

CARSON CITY BOARD OF SUPERVISORS

Minutes of the April 3, 2014 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, April 3, 2014 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Mayor Robert Crowell
Supervisor Karen Abowd, Ward 1
Supervisor Brad Bonkowski, Ward 2
Supervisor John McKenna, Ward 3
Supervisor Jim Shirk, Ward 4

STAFF: Marena Works, Interim City Manager
Alan Glover, Clerk - Recorder
Randal Munn, Chief Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the Clerk, during the meeting, are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:30:25) - Mayor Crowell called the meeting to order at 8:30 a.m. Mr. Glover called the roll; a quorum was present. First Christian Church Pastor Ken Haskins provided the invocation. At Mayor Crowell's request, Bruce Kittess led the pledge of allegiance.

5. PUBLIC COMMENT (8:31:57) - Mayor Crowell entertained public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - January 16, 2014 (8:32:21) - Mayor Crowell entertained suggested revisions and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to approve the minutes, as presented. Supervisor Abowd seconded the motion. Motion carried 5-0.**

7. POSSIBLE ACTION TO ADOPT THE AGENDA (8:32:48) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed it adopted, as published. (10:47:07) At Ms. Works' request, Mayor Crowell modified the agenda to address item 23 prior to item 22.

8. SPECIAL PRESENTATIONS:

8(A) PRESENTATION OF A PROCLAMATION FOR NATIONAL SERVICE RECOGNITION DAY (8:33:09) - Mayor Crowell introduced this item, and invited RSVP Executive Director Susan Haas to the podium. Ms. Haas introduced several guests, and Mayor Crowell read the proclamation into the record. Mayor Crowell presented Ms. Haas with the original Proclamation, and invited her to comment. (8:36:02) Ms. Haas discussed the value of volunteerism, and thanked the Board for the recognition.

8(B) PRESENTATION OF A PROCLAMATION FOR FAIR HOUSING MONTH, APRIL 2014 (8:37:40) - Mayor Crowell introduced this item, read into the record the language of the Proclamation, and presented the original to Mr. Ortiz. (8:39:12) Silver State Fair Housing Council Director of Programs

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Roberto Ortiz discussed his agency's mission, and thanked the Board for their efforts to ensure fair housing opportunities in the community.

9. CONSENT AGENDA (8:40:19) - Mayor Crowell introduced this item, and advised of having been requested to separately hear items 9-2(B), 9-3(B), 9-3(C), and 9-3(D). He entertained additional requests to hear items separate from the consent agenda and, when none were forthcoming, entertained a motion to approve the remainder of the consent agenda. **Supervisor McKenna moved to approve the consent agenda, consisting of one item from the Assessor; one item from Finance; one item from Public Works; one item from Purchasing and Contracts. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor John McKenna
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors McKenna, Bonkowski, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

9-1. ASSESSOR - POSSIBLE ACTION TO APPROVE THE CORRECTION, DECREASE, AND REFUND OF THE TAXES FOR THE 2010 / 11, 2011 / 12, 2012 / 13, AND 2013 / 14 TAX YEARS FOR PARCEL NUMBER 010-642-10, 3752 MARGARET'S COURT, PURSUANT TO NRS 361.765 AND 361.768, IN THE AMOUNT OF \$1,270.83

9-2. FINANCE DEPARTMENT

9-2(A) POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH MARCH 24, 2014, PURSUANT TO NRS 251.030 AND NRS 354.290

9-2(B) POSSIBLE ACTION TO APPROVE THE APPLICATION TO REMOVE THE UNCOLLECTIBLE ACCOUNTS RECEIVABLE SPECIFIED IN THE APPLICATION FROM THE RECORDS OF THE AMBULANCE FUND, FOR A TOTAL AMOUNT OF \$733,793.45, IN UNCOLLECTIBLE ACCOUNTS RECEIVABLE (8:46:50) - Mayor Crowell introduced this item. Fire Chief Stacey Giomi provided background information and reviewed the agenda materials. Chief Giomi and Finance Department Director Nick Providenti responded to questions of clarification.

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion. **Supervisor Bonkowski moved to approve the application to remove the uncollectible accounts receivable specified in the application from the records of the ambulance fund for a total amount of \$733,793.45 in uncollectible accounts receivable. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, McKenna, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

9-3. PUBLIC WORKS DEPARTMENT

9-3(A) POSSIBLE ACTION TO APPROVE THE DEDICATION OF RIGHT-OF-WAY FROM APN 009-303-02, LOCATED ON VISTA GRANDE BOULEVARD, JUST SOUTH OF OLD CLEAR CREEK ROAD

9-3(B) POSSIBLE ACTION TO APPROVE THE DEDICATION OF AN 80-FOOT WIDE STRIP OF RIGHT-OF-WAY FROM DOUGLAS COUNTY, APN 1420-06-502-001, LOCATED ON VISTA GRANDE BOULEVARD, JUST SOUTH OF THE CARSON CITY / DOUGLAS COUNTY LINE (8:57:41) - Mayor Crowell introduced this item. Project Manager Tom Grundy reviewed the agenda materials, and responded to corresponding questions of clarification. Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion. **Supervisor Abowd moved to approve the dedication of an 80-foot wide strip of right-of-way from Douglas County, APN 1420-06-502-001, located on Vista Grande Boulevard just south of the Carson City / Douglas County line. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Shirk advised that he would vote against the motion in consideration of “the value of the property.” Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

RESULT:	Approved [4 - 1]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, McKenna, and Mayor Crowell
NAYS:	Supervisor Jim Shirk
ABSENT:	None
ABSTAIN:	None

9-3(C) POSSIBLE ACTION TO ADOPT A RESOLUTION AND APPROVE AN INTERLOCAL AGREEMENT, BETWEEN CARSON CITY AND THE NEVADA TAHOE CONSERVATION DISTRICT, FOR THE PURPOSE OF STORMWATER ASSET UPDATES TO THE FACILITIES DATABASE ASSISTANCE (9:01:28) - Mayor Crowell introduced this item. Flood Plain Manager Robb Fellows provided background information and reviewed the agenda materials. He introduced Doug Martin, of the Nevada Tahoe Conservation District, and responded to questions of clarification.

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Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt Resolution No. 2014-R-5, and approve an interlocal agreement, between Carson City and the Nevada Tahoe Conservation District, for the purpose of providing stormwater asset updates to the facilities database assistance. Supervisor McKenna seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor John McKenna
AYES:	Supervisors Abowd, McKenna, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

9-3(D) POSSIBLE ACTION TO APPROVE THE SUBMITTAL OF AN APPLICATION FOR A TRANSPORTATION INVESTMENT GENERATING ECONOMIC RECOVERY (“TIGER”) PLANNING GRANT FOR THE PLANNING AND DESIGN OF A COMPLETE STREETS AND CORRIDOR IMPROVEMENTS PROJECT (9:05:45) - Mayor Crowell introduced this item, and Transportation Manager Patrick Pittenger reviewed the agenda materials. Mr. Pittenger and Deputy Public Works Director Andy Burnham responded to questions of clarification.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to approve the submittal of an application for a Transportation Investment Generating Economic Recovery (“TIGER”) planning grant for the planning and design of a complete streets and corridor improvements project. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, McKenna, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

9-4. PURCHASING AND CONTRACTS - POSSIBLE ACTION TO APPROVE CONTRACT NO. 1314-172, A REQUEST TO HAVE THE BOARD OF SUPERVISORS DETERMINE THAT THE LISTED PROPERTY IS NO LONGER REQUIRED FOR PUBLIC USE AND DEEM ITS SALE BY PUBLIC AUCTION DESIRABLE AND IN THE BEST INTERESTS OF CARSON CITY

10. RECESS BOARD OF SUPERVISORS (8:41:11) - Mayor Crowell recessed the Board of Supervisors at 8:41 a.m.

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LIQUOR AND ENTERTAINMENT BOARD

11. CALL TO ORDER AND ROLL CALL (8:41:13) - Chairperson Crowell called the Liquor and Entertainment Board to order at 8:41 a.m., noting the presence of a quorum, including Member Ken Furlong.

12. PUBLIC COMMENT (8:41:29) - Chairperson Crowell entertained public comment; however, none was forthcoming.

13. COMMUNITY DEVELOPMENT DEPARTMENT, BUSINESS LICENSE DIVISION - POSSIBLE ACTION TO APPROVE OSU KWON AS THE LIQUOR MANAGER FOR HIROBA SUSHI, LLC DBA TOMO SUSHI & GRILL, LIQUOR LICENSE NO. 14-29990, LOCATED AT 135 CLEARVIEW DRIVE, SUITE 124 (8:41:36) - Chairperson Crowell introduced this item, and Member Bonkowski disclosed that Hiroba Sushi, LLC is a client of his real estate firm. He advised that, although he would not obtain any direct financial benefit from the outcome of the subject matter, he cares “that his firm's clients enjoy continuing business success and [he] unavoidably has a commitment in a private capacity, through [his] firm, that some might say could reasonably affect his independent judgment.” Therefore, pursuant to NRS 281A.420(3), Supervisor Bonkowski advised that he would not participate, advocate, or vote on the subject item.

Senior Permit Technician Lena Reseck reviewed the agenda materials, noting staff's recommendation of approval. (8:43:06) In response to a series of questions, Mr. Kwon discussed his experience as a restaurateur, explained the reasons for assigning management responsibility to his brother-in-law, and discussed the methods by which he will prevent the sale of alcohol to minors.

Chairperson Crowell entertained additional questions of the board members and, when none were forthcoming, a motion. **Member Abowd moved to approve Osu Kwon, as the liquor manager for Hiroba Sushi, LLC, dba Tomo Sushi & Grill, liquor license no. 14-29990, located at 135 Clearview Drive, Suite 124. Member McKenna seconded the motion.** Chairperson Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0 - 1]
MOVER:	Member Karen Abowd
SECOND:	Member John McKenna
AYES:	Members Abowd, McKenna, Furlong, Shirk, and Chair Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	Member Brad Bonkowski

Chairperson Crowell thanked Mr. Kwon for investing in Carson City.

14. PUBLIC COMMENT (8:46:23) - Chairperson Crowell entertained public comment; however, none was forthcoming.

15. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD (8:46:36) - Chairperson Crowell adjourned the Liquor and Entertainment Board at 8:46 a.m.

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16. RECONVENE BOARD OF SUPERVISORS (8:46:42) - Mayor Crowell reconvened the Board of Supervisors at 8:46 a.m.

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

17. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:46:45) - Please see the minutes for items 9-2(B), 9-3(B), 9-3(C) and 9-3(D).

18. COURTS AND CLERK-RECORDER - POSSIBLE ACTION TO APPROVE THE PURCHASE OF A FLEXSCAN MICROFILM SCANNER, FLEXSCAN SOFTWARE, AND ESSENTIAL ITEMS FOR THE PROPER INSTALLATION AND FUNCTIONING OF THE EQUIPMENT, IN THE AMOUNT OF \$59,782, USING COURT RESTRICTED FUNDS, PURSUANT TO NRS 19.0302 (9:17:42) - Mayor Crowell introduced this item. Mr. Glover invited Court Administrator Max Cortes to the podium, and reviewed the agenda materials. Ms. Cortes provided additional information and clarification. She and Mr. Glover responded to questions of clarification.

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion. **Supervisor Abowd moved to approve the purchase of a Flexscan microfilm scanner, Flexscan software, and essential items for the proper installation and functioning of the equipment, in the amount of \$59,782, using court restricted funds, pursuant to NRS 19.0302. Supervisor McKenna seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor John McKenna
AYES:	Supervisors Abowd, McKenna, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

19. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION - POSSIBLE ACTION TO ADOPT BILL NO. 106, ON SECOND READING, AN ORDINANCE AMENDING THE SCHULZ RANCH DEVELOPMENT AGREEMENT, BETWEEN CARSON CITY, SCHULZ RANCH, LLC, AND RYDER-DUDA, LLC, TO ADD THE PHASING OF DEVELOPMENT IMPROVEMENTS, AND OTHER MATTERS PROPERLY RELATED THERETO (9:30:05) - Mayor Crowell introduced this item and, in response to a question, Planning Manager Susan Dorr Pansky advised of no revisions to the proposed ordinance since introduction, on first reading. Mayor Crowell entertained Board member questions or comments, and public comments. When no questions or comments were forthcoming, he entertained a motion. **Supervisor Bonkowski moved to adopt Bill No. 106, on second reading, Ordinance No. 2014-6, an ordinance amending the Schulz Ranch Development Agreement, between Carson City, Schulz Ranch, LLC, and Ryder-DUDA Carson LLC, regarding the development of a common open space subdivision, located between Center Drive and Schulz Drive, APNs 009-311-64, -65, -67, -68; 010-671-06, -07, -08, -09, -10, -11, -12, -13, -14, and -15, to provide a phasing plan for development, and other matters properly related thereto.** Supervisor

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McKenna seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor John McKenna
AYES:	Supervisors Bonkowski, McKenna, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

In response to a comment, Ms. Dorr Pansky advised that “phase 1 is in for review.”

20. PURCHASING AND CONTRACTS

20(A) POSSIBLE ACTION TO REJECT HERBACK GENERAL ENGINEERING'S BID PROTEST BASED ON THE DETERMINATION THAT SIERRA NEVADA CONSTRUCTION, INC. DID FOLLOW BID PROPOSAL PROCEDURES AND WAS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER (9:31:38) - Mayor Crowell introduced this item, and Purchasing and Contracts Manager Kim Belt reviewed the agenda materials. Mayor Crowell called for a Herback General Engineering representative; however, no one was forthcoming. Ms. Belt advised that Herback General Engineering was notified, by correspondence, of the date of this meeting. She responded to questions of clarification with regard to the subject item. In response to a further question, Ms. Belt advised of having received no contact from Herback General Engineering following the March 21, 2014 letter which was included in the agenda materials.

Mayor Crowell called again for a Herback General Engineering representative; however, no one was forthcoming. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to reject Herback General Engineering's bid protest, based on the determination that Sierra Nevada Construction, Inc. did follow bid proposal procedures and was the lowest responsive and responsible bidder. Supervisor McKenna seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor John McKenna
AYES:	Supervisors Bonkowski, McKenna, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(B) POSSIBLE ACTION TO DETERMINE THAT SIERRA NEVADA CONSTRUCTION, INC. IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 1314-142, COSTCO INTERTIE AND VISTA GRANDE WATERLINE, TO SIERRA NEVADA CONSTRUCTION, INC. FOR A BID AMOUNT OF \$1,129,007.00, PLUS A CONTINGENCY AMOUNT NOT TO EXCEED \$113,000.00, TO BE FUNDED FROM THE PUBLIC WORKS CAPITAL PROJECTS / CONSTRUCTION ACCOUNTS

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IN VARIOUS PUBLIC WORKS FUNDS, AS PROVIDED IN FY 2013 / 2014 (9:38:05) - Mayor Crowell introduced this item, and Purchasing and Contracts Manager Kim Belt reviewed the agenda materials. In response to a question, Ms. Belt reviewed the method by which contingency amounts are determined. She acknowledged there is a change order process. She and Deputy Public Works Director Andy Burnham responded to additional questions of clarification.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to determine that Sierra Nevada Construction, Inc. is the lowest responsive and responsible bidder, pursuant to NRS Chapter 338, and to award Contract No. 1314-142, Costco Intertie and Vista Grande Waterline, to Sierra Nevada Construction, Inc. for a bid amount of \$1,129,007.00, plus a contingency amount not to exceed \$113,000.00, to be funded from the Public Works Capital Projects / Construction Accounts in various Public Works funds, as provided in FY 2013 / 2014. Supervisor McKenna seconded the motion.** Mayor Crowell entertained discussion and, when none was forthcoming, called for a vote on the pending motion.

RESULT:	Approved [5 - 0]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor John McKenna
AYES:	Supervisors Abowd, McKenna, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell recessed the meeting at 9:44 a.m., and reconvened at 9:57 a.m.

21. FINANCE DEPARTMENT

21(A) POSSIBLE ACTION: PRESENTATION, DISCUSSION, ACCEPTANCE, AND POSSIBLE DIRECTION TO STAFF REGARDING IMPLEMENTATION OF A FLEET MANAGEMENT UTILIZATION STUDY, AS PROVIDED BY MOSS ADAMS, LLP (9:57:11) - Mayor Crowell introduced this item. Audit Committee Chairman Michael Bertrand introduced Moss-Adams, LLP Policy and Program Director Mark Steranka, and provided background information on this item. In response to a question, Mr. Steranka suggested that a typical outcome would be for the Board to give direction to management staff to prepare an implementation plan. He and Mr. Bertrand responded to corresponding questions of clarification.

Mr. Steranka reviewed the Final Report, which was included in the agenda materials. He and Deputy Public Works Director Andy Burnham responded to questions of clarification, and extensive discussion took place. Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments. When no public comments were forthcoming, he entertained a motion. **Supervisor Bonkowski moved to accept the Fleet Management Utilization Study prepared by Moss-Adams, LLP, and direct staff to bring back implementation plans, based on the Board of Supervisors discussion, by the first meeting in June. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bonkowski, Abowd, McKenna, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

21(B) PUBLIC HEARING ON THE INTENT OF CARSON CITY, NEVADA TO ISSUE A MEDIUM-TERM OBLIGATION, IN AN AMOUNT OF UP TO \$2,700,000, TO FINANCE THE COST OF PURCHASING, UPGRADING, AND REPLACING THE EQUIPMENT AND SOFTWARE NECESSARY TO OPERATE THE CITY'S 911 ENHANCED TELEPHONE SYSTEM, AND THE COST OF IMPROVEMENTS AND EQUIPMENT FOR THE CITY'S LANDFILL (10:40:26) - Mayor Crowell introduced this item, and opened the public hearing. Finance Department Director Nick Providenti provided background information on this item, and reviewed the agenda materials. Supervisor McKenna pointed out a clerical error in the address listed in the Notice of Public Hearing. In response to a question, Bond Counsel Jennifer Stern advised that the public hearing could go forward despite the error. At Supervisor McKenna's request, Mr. Glover provided the correct address for the Clerk's Office. Following discussion, consensus of the Board was to republish the Notice of Public Hearing and to defer action on item 21(C). Mayor Crowell entertained public comment and, when none was forthcoming, closed the public hearing.

21(C) POSSIBLE ACTION TO ADOPT A RESOLUTION AUTHORIZING A MEDIUM-TERM OBLIGATION, IN AN AMOUNT OF UP TO \$2,700,000, TO FINANCE THE COST OF PURCHASING, UPGRADING, AND REPLACING EQUIPMENT AND SOFTWARE NECESSARY TO OPERATE THE CITY'S 911 ENHANCED TELEPHONE SYSTEM, AND THE COST OF IMPROVEMENTS AND EQUIPMENT FOR THE CITY'S LANDFILL; AND PROVIDING THE EFFECTIVE DATE HEREOF (10:46:27) - Based on previous discussion, Mayor Crowell advised that this item would be deferred to a future meeting.

22. PUBLIC WORKS DEPARTMENT AND FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE 2014 / 15 THROUGH 2018 / 19 CAPITAL IMPROVEMENT PROGRAM (12:26:03) - Mayor Crowell introduced this item. Finance Department Director Nick Providenti provided a recapitulation of last year's CIP proposals, and reviewed this year's proposals in conjunction with displayed slides. Mr. Providenti, Deputy Public Works Director Andy Burnham, and various other City staff members responded to questions of clarification, and discussion ensued.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to accept the 2014/2015 through 2018/2019 Capital Improvement Program, with the addition of moving the Juvenile Probation / Detention Secured - Gated Parking Area item, for \$24,999, to the list of projects recommended for funding. Supervisors McKenna and Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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RESULT:	Approved [5 - 0]
MOVER:	Supervisor Brad Bonkowski
SECOND:	Supervisors John McKenna and Karen Abowd
AYES:	Supervisors Bonkowski, McKenna, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

23. TREASURER - POSSIBLE ACTION TO ORDER AND DIRECT THE CARSON CITY TREASURER, SHOULD TAXES, COSTS, PENALTIES, AND INTEREST LEGALLY CHARGEABLE AGAINST THE PROPERTY NOT BE PAID, TO PROCEED WITH STEPS LEADING TO EITHER THE PROPERTY BEING SOLD TO SATISFY THE TAXES DUE OR THE PROPERTY BEING ACQUIRED BY THE CITY; THE PROPERTY TO BE NOTICED IS PARCEL 010-581-15, ALSO KNOWN AS THE EMPIRE RANCH GOLF COURSE (10:47:31) - Mayor Crowell introduced this item. Treasurer Al Kramer provided background information, reviewed the agenda materials, and responded to questions of clarification. Mr. Munn read into the record NRS 361.603(2) and provided an explanation of the same relative to the subject item. Mr. Kramer and Deputy Public Works Director Andy Burnham responded to additional questions of clarification regarding the effect of the recommended action, as outlined in the staff report.

Mayor Crowell entertained public comment. (11:16:35) Theresa Buzonic, a resident of Empire Ranch Estates, expressed no preference with regard to ownership of the golf course but concern over “an unfavorable situation on that land that's right across the street from my house.” She expressed the hope that the Board will “use every possible caution ... to not jump into something without having a very, very, very thorough plan of what you want to do with the land.”

Mayor Crowell entertained additional public comment; however, none was forthcoming. Mr. Kramer responded to additional questions of clarification with regard to the time line associated with the recommended action. Extensive discussion followed.

(11:35:00) In response to a question, Ms. Buzonic reiterated no preference over ownership of the Empire Ranch Golf Course, and concern over some use that would “harm the neighborhood.”

Mr. Munn emphasized that “no one is advocating taking away effluent water from this property ... That's just part of contingency planning that the option to remove that is in the hands of the owner and if he was to be foreclosed upon or if he was to sell the property, then that covenant is in the hands of someone else.”

(11:36:03) In response to a question from Garret Lepire, Supervisor McKenna expressed the understanding that “there has been [a \$3 million figure] thrown around as to what it would cost the City to buy [the golf course.] If the City tries to take it for \$188,000 and we walk over to the steps of the courthouse, most likely someone who holds a note on the property that is in excess of \$188,000, plus interest and fees, would bid their note and they would acquire the property. It's just standard tax sales. Just like any other piece of property, it would be treated the same way. ... The other way around it is ... somebody deposit a cashier's check in Mr. Kramer's office and it clears and then it's between the homeowners and the property.” Discussion followed to further clarify the explanation.

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(11:41:59) Dwight Millard explained “this is a non-adversarial situation. ... we've talked with the City. We've talked with Public Works. We kinda understand the problem. ... the contract with Empire has a lot more water and in a dry year, like now, you have to get the water ... or you're going to put potable water on parks and golf courses and pay for it. So that's something you need and you also need the land to get rid of the effluent or you're in violation of your EPA stuff that comes out of Washington. Those are just facts, but that's not what I want to talk to you about.” Mr. Millard expressed the opinion that the Board doesn't “have a choice today on which way you go. You've ordered an appraisal to possibly acquire Empire Ranch. Why would you ever vote to put it to public sale and not buy it when you have a chance to buy it for \$185,000? That's a no-brainer to me. I mean, if you're going to buy it, and you're not saying you are but you ordered an appraisal, so certainly you think you might buy it, why wouldn't you try to buy it for \$185,000? ... that's the prudent thing to do.” Mr. Millard expressed the opinion that the Board has no choice. He assured the Board that the taxes will be paid, “but the point is that you've ordered an appraisal and it's not here yet and in two weeks you're going to get your effluent report. ... the appraisal you ordered that you considered that you might buy this because you need it and you don't need it for public use, as far as a park, but you do need the land to put the effluent on and you do need the excess water. You need that. That's a public need, if you will. But the appraisal that you ordered, if you recall, is a two-phase appraisal and the first phase is whether it should be appraised as a golf course or whether it has more value as a higher and better use. So, if you get the appraisal in 30 days, all you're going to get is ... here's what it's worth as a golf course; here's what it's worth as other uses. Now what do you want us to do? ... my bet is it's better value as an effluent dump than it is a golf course. ... So that's going to take another six or eight weeks. So, as I'm listening to the discussion, ... what really needs to happen is that we need to get the appraisal and decide whatever the value is. ... It's no joy ride for me to keep it because it costs me a half million dollars a year to mow it just like it would be if you took it. ... there's a good solution here somehow that we can all come to with the City and that the property owners will be ... in the know.” Mr. Millard suggested “kick[ing] it to August with the rest of the stuff. It comes up in August and it's 90 days. The only problem you have is the perception that you're treating this taxpayer a little different but nobody's pushing on you. There's no pushing to say, 'Hey, you're giving Empire the breaks,' because you're not because you're really talking about buying it. You're really telling me, 'We're going to sell you at a tax sale and, oh, by the way, can you come in Monday and let's talk about buying it.' So you kinda got a little problem in perception with what you're doing as well as a perception. So, if you ... can say, 'Hey, there isn't a real problem if we kick this to August. It's still going to sell. The City's not losing any money. We're in the first high priority. We're getting ten percent interest and we're getting all the penalty money.' What's the down side? Well, the down side is you may be treating this taxpayer just a little different. Well, I'm not sure four months down the road is that much time. ... in that four months, you need to get the appraisal in, you need to have them tell you how it works as far as the land and the water is concerned, and then you can bring that all together and say, 'This is better as a golf course, it's better as a park,' then you start addressing the issues of the citizens and they can be a part of it.” Mr. Millard expressed support for the idea of “pushing it down the road to, say, August, ... 'til you get the appraisal. ... you're making decisions and don't have the facts yet.” He expressed concern over “skin[ning] this cat too quick and then set a precedent that we've got a real problem in the future.”

In response to a question, Mr. Millard pointed out that the City has “contracted with us to give us 1,385-acre-feet ... and that's 600-acre-feet more than we really have to have but we're entitled to it because, somewhere along the line, back in '82 when you needed to get rid of effluent and it wasn't gold, then it was contracted to do that. I'm sorry. The City did a lot of this to themselves and I'm not going to pay for the mistake. I paid for it by letting some other things happen at Eagle Valley and I'm not going to pay again.

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... The facts are the facts and that is you need the land. ... One simple solution is you could come to me and say, 'Hey, we'll give you a million dollars to rewrite the agreement in our favor.' Okay, I'll rewrite the agreement and, guess what? This water, this 600-acre-feet you've got, we paid \$8,000 an acre foot for water from Minden; that's \$4.8 million. We'll give you \$3.5 for that, \$2.5, whatever, I don't know. But that solves the City's problems. You get the extra water, you get the land and you don't have to deal with the business or anything else and you put the homeowners on my back. And the problem is, with that agreement, I have to mow the lawn. Well, I don't know that I want to, but I might just give the golf course then to somebody. But that's a possible solution that's very, very realistic and viable. But if you said, 'Well, we're going to give you \$100 to change your contract and \$300 for your water rights, then, I'll say, let's go to the appraisal and you buy it. That's how simple this whole thing really comes down to being. That's how simple. You don't need to own the land for any other reason than the two that I've given you: the water and the land. You don't need it as a park. There's been no determination by Parks and Rec that you need it. There's no determination by Open Space that you need it. As a matter of fact, when we took it to Parks and Rec, ... Parks and Rec basically said, 'Oh, that's nice. Next item on the agenda.' So they're not really excited about it as a park either. I'm excited about keeping it as a golf course but, at the end of the day, I have to ensure that if I keep it as a golf course, I have to be viable and I can't buy a business that just loses money.'"

Following a brief discussion, Mr. Munn cautioned against negotiating contractual terms in a public meeting. "Staff and [Mr. Millard] would work on it and then come back with something to the Board." In response to a question, Mr. Millard advised of having discussed the matter with City staff. The City then hired the appraiser according to statutory requirements. "We're sitting here ready to talk. We just don't know what the numbers are. And so, when the numbers come out, then it's a possibility that you'll buy what you need without buying the golf course or ... if you can't pay me enough, then I'll just fine, say, 'Just buy it.' And then you can buy it, take and do whatever you want to the contract, take all the water you want and resell it. At that point in time, you're going to have neighbors helping you decide how you're going to do that, but that then puts the monkey on your back. So the question here is who wants the monkey on their back." Mr. Millard advised of having offered the golf course to the City a year and a half ago "with a down payment and a ten-year payment with no interest. ... I saw your problem long before you saw the problem. The problem you're having now, is you have a perception problem with treating this taxpayer differently. Are you? Yes. Because we have a vested interest in what happens and we have a vested interest in how we get rid of our effluent and satisfy EPA at the Washington, D.C. level. ... But the other perception is, you're saying, 'We're going to sell you at a tax sale and we're going to try to buy it for \$185,000 when we really have already declared that we were interested by ordering an appraisal that we may have to pay \$3 or \$3.5 million for.' So you shot yourself in the foot the same way that I'm shooting myself in the foot if I call Andy [Burnham] and say, '... the water that you're currently using is my water. Cease and desist,' which is a possibility and they know that in Public Works. Maybe you don't know it but they know it. The water is contracted to Empire to deliver this year 1,385-acre-feet. Well, how do you deliver that? You store it in the reservoir so that when I need it in October and September, you can deliver it. Last year, we all turned our valves down. ... We know what the problem is and we're trying to solve it, but with the leakage in the reservoir and the current volume of use that you're using in your sewer plant, the correct answer is once the prison farm takes theirs and if you deliver what we have contracted to us, there really isn't anything left." Mr. Millard provided background information on the original contracts, describing them as "new stuff. We hadn't done this before and, although it was new stuff, I'm not willing to take the brunt and say, 'Well, we made some mistakes; therefore, I'm going to give it to you.' I think I'm willing to sell it to you and I think ... that's fair. And if somebody invests in this \$185,000 and pays it off, I can tell

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you and I've already talked to the lenders and everybody else in the chain, they're not going to be real friendly. ... I've already been told, 'You just need to turn the water off,' and I can't do that. ... we're not going to turn the other golf courses brown. That's too vital for our City."

Supervisor McKenna pointed out that "the citizens are looking to the City to represent them in obligations, presumed or real, between Empire Ranch Golf Course and their residences. They bought their property with Empire Ranch being a viable golf course ... and now they're coming to the City saying, 'represent our rights on it,'" but it's really a contract matter between the homeowner and Empire Ranch. Can you deal with that and take that off the table from us?" Mr. Millard advised that if the City doesn't buy Empire Ranch Golf Course, "that monkey is off your back. ... how do I make it a going concern. It is vital to me that the golf course somehow makes money." Supervisor McKenna disagreed in that the homeowners will still come to the Board asking to "help them solve their problem and their declining home values." He expressed no problem with "being thrust into the middle of somebody else's argument, ... but if you could remove that or, at least, give us a course, between you and the homeowners that would allow us not to be involved in it," it would be better. Mr. Millard advised "that's the third part of my two-phase program that I really can't tell you today from the podium." He assured the Board that he "can solve that problem." He expressed understanding for the dilemma. "There were no contracts in [the homeowners'] purchase. There is no tie between land owners and that. They bought seeing a golf course. But it's no different than DeAndrea in Reno or any other golf course ... whether you bought a house and today they put a freeway in or they put something else in. I understand the dilemma and I feel for them. They feel for me too. They have never come to me and beat me up, saying 'Dwight, you need to continue pouring money into this thing every year for us.' In response to a comment, Mr. Millard advised that he has lawyers "sitting in to make sure we're doing it right, but everything that we've done has been a level of how to solve the problem and we're only using the lawyers to make sure that when we finally come to a conclusion, it's legal and that they can put it in writing." He expressed a preference for "the delay situation because it doesn't put me under the gun or you under the gun that we've got to do something. ... I'd rather just see a clean kick of the can to August ..." He expressed the opinion that "is plenty of time for the City and I to come to some conclusion, for you to get your appraisal, and for them to tell you how the effluent is going to effect us and give you all the parameters and, by then, we'll know if the appraisal is what it is and you've got to buy it, then you will have already had time to address ... what are we going to do with it." Supervisor McKenna commended Mr. Millard's citizenship, expressed appreciation for his efforts, and expressed the hope that we arrive "at some deal that makes everyone happy."

In response to a question, Mr. Kramer suggested the wisdom, in consideration of ongoing negotiation, to "not be perceived as having a hammer over the top of this ..." He suggested holding "those options off until August." Consensus of the Board was to take no action on this item. Mayor Crowell recessed the meeting at 12:07 p.m., and reconvened at 12:25 p.m.

24. SUPERVISOR SHIRK - POSSIBLE ACTION: DISCUSSION AND POSSIBLE DIRECTION TO STAFF THAT THE AGENDA FOR THE APRIL 17, 2014 BOARD OF SUPERVISORS MEETING SHALL INCLUDE A TIME CERTAIN, BEGINNING AT 6:00 P.M. FOR ALL AGENDA ITEMS RELEVANT TO THE 1/8 CENT SALES TAX ORDINANCE AND THE PROPOSED EXPENDITURES REGARDING THE MAC BUILDING, ANIMAL SHELTER, COMMUNITY CENTER, AND ALL CORRIDOR PROJECTS (12:56:20) - Mayor Crowell introduced this item, and Supervisor Abowd read into the record the language of a disclosure. Supervisor Abowd advised that her reasonable judgment would "not be materially affected by the possible risks or benefits

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the corridor projects might have upon [her] financial interest in Adele's and, if there are any financial risks or benefits to [her] interest in Adele's, they are no greater than that accruing to any other member of any general business, profession, occupation, or group that is affected by the matter and, therefore [she] can and will lawfully consider, participate, and vote in this matter, pursuant to NRS 281A.420."

Supervisor Shirk reviewed the agenda report, and Mayor Crowell entertained public comment. (12:58:26) Carson Animal Services Initiative President Lisa Schuette expressed no opposition to a 6:00 p.m. meeting, but noted "public comments were taken three different times; two meetings at Fuji Park and one here. So, folks have had that opportunity to speak publicly." Ms. Schuette expressed understanding for the amount of public input and feedback received by the Board, and thanked them for "putting [them]selves in this position because it is really tough." She quoted from a Nevada *Appeal* article, and commended a comment made earlier in the meeting by Supervisor McKenna. She respectfully requested that the Board "keep in mind that there are groups working diligently. Already, we're showing our support to assist Carson City in being a more prosperous City." She expressed concern over a reversal of the previous decision in consideration of the many volunteer hours and donations by many citizens. She requested the Board to "put faith in this process," noting that "four of you have." She expressed the hope that "all five of you do." She emphasized the importance of the Board's support in consideration of grant applications. In reference to previous public opposition to the 1/8 cent sales tax, she invited people to "become a part of the process of problem solving. It takes more than just showing up and venting. It takes real solutions. It takes skin in the game. It takes creating meetings where there is an objective and follow through, more than just voicing a problem and it takes that kind of commitment." Ms. Schuette thanked the Board for their willingness to entertain public testimony and for making the tough decisions. She requested them to "have the courage to hold steady, keep this tax in place, allow us to continue the jump, land safely, see this to fruition, be successful, and let us help our community. We can make the economy pick up by being part of it."

Supervisor Bonkowski commended Ms. Schuette's comments, suggested that no one in the public has had any difficulty making their opinion known to him, and advised of not having heard "a single new thought or idea on the subject since we voted to approve it." He expressed a preference for addressing the technicality and re-voting on it during the regular agenda, as originally intended. Supervisor Abowd agreed, noting "this was a contemplated, conservative approach to solve some definite needs within our community and it was vetted at three different public meetings at Jim's request, at three different time frames to engage the public in every way we could." She noted there were also two readings of the ordinance. Supervisor Shirk reminded the Board that the item would be agendaized twice, and that he was requesting for one of the readings to be agendaized for an evening session.

Mayor Crowell entertained a motion. **Supervisor Shirk moved to direct staff that the agenda item for the April 17, 2014 Board of Supervisors meeting shall include a time certain, beginning at 6:00 p.m. for all agenda items relevant to the 1/8 cent sales tax ordinance and proposed expenditures regarding the MAC building, animal shelter, community center, and corridor projects. Supervisor McKenna seconded the motion.** Mr. Munn explained the noticing process relative to the public hearing. In response to a question, Ms. Works advised of anticipating a busy agenda for the April 17th meeting. Discussion followed, and Mayor Crowell called for a vote on the pending motion.

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RESULT:	Failed [2 - 3]
MOVER:	Supervisor Jim Shirk
SECOND:	Supervisor John McKenna
AYES:	Supervisors Shirk and McKenna
NAYS:	Supervisors Abowd, Bonkowski, and Mayor Crowell
ABSENT:	None
ABSTAIN:	None

**25. BOARD OF SUPERVISORS NON-ACTION ITEMS:
STATUS REVIEW OF PROJECTS**

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS

STAFF COMMENTS AND STATUS REPORTS (1:09:31) - Ms. Works advised that the ribbon cutting for the fair is tentatively scheduled for 11:00 a.m. on July 31st. In response to questions posed at a previous meeting, she discussed the contracts status, between the City and Walker & Associates, and between the City and ACCTV, and the method by which Northern Nevada Development Authority is funded. She provided background information on past discussions of a noise ordinance, and offered to provide additional information to any interested Board member. She described the issue as “difficult.”

26. PUBLIC COMMENT (1:12:44) - Mayor Crowell entertained public comment; however, none was forthcoming.

27. ACTION TO ADJOURN (1:12:53) - Mayor Crowell adjourned the meeting at 1:12 p.m.

The Minutes of the April 3, 2014 Carson City Board of Supervisors meeting are so approved this 3rd day of July, 2014.

ROBERT L. CROWELL, Mayor

ATTEST:

ALAN GLOVER, Clerk - Recorder