-03 in the amount of \$74,971 with the funding source of Account No. 520-854-534-46729. Supervisor Bennett seconded the motion. Motion carried 4-0.

Supervisor Tatro then moved to approve and authorize the Mayor to sign Change Order No. 7 to Contract 1988-03 in the amount of \$82,673.50 with the funding source of Account No. 520-854-534-46725. Supervisor Bennett seconded the motion. Motion carried 4-0.

**iii. ACTION ON CHANGE ORDERS NO. 2 AND 3 AND FINAL PAYMENT ON CONTRACT NO. 1990-001, CARSON VALLEY PRODUCTION SOURCE WELL NO. 43 (2-0181)** - Discussion noted that by allowing the Contractor to buyout of the landscaping portion of the contract, the City had saved \$600 and the typographical error under the Fiscal Impact as Change Order No. 3 was a deduct amount of \$10,847. The majority of the overrun was related to undergrounding the power. Supervisor Tatro moved that the Board approve and authorize the Mayor to sign Change Order No. 2 to Contract No. 1990-001, Carson Valley Production Source, in the amount of \$46,940, funding source Accounts 420 and 520. Supervisor Smith seconded the motion. Motion carried 4-0.

Supervisor Tatro moved that the Board approve and authorize the Mayor to sign Change Order No. 3 to Contract 1990-001, Carson Valley Production Source, Well No. 43 in a deduct amount of \$10,847, funding sources accounts 420 and 520. Supervisor Smith seconded the motion. Motion carried 4-0.

Supervisor Tatro then moved that the Board approve and authorize final payment to Contract 1990-001, Carson Valley Production Source, Well No. 43 in the amount of \$34,552.27. Supervisor Bennett seconded the motion. Supervisor Tatro continued the motion to include funding source is Accounts 420 and 520. Supervisor Bennett again seconded the motion. Motion carried 4-0.

**iv. ACTION ON CHANGE ORDER NO. 1 AND FINAL PAYMENT ON CONTRACT No. 9091-119, 16 INCH RAW WATER PIPELINE (2-0333)** - Clarification ensued on the need for additional fittings, the \$4,000 difference in the bid/contract amount created by the Change Order, and procedures controlling change orders. Discussion ensued between Richard Waiton and Ms. Timian-Palmer concerning the need for the fittings and original estimate. Supervisor Smith moved that the Board approve and authorize the Mayor to sign Change Order No. 1 to Contract No. 9091-119, 16 inch raw water pipeline in the amount of \$4100, funding source Account 420-752-534-34592, total contract \$123,040. Supervisor Tatro seconded the motion. Motion carried 4-0.

Supervisor Smith moved that the Board approve final payment of Contract 9091-119, 16 inch raw water pipeline, in the amount of \$11,893.20 with the same funding source. Supervisor Tatro seconded the motion. Motion carried 4-0.

**v. UPDATE CONCERNING THE NEW EMPIRE AREA SEWER MAIN EXTENSION PROJECT (2-0507)** - Ms. Timian-Palmer explained the colored map, projected bid date, the plan to have the contractor install "Y's" for customer service connections, residential notification procedures, customer responsibility for the lateral and "Y", reasons "Y's" will not be installed if the residence is not going to be connected to the sewer system, the \$200,000 estimated cost for Phase I, and property owner's options. (2-0680) Pete Bachstadt noted that Dale Drive is a private street. The City has an utility easement. He noted that he had a lot which he had purchased with five mobiles on it. He felt the zoning would only accommodate four and expressed a willingness to discuss the matter with staff. He supported the extension. Ms. Timian-Palmer noted that additional work would be needed before the entire area would be serviced. No formal action was required on this Item.

**vi. ORDINANCE - FIRST READING (2-0725)**

**a. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 12.03 RELATING TO SEWER CONNECTION CHARGES AND USE RATES** - Mr. O'Brien reviewed all of the changes. Discussion ensued among staff and the Board concerning the winter average for individuals who are on vacation during the three month winter averaging period. (2-0945) May Ruth French started to ask a question on the water plan, however, decided to wait until the water ordinance is discussed. The Board directed the \$626 reserved for plant expansion be included in the Ordinance and not just in the budget process. Discussion ensued concerning the procedures under which service is terminated for delinquent accounts and the actual practice as the Board understood it. (2-1385) Pete Bachstadt questioned the recourses available to a tenant whose landlord fails to pay the bill and the tenant's water is turned off. Mayor Teixeira responded by explaining that this was a legal issue between the tenant and landlord if the tenant pays the bill. Mr. Bachstadt suggested an "out" be provided for the tenant. Discussion ensued concerning whether the term should be "shall" or "may" for having the water turned off with a written policy being established outlining the procedures to be followed. PSC regulations on other utilities were noted. (2-1605) Dwight Millard noted that the utility was the only one with the right to lien and that the water could not be placed in the tenant's name. He also pointed out that even the bankrupt businesses would eventually pay the liens when the properties are sold. He alleged that there is a firm owing the City \$250,000. Mr. Berkich responded by noting that this was a combination of water, sewer, and delinquent taxes. He felt that the outstanding bills which the Board would consider in the near future totaled \$50,000. Mr. Millard could not understand why a "write-off" was required when liens could be filed. Mr. Waiton expressed his feeling that he had pointed this situation out to Mr. Thornton during discussion of the expired

Business Licenses. Discussion ensued concerning the Board's direction to add the \$626 reserve for plant expansion section. In view of a need to discuss the terminology for such a clause a ten minute recess was taken at 11:33 a.m. When the meeting reconvened at 11:43 a.m. a quorum of the Board was present with Supervisor Fetic absent as noted. Mayor Teixeira expressed his feeling that shall should be included in the Ordinance concerning terminations. Supervisor Tatro then moved to introduce Bill No. 110 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 12.03.010 - DEFINITIONS, SECTION 12.03.020 - SCHEDULE OF RATES, SECTION 12.03.025 - CALCULATION AND REVIEW OF RATES, SECTION 12.03.030 - SCHEDULE OF SEWER CONNECTION AND HOOK-UP CHARGES, SECTION 12.03.040 AND 12.03.060 RELATING TO BILLING AND PAYMENT OF RATES AND CHARGES, AND OTHER MATTERS PROPERLY RELATED THERETO as presented by the City staff with the amendment to add a paragraph to Section 12.03.030 stating that \$626 of each SERC value shall be set aside in a reserve for future sewer plant expansion and also amended to delete Section 7 in its entirety. He then explained his reason for eliminating this Section until the Board has had an opportunity to review the procedures further. Supervisor Smith seconded the motion. Mr. Cockerill clarified that Section 7 is Section 12.03.070 which leaves the present Section 12.03.070 in effect. Supervisor Tatro's reasons for not including "shall" at this time were explained further. Mr. O'Brien expressed the desire to have the Section included due to the other "cleanup" changes. Supervisor Tatro felt the motion should stand. Supervisor Smith and Mayor Teixeira agreed. The motion was voted by roll call with the following result: Ayes - Smith, Tatro, Bennett, and Mayor Teixeira. Nays - None. Motion carried 4-0.

**b. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 12.01 RELATING TO WATER CONNECTION CHARGES AND USE RATES (2-2026)**  
- Mr. O'Brien reviewed all of the changes. Discussion noted procedures for billing water trucks, that the Ordinance contained a procedure whereby the staff reviewed new commercial/industrial usage and amended rates accordingly for a five year period, desire to have a reserve for water right acquisition, new procedures for new users who have established credit elsewhere, lien procedures, reasons the public is not to turnoff the water via the meter, and whether emergency turnoff procedures should be included in the ordinance. (3-0045) Mr. Waiton noted the quick response he had received when there was a break in the line in front of his residence. Staff discussed with him the liability he would incur if he turned off the line. Discussion noted the fire service charge and problems with RV and other vehicles being parked over meters. Supervisor Tatro moved to introduce Bill No. 111 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 12.01.010 - DEFINITIONS, SECTION 12.01.020 - SCHEDULE OF RATES, SECTION 12.01.030 - SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES, SECTION 12.01.040 - PAYMENT OF CONNECTION CHARGE, SECTION 12.01.060 - ESTABLISHMENT AND REESTABLISHMENT OF CREDIT, SECTION 12.01.080 - RENDERING AND PAYMENT OF BILLS, SECTION 12.01.090 - PROTESTS TO RATES AND CHARGES AND METER TESTS, SECTION 12.01.120 - WASTE OF WATER PROHIBITED, SECTION 12.01.130 - LIMITATIONS ON IRRIGATION, SECTION 12.01.140 - PERMIT REQUIRED FOR CONNECTION AND CONSTRUCTION, SECTION 12.01.150 - APPLICATION FOR BUILDING PERMIT REQUIRED BEFORE ISSUANCE OF A PERMIT FOR WATER SERVICE, SECTION 12.01.190 - DISCONTINUANCE AND RESTORATION OF SERVICE, SECTION 12.01.220 - FIRE PROTECTION, SECTION 12.01.240 - SERVICE CONNECTIONS AND CUSTOMER'S FACILITIES, SECTION 12.01.270 - PENALTIES, AND OTHER MATTERS PROPERLY RELATED THERETO as presented by the staff with an amendment as follows on Page 8 insert a Paragraph 3 to Section 12.01.030 to read: \$645 of each WERC value shall be set aside in a reserve for water rights purchase and further amending the Ordinance as presented by staff to delete Section 8. Supervisor Smith seconded the motion. Following clarification, Supervisor Tatro amended the motion to delete Section 12.01.100 rather than Section 8. Supervisor Smith continued his second. Motion carried 4-0.

BREAK: At 12:25 p.m. a lunch recess was declared. When the meeting reconvened at 1:30 a quorum was present although Supervisor Fetic was absent as noted.

**AGENDA MATTERS (3-0286)** - The Board and staff discussed the reasons the Airport Authority had been agendized. As the Airport Authority had not agendized the meeting separately, a quorum could not be present. Also, as the Agenda did not itemize any of the items to be discussed, formal action could not be taken by the Board of Supervisors. Staff was directed to contact the Airport Members and so inform them.

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

**A. PLANNING COMMISSION REFERRAL - REVIEW AND APPEAL MATTERS**

**i. ACTION ON MPA-90/91-5 - REQUEST FOR A MASTER PLAN AMENDMENT FROM CABELLEROS ACRES II TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM SUBURBAN RESIDENTIAL TO COMMERCIAL ON APPROXIMATELY 17 ACRES OF PROPERTY LOCATED NORTH OF THE INTERSECTION OF RACETRACK ROAD AND SCHULZ WAY (APN 9-311-33) - PLANNING COMMISSION APPROVED 6-1-0-0**

**ii. ORDINANCE - FIRST READING - ACTION ON Z-90/91-7 - REGARDING A CHANGE OF LAND USE REQUEST FROM CABELLEROS ACRES II TO REZONE PROPERTY APPROXIMATELY 17 ACRES FROM MOBILE HOME ONE ACRE (MH1A) TO NEIGHBORHOOD BUSINESS (NB) ON PROPERTY LOCATED IMMEDIATELY NORTHWEST OF THE INTERSECTION OF RACETRACK ROAD AND SCHULZ WAY (APN 9-311-33) - PLANNING COMMISSION APPROVED 6-1-0-0 (3-0395)** - Mr. Sullivan explained the requests, the Planning Commission recommendations, noise and drainage problems with the site, and adjacent uses. Board and staff discussion included uses allowed under the Neighborhood Business zoning, potential utilization of the NB zoning by the surrounding neighborhood, the noise generated by the racetrack, that the racetrack's zoning was grandfathered, staff's attempts to mitigate the noise problem with the storage units, the Board's desire to have a noise ordinance, the developer's plans, and the Public Works requirement that the waterlines be extended to and utilized by the development and that dry sewerlines be installed throughout the development. Mayor Teixeira noted that these requirements may open the door to high density uses under the neighborhood business zoning. (3-1020) Lynn Robey noted that he had been the individual who had sent each of the Supervisors a letter about his concerns. He expressed his feeling that a majority of the residents did not wish to see the change. He read from the letter Mr. Hensley had sent to the neighbors advising about his plans. Purportedly, Mr. Hensley was not going to seek a zoning change. Mr. Robey felt there had been a lot of delays in presenting and finalizing the matter and hinted at the possibility that if the issue is continued long enough opposition would die. He felt the racetrack noise was not a problem. He supported the requirements for water and sewer. (3-1245) Bob Dineen distributed a copy of his letter of opposition to the Board and read it into the record. He urged the Board to maintain the present status due to the historic value of the area. (3-1395) David Morton urged the Board to keep the master plan. (3-1415) Jane Dineen stressed her desire to maintain the status quo. She did not feel that the area wanted or needed neighborhood business zoning, the storage sheds, etc. She did not have a problem with the racetrack noise. Mayor Teixeira explained that the proposal to have storage sheds would reduce the density. He then questioned Ms. Dineen about her concern for the neighborhood once the zone change is granted. (3-1529) Mr. Sullivan explained for Pete Bachstadt that he was unaware of any connection between the T-Car owners and Mr. Hensley or between MSG and Mr. Hensley. There are no planned major arterials in the area other than the By-Pass. Temporary wells and septic tanks would be allowed until City services reach the area. (3-1575) Gail Thomssen urged the Board to maintain the integrity of the area and master plan and deny the request. Mayor Teixeira pointed out that she was not adjacent to the area. Ms. Thomssen responded by explaining the noise problem her area had with the racetrack. Mayor Teixeira then noted the entire City had once been zoned agricultural and that progress changed the needs. Mr. Sullivan then reviewed the reasons he felt the change would be good for the area and a resolution of intent which the Board may wish to adopt. Supervisors Smith and Bennett explained their concern about the requested change of land use. Mr. Sullivan responded by explaining staff's desire to mitigate the racetrack with the



proposal. (3-1927) Wyatt Owens of Owens Engineering representing the Applicant explained the original plan, the desire to mitigate the racetrack noise problem and reasons for the Applicant's willingness to install the dry sewer lines and set aside over three acres as open space along the Creek. If the request is denied, the area would be developed as zoned with the allowable number of units. Mayor Teixeira explained his support for the request. Discussion noted that dry sewers would not be mandated for a residential subdivision and the units allowed under present zoning. Supervisor Smith moved that the Board deny the Planning Commission's recommendation and deny the request from Cabelleros Acres II to amend the Master Plan Use Designation from Suburban Residential to Commercial on approximately 17 acres of property located north of the intersection of Racetrack Road and Schulz Way, Assessor's Parcel No. 9-311-33. Supervisor Bennett seconded the motion. Following request for amendment, Supervisor Smith amended the motion to include due to his feeling that the proposal was not in keeping with the Master Plan and will be detrimental to the immediate vicinity. Following discussion with staff concerning the findings necessary to support his motion, Supervisor Smith requested a five minute recess.

BREAK: At 2:35 p.m. a five minute recess was taken. When the meeting reconvened at 2:43 p.m. a quorum of the Board was present although Supervisor Fettic was absent as noted.

Supervisor Smith amended his motion to include the following findings: That he finds the project will not be in keeping with the Master Plan, specifically, Objective 1 Recommendation 1 of the Master Plan, the project will sacrifice character and quality of the surrounding property, specifically Objective 1 Recommendation 3, storage will not mitigate noise impacts, commercial zoning will be detrimental to the rural nature of the immediate residential vicinity, and the City as a whole will not benefit. Supervisor Bennett continued her second. Roll call was taken with the following result: Tatro - Expressed his feeling that the present zoning Mobile Home 1 Acre would allow for greater development potential than the the proposal and his desire to do a Resolution of Intent if the motion fails - No; Smith - Yes; Bennett - Yes; and Mayor Teixeira - No due to his feeling that the property would be returned with an increased density and without the ability to require extension of the waterline and sewer which would not be in the best interest of the City. Motion failed on a 2-2 vote.

Mayor Teixeira then outlined the terms he wished to see in a Resolution of Intent. Mr. Sullivan explained that, if a Resolution is desired, staff should be directed to draft one and return for Board action. He then explained the purpose of a Resolution of Intent. Supervisor Smith elaborated on his feeling that the request should be denied as it was a commercial encroachment on a residential district and the Resolution of Intent was merely a stall tactic until Supervisor Fettic could be present to address the issue. Supervisor Tatro explained his reasons for feeling that the plan was valid and should be granted. He, however, could not support commercial encroachment beyond the storage units. He felt adequate time should be granted for staff to draft the resolution of intent. Supervisor Bennett felt that to grant the request would establish a precedence for encroachment of commercial development surround the entire racetrack. She did not feel that the Resolution of Intent would be enforced. Mr. Sullivan explained the staff's reluctance to utilize the Resolutions of Intent. (4-0019) Supervisor Bennett then explained her feeling that the Developer could not pencil out the costs unless a large number of storage units are installed. Mr. Owens was unsure of the actual number of units which would be constructed but felt it would be three "banks" totalling approximately 150 units and a watchman's quarters. Supervisor Tatro then moved that the Board of Supervisors deny the Planning Commission recommendation to change the zoning from Suburban Residential to Commercial. Supervisor Tatro then corrected the zoning to be from Mobile Home 1 Acre to Neighborhood Business and continued the motion to be for Application Z-90/91-7 on Assessor's Parcel 9-311-33, based on the findings that the request would not be in keeping with the Master Plan, specifically Objective 1, Recommendation 1, that it would sacrifice the character and quality of the surrounding property, that commercial zoning would be detrimental to the rural nature of the immediate residential vicinity, and there is no benefit to the City as a whole. Supervisor Bennett seconded the motion. Clarification noted that this motion was similar to the previous motion. Motion was voted by roll call with the following result: Smith - Yes; Bennett - Yes; Tatro - Yes; and Mayor Teixeira - No. Motion carried 3-1. Mayor Teixeira then expressed his feeling that the Applicant would eventually return with 15 residential units, wells, and septic as zoned. He did not feel that this was a win for the City which

would override a 6-1 Planning Commission recommendation.

Supervisor Tatro then moved that the Board of Supervisors deny the Planning Commission recommendation MPA-90/91-5 to amend the Master Plan Land Use Designation from Suburban Residential to Commercial on approximately 17 acres of property located north of the intersection of Racetrack Road and Schulz Way on Assessor's Parcel No. 9-311-33 based on the same findings as in the previous motion. Supervisor Smith seconded the motion. Motion was voted by roll call with the following result: Smith - Yes; Tatro - yes; Bennett - Yes; and Mayor Teixeira - No. Motion carried 3-1.

**B. PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS**

**i. ACTION ON MPA-90/91-8 - REGARDING A MASTER PLAN AMENDMENT REQUEST FROM CARSON CITY TO AMEND THE MASTER PLAN LAND USE DESIGNATION FROM AGRICULTURE (A) TO PUBLIC (P) ON APPROXIMATELY 19 ACRES OF PROPERTY LOCATED APPROXIMATELY 4000 FEET SOUTH OF HIGHWAY 50 EAST AND APPROXIMATELY 2000 FEET EAST OF EDMONDS DRIVE (APN 8-361-18) - PLANNING COMMISSION APPROVED 6-0-1-0**

**ii. ORDINANCE - FIRST READING - ACTION ON Z-90/91-10 - REGARDING A REQUEST FROM CARSON CITY TO REZONE APPROXIMATELY 18.6 ACRES OF PROPERTY FROM SINGLE FAMILY 21000/PLANNED UNIT DEVELOPMENT (SF21000/PUD) TO PUBLIC (P) LOCATED APPROXIMATELY 4000 FEET SOUTH OF HIGHWAY 50 EAST AND APPROXIMATELY 2000 FEET EAST OF EDMONDS DRIVE (APN 8-361-18) - PLANNING COMMISSION APPROVED 6-0-1-0 (4-0220)** - Supervisor Bennett moved that the Board uphold the Planning Commission's recommendation to approve the Master Plan Amendment 90/91-8 request from Carson City to amend the Master Plan use designation from Agriculture to Public on Assessor's Parcel No. 8-361-18, approximately 2000 feet east of North Edmonds Drive, future River Knolls Subdivision Phases II - V. Supervisor Smith seconded the motion. Motion carried 4-0.

Supervisor Smith moved that the Board introduce on first reading Bill No. 112, AN ORDINANCE EFFECTING A CHANGE OF LAND USE ON ASSESSOR'S PARCEL NUMBER 8-361-18 SAID PARCEL BEING 14 ACRES LOCATED AT THE NORTH AND EAST END OF FERGUSON RANCH ROAD IN CARSON CITY, NEVADA, FROM LOW DENSITY RESIDENTIAL SF21000/PUD TO PUBLIC (P) AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 4-0.

**C. PLANNING COMMISSION REFERRAL - REVIEW AND APPEAL MATTER (4-0305)**

**ii. ACTION ON M-90/91-15 - REQUEST TO ABANDON A SIX HUNDRED THIRTY FOOT IN LENGTH PORTION OF PUBLIC RIGHT-OF-WAY KNOWN AS PURSIA DRIVE, ADJACENT TO APN 10-085-05 AND WEST OF PINION HILLS DRIVE - PLANNING COMMISSION APPROVED 6-0-1-0** - Supervisor Smith moved that the Board approve and uphold the Planning Commission recommendation for the request from Kyle and Victoria Hudak to abandon a 635 foot undeveloped portion of public right-of-way known as Pursia Drive adjacent to Assessor's Parcel No. 10-085-05. Supervisor Bennett seconded the motion. Motion carried 4-0.

**D. OTHER MATTERS (4-0367)**

**ii. ACTION ON P-90/91-1 - REVIEW AND POSSIBLE APPROVAL OF A REVERSION TO ACREAGE MAP REQUESTED BY BOB AUSTIN FOR STAFFORD GREENS PLANNED UNIT**

**DEVELOPMENT UNIT NO. 5 (4-0371)** - Following clarification of the location, Supervisor Bennett moved that the Board uphold the Applicant's request for the Stafford Greens Planned Unit Development Agreement No. 5 reversion to acreage map. Supervisor Smith seconded the motion. Motion carried 4-0.

**E. ORDINANCE - FIRST READING - ACTION ON A-89/90-2 - REGARDING A REQUEST FROM CARSON CITY TO AMEND THE CARSON CITY MUNICIPAL CODE SECTION 15.26, ADOPTION OF THE REVISED MOBILE HOME PARK ORDINANCE - PLANNING COMMISSION APPROVED 6-0-1-0 (4-0415)** - Continued to April at staff's request due to format problems.

BREAK: A five minute recess was called at 3:10 p.m. When the meeting reconvened at 3:15 p.m. a quorum was present although Supervisor Feticc was absent as noted.

**10. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES - STATUS REPORTS REGARDING: CITY STAFF INTERPRETERS AND HISPANIC COMMUNITY; CONSTRUCTION OF DOWNTOWN SUPER PARKING LOT; DOWNTOWN PARKING WORKSHOP; WORKSHOP ON BUILDING AND FIRE CODE ENFORCEMENT; CITY AGREEMENT WITH KLEINFELDER, INC., FOR A SOLID WASTE MANAGEMENT PLAN (4-0420)** - A final report on the bilingual staff may be ready for the next meeting. Problems with Federal regulations are being worked on by the City staff and American Federal Savings and Loan. A new agreement with the firm will be presented soon. Hopefully, this will not delay design and summer construction of the super parking lot. Staff is evaluating the comments received from the Downtown Parking Workshop. A report may be ready for the next Board meeting. The resolution of the daycare center problem with the Fire Code was explained. The appeals board will be brought to the Board for appointments shortly. The Task Order with Kleinfelder is being reviewed by staff. The WNDD Program will be discussed under Supervisor Comments.

**11. BOARD OF SUPERVISOR REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-0575)**

**B. MAYOR TEIXEIRA; AND, D. SUPERVISOR FETTIC** - None.

**C. SUPERVISOR SMITH (4-0577)** - Explained Parks and Recreation Commission's discussion of the proposal to increase the swimming pool fees and had established an ad hoc committee, had established an ad hoc committee to evaluate the need for a nine hole executive golf course versus two additional softball fields, had voted to release the construction tax funds and to reopen the allocation process, was working on a memorial to Domonic Oxoby, had supported an Administrative Assistant for Mr. Kastens. U.S. Open Baseball's desire to use Governor's Field for an Olympic Quality Baseball Tournament, the potential impact of those tourists, and repair of a street problem at Division and John were also explained. Supervisor Bennett urged Supervisor Smith to include timeframes for completion of RCT items and need for compensation for any work performed by the City for the U.S. Open Baseball's tournaments. Supervisor Smith then explained concern about the desire to have an annual lease of the facilities for this purpose. He felt that local users were the number one priority which would conflict with the U.S. Open Baseball's August tournament. Conflict with the soccer practices by the tournament was also discussed.

**D. SUPERVISOR TATRO (4-0804)** - Requested the City Manager add to his status reports the City's pastdue policy/collection procedures for water, sewer, and taxes. Mr. Berkich explained that a bankruptcy report would be presented at the next meeting. Supervisor Tatro then requested a status report be provided on Reno's rental rehabilitation program. His understanding of the program was explained. The grant applications being considered by the Carson City Convention and Visitor's Bureau were briefly outlined. A report is being made which will demonstrate to the Bureau that recreational facilities within Carson City are providing significant return to the tourist industry including the number of room nights utilized for various activities. The attempt will be

made to receive continual funding of YSA activities as a line item.

**E. SUPERVISOR BENNETT (4-1031)** - CPR for 1991 has started. Neighborhood Beautification Council's meeting and noise/nuisance abatement progress were explained. WNDD has been discussing with UNR its access to EDA funding for regional landfill studies. TPRR will address the dredging and temporary access to the Lake at its next meeting. Discussion noted the snowpack potential may cause the Lake to return to the rim.

**APPOINTMENT OF ALTERNATE CARSON CITY REPRESENTATIVES** - None.

**CITIZEN COMMENTS (4-1150)** - None.

**11. A. DISCUSSION AND POSSIBLE ACTION REGARDING 1991 LEGISLATIVE MATTERS** - Mayor Teixeira explained that the Finance Committees had chosen to fund the welfare programs under the State rather than transfer the burden to the Counties/Cities until the end of the present fiscal year. His button supporting the permanent retention of the program under the State was explained. Mr. Berkich explained AB 290 on the Capitol City Complex and staff's involvement. The Children's Museum Bill and funding were noted. SCRRT is still being considered. A special Statewide election appears to have been dropped. Progress on the Museum funding and delay in construction were discussed.

**OTHER ITEMS:** Discussion noted that the evening session was still scheduled. The Airport Authority would not have a quorum present. Discussion ensued concerning Board direction on future joint meetings.

**BREAK:** At 4:20 p.m. a recess was declared. When the meeting was reconvened at 6 p.m. Board members present were: Supervisors Smith, Tatro, Bennett, and Mayor Teixeira. A quorum was present. Airport Authority Members present were: Chairperson Bob Thomas, Secretary-Director of Finance Ted **Melsheimer, and Walt Sullivan (also Community Development Director)**. A quorum was not present. Staff members present included: **City Manager Berkich, Clerk-Recorder Nishikawa, Community Development Director Walt Sullivan (also a member of the Authority), Deputy District Attorney Suglia, and Recording Secretary McLaughlin.**

**Mayor Teixeira began the session by noting that the Planning Commission items for Harold Jacobsen had been postponed.**

**COMMUNICATIONS/ISSUES REGARDING OTHER ENTITIES - HOSPITAL, SCHOOLS, BOARDS, COMMITTEES, COMMISSIONS, AGENCIES, ETC. (4-1535)**

**12. AIRPORT AUTHORITY - DISCUSSION AND POSSIBLE ACTION REGARDING AIRPORT MATTERS** - Chairperson Thomas began the session by introducing Members Melsheimer and Sullivan. Discussion then ensued between the Authority and Board on the Airport's financial position, revenue sources, the lack of landing fees, potential for recouping some of the airplane personal property taxes, the Authority's personal knowledge of this tax and share currently received by the City, the contracted employees and their services, volunteer services, the through-the-fence policy, the Authority's position on being accredited by FAA in order to receive grants on its own merits rather than under the City, Truckee's airport and its operation and similar improvements which Carson City should consider making, the drainage problem for the area where these improvements could be made, potential funding and construction costs of such improvements, the possibility that the Board may consider during the budget process a loan for this purpose, desire to have in-house engineering and paving, need for "fog" sealing, Hangar Seven's bankruptcy, the lease negotiation process, safety concerns, enforcement of Title 19, penalties for failure to follow the "pattern procedures", the education program and brochure on the "pattern procedures", the airport business license and its fee, policing and enforcement procedures,

future FAA grants, radio communication problems, the City's commitment to cooperate whenever possible, and the office telephone number--882-2042. Mayor Teixeira felt that the success of the Authority had been due to the volunteers and commended the Authority on its utilization of them. Chairperson Thomas felt that the present system would continue to work until growth causes a need for an operation similar to Truckee's.

(5-0212) May Ruth French questioned the staff, Authority, and Board on the wisdom of using City crews to seal the cracks at the Airport. She felt this time and money could be better utilized sealing/filling street cracks. She agreed to meet with Mayor Teixeira concerning areas she felt should have work done.

Member Sullivan then explained his feeling that the Authority was cohesive and outlined projects which had been accomplished during his tenure. Discussion noted the potential for a name change. Member Melsheimer then explained an electrical problem in the terminal building which he felt should be addressed and not continued to be bandaied. He also suggested that turf be placed on the two dirt strips and irrigated with effluent if possible. Daily flights and air freight services were discussed. Supervisor Bennett and Mayor Teixeira thanked the Authority for the presentation. Chairperson Thomas thanked the Board for its concern and "ignoring the Authority unless needed by the Authority".

No formal action was taken on this matter.

Supervisor Smith moved to adjourn. Supervisor Bennett seconded the motion. Motion carried 4-0. Mayor Teixeira adjourned the meeting at 7 p.m.

The Minutes of the Carson City Board of Supervisors March 21, 1991, meeting

ARE SO APPROVED ON \_\_\_\_\_April\_18\_\_\_\_\_, 1991.

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

ATTEST:

\_\_\_\_\_/s/\_\_\_\_\_  
Kiyoshi Nishikawa, Clerk-Recorder