

CARSON CITY BOARD OF SUPERVISORS

Minutes of the June 16, 2016 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, June 16, 2016 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 Lori Bagwell, Ward 3
Supervisor Jim Shirk, Ward 4

STAFF: Nick Marano, City Manager
Sue Merriwether, Clerk - Recorder
Adriana Fralick, Chief Deputy District Attorney
Cheryl Eggert, Deputy Clerk
Kathleen King, Chief Deputy Clerk

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 Recording Secretaries Division of the Carson City Clerk's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:31:28) - Mayor Crowell called the meeting to order at 8:31 a.m. Ms. Merriwether called the roll; a quorum was present. In the absence of Airport Road Church of Christ Pastor Bruce Henderson, Mayor Crowell requested that a moment of silence be observed. At Mayor Crowell's request, Supervisor Abowd led the pledge of allegiance.

5. PUBLIC COMMENT (8:33:14) - Mayor Crowell entertained public comment. (8:33:32) In reference to item 27(B), Jed Block introduced himself as an historic district property owner, and requested the Board to not establish "a precedence for ... vinyl fencing ... in the district." Mayor Crowell entertained additional public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - May 19, 2016 (8:34:38) - Mayor Crowell introduced this item, and entertained suggested revisions. When no suggested revisions were forthcoming, **Supervisor Bonkowski moved to approve the minutes with a previously-submitted typographical correction. Supervisor Abowd seconded the motion. Motion carried 5-0.**

7. POSSIBLE ACTION ON ADOPTION OF AGENDA (8:35:00) - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed the agenda adopted, as published. (2:20:33) Mayor Crowell modified the agenda to address item 27(C) prior to item 27(B).

8. SPECIAL PRESENTATIONS OF LENGTH OF SERVICE CERTIFICATES TO CITY EMPLOYEES (8:35:30) - Mayor Crowell requested the Board members to join him on the meeting floor. Mayor Crowell presented a Certificate of Appreciation to Sheriff's Office Lieutenant Brian Humphrey in commemoration of 25 years' dedicated service to the community. Mayor Crowell presented a Certificate of Appreciation to Public Safety Communications Officer Elizabeth Hertz in commemoration of twenty years' dedicated service to the community. Mayor Crowell presented Certificates of Appreciation to

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Environmental Control Foreman Kelly Hale and Network Analyst Kevin Stein in commemoration of ten years' dedicated service to the community. Mayor Crowell presented Certificates of Appreciation to Justice of the Peace Thomas Armstrong, Deputy Chief Financial Officer Sheri Russell, and Senior Legal Assistant Jana Whitson in commemoration of five years' dedicated service to the community. The Board members, City staff, and the citizens present applauded each of the honorees.

9. RECESS BOARD OF SUPERVISORS MEETING (8:43:14) - Mayor Crowell recessed the Board of Supervisors meeting at 8:43 a.m.

LIQUOR AND ENTERTAINMENT BOARD

10. CALL TO ORDER AND ROLL CALL (8:43:15) - Chairperson Crowell called the Liquor and Entertainment Board meeting to order at 8:43 a.m., noting the presence of a quorum, including Member Ken Furlong.

11. PUBLIC COMMENT (8:43:31) - Chairperson Crowell entertained public comment; however, none was forthcoming.

12. COMMUNITY DEVELOPMENT DEPARTMENT - BUSINESS LICENSE DIVISION

12(A) POSSIBLE ACTION TO APPROVE FRANCISCA AND RENE RANGEL AS THE LIQUOR MANAGERS FOR RANGEL, LLC, DBA THICK SLICE PIZZA, LIQUOR LICENSE NUMBER 16-31366, LOCATED AT 2010 EAST WILLIAM STREET (8:43:40) - Chairperson Crowell introduced this item. Senior Permit Technician Lena Reseck reviewed the agenda materials, noting staff's recommendation of approval subject to the condition outlined in the staff report. (8:44:38) Chairperson Crowell welcomed Francisca and Rene Rangel to the meeting table, and they introduced themselves for the record. (8:44:57) At Chairperson Crowell's request, Mr. Rangel provided an overview of plans for the business. Mr. and Mrs. Rangel acknowledged understanding of the condition of approval.

Chairperson Crowell entertained comments or questions of the board members and, when none were forthcoming, a motion. **Member Bonkowski moved to approve Francisca and Rene Rangel, as the liquor managers for Rangel, LLC, dba Thick Slice Pizza, liquor license number 16-31366, located at 2010 East William Street, subject to the condition that the applicants and all employees serving alcohol must complete a server training course acceptable to the Sheriff's Office within 120 days of obtaining a license, pursuant to CCMC 4.13.060. Member Abowd seconded the motion.** Chairperson Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [6 - 0]
MOVER:	Member Brad Bonkowski
SECOND:	Member Karen Abowd
AYES:	Members Bonkowski, Abowd, Bagwell, Furlong, Shirk, and Chair Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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12(B) POSSIBLE ACTION TO APPROVE TIMOTHY HOHL AS THE LIQUOR MANAGER FOR HOHL MOTORSPORTS, INC. DBA BATTLE BORN HARLEY - DAVIDSON, LIQUOR LICENSE NUMBER 16-31418, LOCATED AT 2900 RESEARCH WAY (8:46:29) - Chairperson Crowell introduced this item. Senior Permit Technician Lena Reseck reviewed the agenda materials, noting staff's recommendation of approval subject to the conditions outlined in the staff report. (8:47:27) Chairperson Crowell invited Timothy Hohl to the meeting table. Mr. Hohl acknowledged understanding and agreement with the conditions of approval. At Chairperson Crowell's request, Mr. Hohl discussed the purpose for the liquor license.

Chairperson Crowell entertained board member questions or comments and public comments and, when none were forthcoming, a motion. **Member Abowd moved to approve Timothy Hohl, as the liquor manager for Hohl Motorsports, Inc., dba Battle Born Harley - Davidson, liquor license number 16-31418, located at 2900 Research Way, subject to the following conditions: (1) the applicants and all employees serving alcohol must complete a server training course acceptable to the Sheriff's Office within 120 days of obtaining a license, pursuant to CCMC 4.13.060; (2) with the exceptions listed in CCMC 4.13.240(5), liquor is to be served and sold during special events only; (3) no permanent day-to-day sales of packaged beer, wine, or hard liquor; (4) alcoholic beverages are served in their original container or in disposable cups; and (5) for sales of hard liquor that include the use of ice, a temporary health permit must be applied for five days prior to the event. Member Bonkowski seconded the motion.** Chairperson Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [6 - 0]
MOVER:	Member Karen Abowd
SECOND:	Member Brad Bonkowski
AYES:	Members Abowd, Bonkowski, Bagwell, Furlong, Shirk, and Chair Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell thanked Mr. Hohl and his family for taking over Battle Born Harley - Davidson.

13. PUBLIC COMMENT (8:49:59) - Chairperson Crowell entertained public comment; however, none was forthcoming.

14. ACTION TO ADJOURN LIQUOR AND ENTERTAINMENT BOARD MEETING (8:50:09) - Chairperson Crowell adjourned the Liquor and Entertainment Board meeting at 8:50 a.m.

15. RECONVENE BOARD OF SUPERVISORS MEETING (8:50:14) - Mayor Crowell reconvened the Board of Supervisors meeting at 8:50 a.m.

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ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

16. CITY MANAGER

16(A) PRESENTATION OF STATUS REPORT AND BRIEFING ON THE WORK OF THE CHARTER REVIEW COMMITTEE (8:50:20) - Mayor Crowell introduced this item, and invited Charter Review Committee Chair Bruce Robertson to the meeting table. (8:50:42) Mr. Robertson presented the briefing in conjunction with the agenda materials. Mayor Crowell entertained questions or comments of the Board members and of the public; however, none were forthcoming. Mr. Robertson reviewed the list of Charter Review Committee members, and commended their service. Mayor Crowell thanked the committee members, and thanked Mr. Robertson for his report.

16(B) PRESENTATION OF QUARTERLY REPORT ON THE RETENTION AND EXPANSION ECONOMIC DEVELOPMENT PLAN FOR CARSON CITY BY THE NORTHERN NEVADA DEVELOPMENT AUTHORITY, APPROVED ON AUGUST 7, 2014 (8:52:08) - Mayor Crowell introduced this item, and welcomed Northern Nevada Development Authority Executive Director Rob Hooper to the meeting table. (8:52:24) Mr. Hooper reviewed the agenda materials, and responded to questions of clarification. Mr. Marano discussed infrastructure repair and construction programmed for the industrial area. Mr. Hooper responded to questions regarding future plans and the manufacturers survey model.

Supervisor Bonkowski advised that both the City and NNDA are working on the broadband issue. He further advised of having met with AT&T representatives and, together with Mayor Crowell, with CC Communications and Charter representatives. "... we are exploring all the options to be able to tap into the existing fiber trunks ... to try to get broadband out to our manufacturers." Mr. Hooper advised of having met with Switch, which has an interest in bringing a new product to Carson City, referred to as the Edge. He explained that the Edge is a portable data center installed in a semi-truck trailer "that they'll put in a spot and then that hooks straightaway up to their big data center ... and it really lights up a region." Mr. Hooper thanked Supervisor Bonkowski for the support.

Mayor Crowell entertained additional questions or comments of the Board members; however, none were forthcoming. Mayor Crowell discussed the importance of workforce development, and advised that he and Assemblyman P.K. O'Neill met with Governor Sandoval's staff and received assurance that the problem will be rectified in the next budget process. Mr. Hooper discussed the importance of community relative to economic development, and expressed appreciation to the Mayor and the Board members. Mayor Crowell entertained additional questions or comments and, when none were forthcoming, thanked Mr. Hooper for his presentation. Mayor Crowell entertained public comment; however, none was forthcoming.

17. HEALTH AND HUMAN SERVICES DEPARTMENT - DISCUSSION AND POSSIBLE ACTION TO APPROVE A RESOLUTION THAT REPLACES RESOLUTION NO. 2013-R-41, ACCEPTING AN INTERLOCAL CONTRACT WITH DOUGLAS COUNTY, IN AN AMOUNT NOT TO EXCEED \$270,636, FOR THE PERIOD OF JULY 1, 2016 THROUGH JUNE 30, 2017; \$288,213 FOR THE PERIOD OF JULY 1, 2017 TO JUNE 30, 2018; AND \$307,591 FOR THE PERIOD OF JULY 1, 2018 THROUGH JUNE 30, 2019, TO PROVIDE ENVIRONMENTAL HEALTH SERVICES IN DOUGLAS COUNTY, COVER THE EXPENSES OF THE ENVIRONMENTAL HEALTH POSITION(S) AND THE PROGRAM, INCLUDING SUPERVISION AND CARSON CITY OVERHEAD (HUMAN RESOURCES, FISCAL AND

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ADMINISTRATIVE) (9:21:38) - Mayor Crowell introduced this item. Health and Human Services Disease Control and Prevention Manager Dustin Boothe reviewed the agenda materials, and acknowledged that the item is budgeted. Supervisor Bonkowski thanked Deputy District Attorney Iris Yowell and Ms. Aaker for the time invested in ensuring the interlocal contract protects both parties. At Supervisor Abowd's request, Mr. Boothe provided background information on the interlocal contract and discussed the efficiencies which have emerged as a result.

Mayor Crowell entertained additional questions or comments of the Board members and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve Resolution No. 2016-R-14, a resolution that replaces Resolution No. 2013-R-41, accepting an interlocal contract with Douglas County in an amount not to exceed \$270,636, for the period of July 1, 2016 through June 30, 2017; \$288,213 for the period of July 1, 2017 to June 30, 2018; and \$307,591 for the period of July 1, 2018 through June 30, 2019, to provide environmental health services in Douglas County, cover the expenses of the environmental health positions and the program, including supervision, and Carson City overhead (human resources, fiscal, and administrative support). 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 Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

18. PURCHASING AND CONTRACTS

18(A) POSSIBLE ACTION TO DETERMINE THAT RADCO COMMUNICATIONS, LLC IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 1516-102, CORPORATE YARD COMMUNICATION TOWER TO RADCO COMMUNICATIONS, LLC, FOR A BID AMOUNT OF \$198,880, PLUS A CONTINGENCY AMOUNT OF \$19,888, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$218,768, TO BE FUNDED FROM THE WATER AND SEWER FUNDS, AS PROVIDED IN FY 2016 / 17 (9:25:53) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Laura Tadman reviewed the agenda materials. Public Works Operations Manager James Jacklett reviewed details of the project. Mr. Jacklett, Project Manager Darren Anderson, and Public Works Department Director Darren Schulz responded to questions of clarification.

Mayor Crowell entertained public comments and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to determine that RADCO Communications, LLC is the lowest responsive and responsible bidder, pursuant to NRS 338, and to award Contract No. 1516-102, Corporate Yard Communication Tower, to RADCO Communications, LLC, for a bid amount of \$198,880, plus a contingency amount of \$19,888, for a total not-to-exceed amount of \$218,768, to be funded from the water and sewer funds, as provided in FY 2016 / 17.** Supervisor Shirk 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 Jim Shirk
AYES:	Supervisors Bonkowski, Shirk, Abowd, Bagwell, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

18(B) POSSIBLE ACTION TO APPROVE CONTRACT NO. 1516-175, MENTAL HEALTH CONSULTANT TO THE CARSON CITY JAIL, TO DR. JOSEPH McELLISTROM, FOR AN ANNUAL AMOUNT OF \$75,072, WITH ANNUAL EXTENSIONS THROUGH JUNE 30, 2019, FOR A TOTAL CONTRACT AMOUNT OF \$225,216, TO BE FUNDED FROM THE SHERIFF'S OFFICE PROFESSIONAL SERVICES ACCOUNT, AS PROVIDED IN FY 2016 / 17, 2017 / 18, AND 2018 / 19 (9:36:50) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Laura Tadman reviewed the agenda materials. Sheriff Ken Furlong commended Dr. McEllistrom on his excellent work at the Sheriff's Office, in the courts, and in the community. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve Contract No. 1516-175, Mental Health Consultant to the Carson City Jail, to Dr. Joseph McEllistrom, for an annual amount of \$75,072, with annual extensions through June 30, 2019, for a total contract amount of \$225,216, to be funded from the Sheriff's Office Professional Services Account, as provided in FY 2016 / 17, 2017 / 18, and 2018 / 19. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

19. FIRE DEPARTMENT

19(A) POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO SIGN A COOPERATIVE FIRE PROTECTION AGREEMENT, BETWEEN THE CARSON CITY FIRE DEPARTMENT, UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE - HUMBOLDT-TOIYABE NATIONAL FOREST, AND THE UNITED STATES DEPARTMENT OF THE INTERIOR, BUREAU OF LAND MANAGEMENT CARSON CITY DISTRICT (9:38:40) - Mayor Crowell introduced this item. Fire Chief Bob Schreihans provided background information and reviewed the agenda materials. Supervisor Abowd reviewed necessary typographical corrections to the agreement. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to authorize the Mayor to sign a Cooperative Fire Protection Agreement, between the Carson City Fire Department, United States Department of Agriculture Forest Service - Humboldt-Toiyabe National Forest, and the United States Department of the Interior Bureau of Land Management Carson City District, for the provision of mutual aid for wildland fires. Supervisor**

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Bagwell 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 Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

19(B) POSSIBLE ACTION TO AUTHORIZE THE MAYOR TO SIGN THE 2016 ANNUAL OPERATING PLAN, BETWEEN THE CARSON CITY FIRE DEPARTMENT, UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE - HUMBOLDT-TOIYABE NATIONAL FOREST, AND THE UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT CARSON CITY DISTRICT (9:42:52) - Mayor Crowell introduced this item, and Fire Chief Bob Schreihans reviewed the agenda materials. Supervisor Bonkowski pointed out the cost savings associated with the annual operating plan. Chief Schreihans responded to questions of clarification, and discussion followed. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to authorize the Mayor to sign the 2016 Annual Operating Plan, between the Carson City Fire Department, United States Department of Agriculture Forest Service - Humboldt-Toiyabe National Forest, and the United States Department of the Interior Bureau of Land Management Carson City District. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

19(C) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 14, CHAPTER 14.02, IN ORDER TO MAKE IT CONSISTENT WITH NAC 477 (9:47:36) - Mayor Crowell introduced this item. Fire Chief Bob Schreihans introduced Fire Prevention Captain Dave Ruben, and provided an overview of the proposed ordinance. Captain Ruben reviewed the agenda materials, and responded to questions of clarification. Mayor Crowell entertained additional questions or comments of the Board members and, when none were forthcoming, of the public. When no public comment was forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to introduce, on first reading, Bill No. 109, an ordinance amending the Carson City Municipal Code, Title 14, Chapter 14.02, in order to make it consistent with Nevada Administrative Code 477. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20. FINANCE DEPARTMENT

20(A) POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH JUNE 3, 2016, PURSUANT TO NRS 251.030 AND NRS 354.290 (9:58:42) - Mayor Crowell introduced this item, and entertained questions or comments of the Board members and of the public. When no questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bagwell moved to accept the report on the condition of each fund in the treasury, and the statements of receipts and expenditures, through June 3, 2016, pursuant to NRS 251.030 and NRS 354.290. 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 Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(B) POSSIBLE ACTION TO ENTER INTO INSURANCE AGREEMENTS WITH PUBLIC ENTITY PROPERTY INSURANCE PROGRAM FOR PROPERTY INSURANCE, INCLUDING AUTOMOBILE PHYSICAL DAMAGE, AT A TOTAL PREMIUM OF \$337,479; TRAVELERS INDEMNITY COMPANY FOR EXCESS LIABILITY COVERAGE, AT A TOTAL PREMIUM OF \$440,092; GREAT AMERICAN FOR GOVERNMENT CRIME INSURANCE, AT A TOTAL PREMIUM OF \$12,278; AND WITH ILLINOIS UNION FOR LANDFILL POLLUTION LEGAL LIABILITY INSURANCE, AT A TOTAL PREMIUM OF \$12,518; FOR A GRAND TOTAL OF \$802,367 FOR FY 2017 (9:59:27) - Mayor Crowell introduced this item. Chief Financial Officer Nancy Paulson introduced Wells Fargo Account Executive Brandon Lewis. Ms. Paulson reviewed the agenda materials. Mr. Lewis responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to enter into insurance agreements with Public Entity Property Insurance Program for property insurance, including automobile physical damage, at a total premium of \$337,479; Travelers Insurance Company for excess liability coverage, at a total premium of \$440,092; Great American for government crime insurance, at a total premium of \$12,278; and with Illinois Union for landfill pollution legal liability insurance, at a total premium of \$12,518, for a grand total of \$802,367 for FY 2017. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(C) POSSIBLE ACTION TO ENTER INTO AN AGREEMENT FOR EXCESS WORKERS COMPENSATION LIABILITY INSURANCE SERVICES WITH NEW YORK MARINE AND GENERAL INSURANCE COMPANY, FOR A TOTAL PREMIUM AMOUNT OF \$101,427 (10:02:46) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials. At Mayor Crowell's request, Wells Fargo Account Executive Brandon Lewis explained the statutory requirement for excess workers compensation liability insurance. Deputy Chief Financial Officer Sheri Russell responded to questions of clarification.

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments. When no public comment was forthcoming, Mayor Crowell entertained a motion. **Supervisor Abowd moved to enter into an agreement for excess workers compensation liability insurance services with New York Marine and General Insurance Company, for a total premium of \$101,427. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(D) POSSIBLE ACTION TO ADOPT A RESOLUTION FOR A TEMPORARY INTERFUND LOAN FROM THE GENERAL FUND TO THE GRANT FUND FOR AN AMOUNT NOT TO EXCEED \$250,000 (10:04:42) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials. Mayor Crowell entertained Board member and public questions or comments and, when none were forthcoming, a motion. **Supervisor Bagwell moved to adopt Resolution No. 2016-R-15, a resolution for a temporary interfund loan, from the general fund to the grant fund, for an amount not to exceed \$250,000. 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 Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(E) POSSIBLE ACTION TO ADOPT A RESOLUTION TO AUGMENT AND AMEND THE CARSON CITY FY 2015 - 16 BUDGET, IN THE AMOUNT OF \$2,817,597 (10:06:04) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials in conjunction with displayed slides. Ms. Paulson, Mr. Marano, and various department managers responded to questions of clarification, and discussion ensued. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt Resolution No. 2016-R-16, a resolution to augment and amend the Carson City FY 2015 / 16 budget, in the amount of \$2,817,597. 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 Karen Abowd
SECOND:	Supervisor Brad Bonkowski
AYES:	Supervisors Abowd, Bonkowski, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell recessed the meeting at 10:26 a.m., and reconvened at 10:36 a.m.

20(F) POSSIBLE ACTION TO CERTIFY CHARGES, LEVY AND DIRECT THE TREASURER TO COLLECT SPECIAL ASSESSMENTS FOR FY 2016 - 17, AS REQUESTED BY THE STATE ENGINEER OF THE STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES, FOR THE EAGLE VALLEY GROUNDWATER BASIN (\$18,000) AND THE DAYTON VALLEY GROUNDWATER BASIN (\$1,500), AND FURTHER DIRECT THE CHIEF FINANCIAL OFFICER TO REMIT THE SPECIAL ASSESSMENT COLLECTIONS TO THE STATE (10:36:51) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials. Ms. Paulson and Assessor Dave Dawley 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, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to certify charges, levy and direct the Treasurer to collect special assessments for FY 2016 / 17, as requested by the State Engineer of the State of Nevada Department of Conservation and Natural Resources, for the Eagle Valley Groundwater Basin, \$18,000, and the Dayton Valley Groundwater Basin, \$1,500, and further direct the Chief Financial Officer to remit the special assessment collections to the State. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(G) POSSIBLE ACTION TO ACCEPT THE AUDIT COMMITTEE'S RECOMMENDATIONS FOR PROJECTS FOR FY 2016 - 17, TO INCLUDE SMALL WORKS PROJECTS REVIEW; PROCUREMENT TESTING; IT CONTROLS TESTING; ONGOING INTERNAL AUDITOR SERVICES; AUDIT FINDINGS VALIDATION; FRAUD, WASTE, AND ABUSE PROGRAM COORDINATION, PERFORMANCE METRICS VALIDATION, AND A CONTINGENCY AMOUNT (10:41:06) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials. In response to a question, Mr. Marano suggested that the Board consider priorities for the Audit Committee; and the “right mix in terms of projects that they work on versus what would be the traditional internal auditor-type functions ...” Mr. Marano discussed the benefits and detriments of an external agency; i.e., “avoid what could be potential conflicts, maybe even an agenda of an internal auditor against ... elected officials, and being able to use his or her position. ... But then I think you need to look at are you getting enough in terms of the classic internal auditor function; mainly, are they testing, on a routine basis, all the internal controls? If you're satisfied with that, then I think you continue. If not, then I think that's probably a discussion that you need to have and ... one that, together with the Audit Committee, ... a decision that you need to tee up.”

Supervisor Bagwell advised that the Audit Committee is moving away from efficiency studies into direct internal control activities. She further advised of Audit Committee recommendations that the internal auditor contract be submitted to the bid process for the next cycle, and to hold a joint meeting with the Board of Supervisors in January to discuss priorities and direction.

Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments. (10:46:08) Audit Committee Member Don Leonard commended Moss-Adams, LLP on “bringing experiences they've had with other municipalities ...” Supervisor Bonkowski agreed, and commended the “broad-based knowledge as well as the neutrality.” He expressed support for a contract internal auditor, and discussion followed. Mayor Crowell thanked Mr. Leonard for his Audit Committee service.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Bagwell moved to accept the Audit Committee's recommendations for projects for FY 16 - 17, to include small works project review; procurement testing; internal controls testing; ongoing internal auditor services; audit findings validation; fraud, waste, and abuse program coordination; performance metrics validation; and a contingency amount. 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 Lori Bagwell
SECOND:	Supervisor Karen Abowd
AYES:	Supervisors Bagwell, Abowd, Bonkowski, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(H) POSSIBLE ACTION TO APPROVE AMENDMENT NO. 6 TO CONTRACT NO. 1112-133, WITH MOSS-ADAMS, LLP, TITLED "INTERNAL AUDITING SERVICES," TO INCREASE THE CONTRACT TERM FROM JUNE 30, 2016 TO JUNE 30, 2017, AND PERFORM THE CITY'S INTERNAL AUDIT FUNCTION, FOR A NOT-TO-EXCEED COST OF \$110,000.00, TO BE FUNDED FROM THE INTERNAL AUDIT BUDGET ACCOUNT, AS PROVIDED IN FY 2017 (10:48:35) - Mayor Crowell introduced this item, and Chief Financial Officer Nancy Paulson reviewed the agenda materials. Mayor Crowell entertained Board member questions or comments and public comments and, when none were forthcoming, a motion. Supervisor Bonkowski moved to approve Amendment No. 6 to Contract No. 1112-133, with Moss-Adams, LLP, titled, "Internal Auditing Services," to increase the contract term, from June 30, 2016 to June 30, 2017, and perform the City's internal audit function for a not-to-exceed cost of \$110,000, to be funded from the internal audit budget account, as provided in FY 2017. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

21. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN AN EASEMENT AMENDMENT, BY AND BETWEEN DYNAMIC DIVERSIFIED DEVELOPMENT, THOMAS FAMILY INTERVIVOS TRUST, AND RYAN AND SARA BARNEY, GRANTOR, AND CARSON CITY, GRANTEE, WHEREBY THE AMENDMENT WILL DECREASE THE WIDTH OF THE OVERALL PERMANENT REGIONAL TRAIL EASEMENT, FROM 30 FEET TO 15 FEET, ON APNs 010-191-23, 010-191-24, 010-191-25, AND 010-191-26, TOTALING 10,946 SQUARE FEET (10:49:54) - Mayor Crowell introduced this item, and entertained disclosures. Supervisor Bonkowski read a prepared disclosure statement into the record, and advised that he would abstain from discussion and action on this item. Senior Park Planner Vern Krahn introduced Property Manager Stephanie Hicks and Parks and Recreation Department Director Jennifer Budge, and reviewed the agenda materials. Mr. Krahn responded to questions of clarification.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve and authorize the Mayor to sign an Easement Amendment, by and between Dynamic Diversified Development, Thomas Family Intervivos Trust, and Ryan and Sara**

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Barney, Grantor, and Carson City, Grantee, whereby the amendment will decrease the width of the overall permanent regional trail easement, from 30 feet to 15 feet, on APNs 010-191-23, 010-191-24, 010-191-25, and 010-191-26, totaling 10,946 square feet. Supervisor Shirk seconded the motion. Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [4 - 0 - 1]
MOVER:	Supervisor Karen Abowd
SECOND:	Supervisor Jim Shirk
AYES:	Supervisors Abowd, Shirk, Bagwell, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	Supervisor Brad Bonkowski

22. PUBLIC WORKS DEPARTMENT

22(A) POSSIBLE ACTION TO ACCEPT THE DEDICATION OF RIGHT-OF-WAY, FROM APNs 007-401-66, 007-401-37, AND 007-401-38, ALSO KNOWN AS CHELSEA PLACE, BEDFORD WAY, AND WATERFORD PLACE, AND THE DEDICATION OF OPEN SPACE, FROM APN 007-402-26, LOCATED ADJACENT TO KINGS CANYON ROAD, ALL WITHIN THE LONG RANCH ESTATES PLANNED UNIT DEVELOPMENT (10:54:47) - Mayor Crowell introduced this item, and Real Property Manager Stephanie Hicks reviewed the agenda materials. Mayor Crowell entertained Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to accept the Dedication of Right-of-Way, from APNs 007-401-66, 007-401-37, and 007-401-38, also known as Chelsea Place, Bedford Way, and Waterford Place, and the dedication of open space, from APN 007-402-26, located adjacent to Kings Canyon Road, all within the Long Ranch Estates Planned Unit Development. 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, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

22(B) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 108, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.03, SEWER CONNECTION CHARGES AND USE RATES, BY AMENDING SECTION 12.03.010, DEFINITIONS, TO REDEFINE A SERC AS 200 GPD; SECTION 12.03.030, SCHEDULE OF SEWER CONNECTION AND HOOK UP CHARGES, TO REDEFINE THE NUMBER OF SERC PER CUSTOMER CLASS, REMOVE THE EXISTING CHARGE PER SERC, ADD SERC CHARGES PHASED IN OVER FIVE YEARS, EFFECTIVE JULY 1, 2016, WITH CLARIFYING LANGUAGE, ADD A CONNECTION CHARGE INDEX, EFFECTIVE JULY 1, 2021 (10:57:24) - Mayor Crowell introduced this item, and Public Works Department Director Darren Schulz reviewed the agenda materials. Mr. Schulz acknowledged no changes

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to the bill since introduction, on first reading, and that no public input was received. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt, on second reading, Bill No. 108, Ordinance No. 2016-8, an ordinance amending the Carson City Municipal Code, Title 12, Water, Sewerage, and Drainage, Chapter 12.03, Sewer Connection Charges and Use Rates, by amending Section 12.03.010, Definitions, to define a sewer equivalency residential connection as 200 gallons per day; Section 12.03.030, Schedule of Sewer Connection and Hook-Up Charges, to define the number of SERCs per customer class, remove the existing charge per SERC, add SERC charges phased in over five years, effective July 1, 2016, with clarifying language, add a connection charge index, effective July 1, 2021. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Shirk advised he would vote in favor of the motion, but expressed the opinion “the rates were not increased sufficiently ...” Mayor Crowell entertained additional 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, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

22(C) POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 107, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 12, WATER, SEWERAGE, AND DRAINAGE, CHAPTER 12.01, WATER CONNECTION CHARGES AND USE RATES, BY AMENDING SECTION 12.01.010, DEFINITIONS, TO ADD MAXIMUM DAY GPM, AND REDEFINE A WERC AS 425 GPD; SECTION 12.01.030, SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES, TO REMOVE THE EXISTING WATER CONNECTION CHARGES, ADD WATER CONNECTION CHARGES PHASED IN OVER FIVE YEARS, EFFECTIVE JULY 1, 2016, WITH CLARIFYING LANGUAGE, ADD A CONNECTION CHARGE INDEX, EFFECTIVE JULY 1, 2021 (11:10:14) - Mayor Crowell introduced this item, and Public Works Department Director Darren Schulz advised of no comments received and no revisions to the bill since introduction, on first reading. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt, on second reading, Bill No. 107, Ordinance No. 2016-9, an ordinance amending the Carson City Municipal Code, Title 12, Water, Sewerage, and Drainage, Chapter 12.01, Water Connection Charges and Use Rates, by amending Section 12.01.010, Definitions, to add a maximum day gallons per minute, and define a WERC as 425 gallons per day; Section 12.01.030, Schedule of Water Connection Charges, Lateral and Meter Box Sets, and Meter Set Fees, to remove the existing water connection charges, add water connection charges phased in over five years, effective July 1, 2016, with clarifying language, and add a connection charge index, effective July 1, 2021. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Shirk advised he would vote in favor of the motion, and expressed the opinion that the rates didn't “come up sufficient to where they should have been.” For the benefit of the public, Supervisor Bagwell advised that Carson City is retaining its water rights. City Engineer Danny Rotter responded to a question of clarification. Mayor Crowell entertained additional 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, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

22(D) POSSIBLE ACTION TO DIRECT THE CITY MANAGER TO HAVE THE PUBLIC WORKS DEPARTMENT COMMUNICATE A PRIORITIZED CITY-WIDE PLAN FOR STREETS MAINTENANCE, BASED ON AVAILABLE FISCAL RESOURCES IN A SIMILAR FORMAT TO THE CAPITAL IMPROVEMENT MATRIX; THE STREET MAINTENANCE PLAN WILL INCLUDE REGULAR REPORTS TO THE CARSON CITY REGIONAL TRANSPORTATION COMMISSION, AND THE PLAN WILL BE PROVIDED TO THE CARSON CITY BOARD OF SUPERVISORS AS PART OF A BOARD MEETING BY SEPTEMBER 2016 (11:03:25) - Mayor Crowell introduced this item, and Mr. Marano reviewed the agenda materials. Public Works Department Director Darren Schulz responded to questions of clarification, and discussion ensued. Mayor Crowell entertained additional Board member questions or comments and, when none were forthcoming, public comments.

(11:10:32) Paul McGrath provided background information on the freeway agreement, and requested to meet with Mr. Marano. Mr. Marano expressed a willingness to schedule a meeting. Extensive discussion took place between Mr. McGrath and the Board members.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to direct the City Manager to have the Public Works Department communicate a prioritized city-wide plan for streets maintenance, based on available fiscal resources, in a similar format to the Capital Improvement Matrix; the street maintenance plan will include regular reports to the Carson City Regional Transportation Commission, and the plan will be provided to the Carson City Board of Supervisors, as part of a Board meeting, by September of 2016. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion. Following comments, **Supervisor Abowd amended her motion to indicate that the Transportation Resource Advisory Forum for Carson City will be provided detailed information on the use of funds for streets during the period of 2005 through 2015. Supervisor Bonkowski continued his second.** Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

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

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(11:30:40) Mr. Marano advised that the ten-year accounting will be posted to the City's website.

**23. BOARD OF SUPERVISORS NON-ACTION ITEMS:
FUTURE AGENDA ITEMS**

STATUS REVIEW OF PROJECTS

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (11:29:53) - Supervisor Abowd announced that the application period for the Arts and Culture Coordinator will close on June 19th. She advised of having received applications from across the nation from “very qualified individuals.”

STAFF COMMENTS AND STATUS REPORT

RECESS AND RECONVENE BOARD OF SUPERVISORS MEETING (11:31:10) - Mayor Crowell recessed the meeting at 11:31 a.m., and reconvened at 1:31 p.m.

24. CITY MANAGER

24(A) POSSIBLE ACTION TO APPOINT ONE MEMBER TO THE LIBRARY BOARD OF TRUSTEES TO FILL A TERM SET TO EXPIRE JUNE 2020 (1:31:28) - Mayor Crowell introduced this item, and Mr. Marano reviewed the agenda materials. Mayor Crowell welcomed Jeremy Hays to the meeting table. (1:32:24) Mr. Hays responded to questions regarding his Library Board experience; his thoughts on the relevance of public libraries as the future unfolds; services to homebound residents; other types of community outreach; whether or not to pursue legislative changes in library spending allocation requirements as technology advances; and the adequacy of the current facility. Mayor Crowell offered Mr. Hays the opportunity to provide additional comment. Mr. Hays discussed his experience as a Library Board Trustee, and expressed appreciation for the opportunity. Mayor Crowell requested Mr. Hays to pass on the Board's appreciation for the Library's accomplishments.

(1:41:42) Mayor Crowell welcomed Keith Squires to the meeting table, and provided an overview of the interview process. (1:42:30) Mr. Squires responded to questions regarding his interest in serving; his thoughts on the relevance of public libraries as the future unfolds; the adequacy of the current Library facility; whether or not to pursue legislative changes in library spending allocation requirements; library outreach opportunities; and expansion of library services. Mayor Crowell thanked Mr. Squires for his service in the Nevada National Guard, and commended his leadership at Capital Christian School.

Mayor Crowell polled the Board members and, following discussion, entertained a motion. **Supervisor Bonkowski moved to appoint Jeremy Hays to fill a term that will expire June 2020**, and requested Mr. Squires to reapply at the next available opportunity. **Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

24(B) POSSIBLE ACTION TO RATIFY THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER, FOR THE PERIOD OF MAY 7, 2016 THROUGH JUNE 3, 2016 (1:52:00) - Mayor Crowell introduced this item, and entertained questions or comments of Mr. Marano. When no questions or comments were forthcoming, Mayor Crowell entertained a motion. **Supervisor Bonkowski moved to ratify the approval of bills and other requests for payments, by the City Manager, for the period of May 7, 2016 through June 3, 2016. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Abowd, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

25. COMMUNITY DEVELOPMENT DEPARTMENT

25(A) POSSIBLE ACTION TO ADOPT A RESOLUTION AMENDING RESOLUTION NO. 2016-R-13, ESTIMATING THE COST TO BE PAID BY THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT ASSESSMENT AND THE ASSESSMENT ROLL, FOR THE PURPOSE OF PAYING FOR MAINTENANCE OF THE DOWNTOWN STREETScape ENHANCEMENT PROJECT; FIXING THE TIME AND PLACE TO HEAR PROTESTS REGARDING THE ASSESSMENT FOR JUNE 16, 2016, AT THE REGULARLY SCHEDULED MEETING OF THE BOARD OF SUPERVISORS, AND FOR JUNE 22, 2016, AT A SPECIAL MEETING OF THE BOARD OF SUPERVISORS, AS PUBLISHED; AND DIRECTING STAFF TO PROVIDE NOTICE OF THAT PUBLIC HEARING, PURSUANT TO NRS 271 (1:52:38) - Mayor Crowell introduced this item and, in conjunction with displayed slides, Community Development Director Lee Plemel provided an overview of the subject and following two agenda items. Mayor Crowell entertained public comment. (1:57:15) Assessor Dave Dawley discussed the assessment process and associated programming. He further discussed the potential effect of the passage of SJR 13.

Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt Resolution No. 2016-R-17, amending Resolution No. 2016-R-13, estimating the cost to be paid by the Downtown Neighborhood Improvement District assessment and the assessment roll, for the purpose of paying for maintenance of the Downtown Streetscape Enhancement Project; fixing the time and place to hear protests regarding the assessment for June**

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16, 2016, at the regularly-scheduled meeting of the Board of Supervisors, and for June 22, 2016, at a special meeting of the Board of Supervisors, as published; and directing staff to provide notice of that public hearing, pursuant to NRS 271. Supervisor Bonkowski seconded the motion. Mayor Crowell entertained discussion on the motion. Supervisor Shirk expressed the belief that “it's unfair to all businesses or property owners within the area; the assessment values and the services that are rendered from that assessment.” 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, Bagwell, and Mayor Crowell
NAYS:	Supervisor Jim Shirk
ABSENT:	None
ABSTAIN:	None

25(B) POSSIBLE ACTION TO APPROVE HARDSHIP DETERMINATIONS RELATED TO THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT ASSESSMENT FOR APPLICANTS MEETING THE REQUIRED CONDITIONS, AND DIRECTING THE CITY ENGINEER TO POSTPONE THE ASSESSMENT FOR ANY APPROVED HARDSHIP DETERMINATION APPLICANTS, IN ACCORDANCE WITH NRS 271.360 (2:00:27) - Mayor Crowell introduced this item, and Community Development Director Lee Plemel reviewed the agenda materials. He advised that no hardship applications had been submitted to the Human Services Department, and suggested that no action was necessary. Mayor Crowell entertained public comment; however, none was forthcoming. Ms. Fralick acknowledged no formal action was necessary.

25(C) PUBLIC HEARING TO TAKE PUBLIC COMMENT REGARDING THE FILING OF THE ASSESSMENT ROLL FOR THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT, TO CONSIDER WRITTEN OBJECTIONS CONCERNING THAT AREA TO BE ASSESSED, AND TO CONSIDER ALL COMPLAINTS, PROTESTS, AND OBJECTIONS TO THE ASSESSMENT, PURSUANT TO NRS 271.385 (2:02:28) - Mayor Crowell introduced this item, and opened the public hearing. Community Development Director Lee Plemel reviewed the agenda materials, and responded to questions of clarification. Discussion followed. Mayor Crowell entertained public comment and, when none was forthcoming, closed the public hearing.

26. FINANCE DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION CREATING THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT FUND, AN AGENCY FUND (2:08:59) - Mayor Crowell introduced this item. Chief Financial Officer Nancy Paulson reviewed the agenda materials, and responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt Resolution No. 2016-R-18, a resolution creating the Downtown Neighborhood Improvement District fund, an agency fund. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Shirk explained the reason he would vote in favor of the motion. Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

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

27. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

27(A) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING TITLE 18, ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.045, NOTICE OF COMMISSION HEARINGS; SECTION 18.02.060, APPEALS; AND SECTION 18.02.075, ZONING MAP AMENDMENTS AND ZONING CODE AMENDMENTS, TO INCREASE THE PROPERTY OWNER NOTICE RADIUS FOR DEVELOPMENT APPLICATIONS REVIEWED BY THE PLANNING COMMISSION, BASED ON PROJECT PARCEL SIZE (2:12:20) - Mayor Crowell introduced this item. Community Development Director Lee Plemel reviewed the agenda materials and responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Bonkowski moved to introduce, on first reading, Bill No. 110, an ordinance amending Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.045, Notice of Commission Hearings; Section 18.02.060, Appeals; and Section 18.02.075, Zoning Map Amendments and Zoning Code Amendments; to increase the property owner notice radius for development applications reviewed by the Planning Commission, based on project parcel size. 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, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

27(B) POSSIBLE ACTION TO CONSIDER AN APPEAL OF THE HISTORIC RESOURCES COMMISSION'S DENIAL OF A REQUEST FROM MICHELE CHASE (PROPERTY OWNER: JAMES TEEGARDEN REVOCABLE TRUST) FOR A VINYL PICKET FENCE, ON PROPERTY ZONED RESIDENTIAL OFFICE ("RO"), LOCATED AT 210 NORTH MINNESOTA STREET, APN 003-192-08 (HRC-16-020) (2:46:23) - Mayor Crowell introduced, provided an overview of this item, and reviewed the format by which it would be heard. Special Projects Planner Susan Pansky introduced Historic Resources Commission Chair Mike Drews and Deputy District Attorney Dan Yu. Ms. Pansky began reviewing the agenda materials in conjunction with displayed slides.

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(2:48:15) In response to a question, Attorney Andrew List, representing Michele Chase, provided background information on construction of the fence. Mr. List explained that the Planning Commission denied “the retroactive permit, but the fence is there.”

Ms. Pansky advised of no intent to punish, but to require compliance. She continued reviewing the agenda materials in conjunction with displayed slides. She noted staff's recommendation that the Board uphold the Historic Resources Commission's denial of the vinyl fence. Ms. Pansky acknowledged two vinyl fences adjacent to the subject property. In response to a question, she stated, “To date, nothing has been done about those.” She advised that the question had been raised during the Historic Resources Commission meeting. “We had not, up to this point, received a complaint on those two fences. At this point, we were just responding to this particular complaint. We weren't aware that those two fences were vinyl ... as well. To my knowledge, they did not receive approval from HRC and we certainly could take action on those as well. But we have not up to this point. We believe that they've been there for at least ten years ...” In response to a question, Mr. Plemel advised of having researched “any indication of approvals for those prior fences and, ... in fact, for one of the fences there is an old HRC approval that mentions nothing ... but we're unable to tell if that was for a vinyl fence or a wood fence. So we don't know the history of whether it was approved vinyl or not years and years ago, or if it was approved wood and it's since been changed out.”

(2:54:10) HRC Chair Michael Drews expressed the belief that the two adjacent fences were constructed in the early 1990s. He advised of having served on the Historic Resources Commission since 1989, and did not recall either of those fences being presented “as vinyl fences.” He expressed the belief that “sometime after they were installed, we updated our guidelines to actually include fences. ... up until that time, vinyl fences weren't an issue because they weren't around. These were installed without a permit. The Historic Resources Commission was reviewing buildings more than landscape at the time and ... as the commission evolved and the historic district evolved, we started looking at other items like fences.”

In response to a question, Ms. Pansky advised that the “paved area that's behind the fence actually has been removed so it's just dirt. I don't know if they're using it as an active driveway or not but that section of the fence was not there when I drove by today.” (2:56:30) Mr. List advised that “prior to the fence being there, there was a huge, four-foot hedge that obscured the view of the house, encroached on the sidewalk ... [Dr. Chase] wanted to take out the hedge, she did. There was a cement curb ... around where the shrub was and she'd instructed some help to take out that curbing where the bushes had been. And she called me yesterday, she lives in Alaska, in a little bit of a panic. She said that they'd inadvertently removed the entire paved driveway. There was some kind of loss in translation there. To answer the question whether it's an active driveway or not, I don't think it is an active driveway but the fact that the pavement was removed was not intentional on her part. I can certainly ask her what she intends to do with that driveway, but I think she intends to abandon it.” Supervisor Abowd suggested considering vinyl fences “in order to keep up the appearance of our historic district.”

In response to a question, Ms. Pansky advised that staff believes the fence is not in compliance with the Historic District Guidelines. In response to a further question, she was uncertain as to whether the subject matter would impact the adjacent properties with vinyl fences. “... we don't have record indicating whether they were put in before or after a fence requirement in the Historic District Guidelines existed.” In response to a further question, Ms. Pansky reiterated, “... we don't have records of applications for vinyl fences for those properties. And we don't know specifically when they were constructed because, for

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fences of this height, a building permit isn't required. And so, a lot of these things are constructed and they're in compliance with other codes but we never see them because they are not required to get a permit." Mr. Plemel acknowledged that the "basis of assumption, to start with generally, is that people have a permit for things they did 15 or 20 years ago. And ... the burden of proof is on us as the City to prove that it's illegal. ... that's ... our approach in this ... code enforcement aspect." In response to a further question, Ms. Pansky reiterated no knowledge of Historic Resources Commission approval for the two adjacent vinyl fences. "I don't have any records of those being approved through HRC." In response to a further question, Ms. Pansky advised that "the letter that was provided as part of the original application indicates that those fences are at least ten years old. That's information provided by the applicant's representative at that time. So that's what we have to go on. But because there was no building permit done for these fences, because a building permit isn't required, we don't have an exact date on when they were constructed."

Mr. List advised that the subject property has been in Michele Chase's family "for quite a long time." Mr. List advised of Dr. Chase's appreciation for the historic district. "... it's one of the things that really defines Carson City and makes it a great place to live and a great place to raise our families." Mr. List provided detailed background information on the origins of the fence and stated, "it's not only kind of like the neighbor's fence. It's exactly like the neighbor's fence."

In reference to the Historic District Guideline 5.24, Mr. List expressed the opinion, "it's not particularly helpful in a situation where someone wants to put up a vinyl fence. In her case, she wants to put up a vinyl fence because she thinks it will be better preserved. She won't need to paint it every couple of years. The posts might not rot off and things like that. These do have a pretty good life to them so that's why she chose this one. And because it looks just like her neighbor's fence." Mr. List read into the record a portion of Historic District Guideline 5.24, and advised "this is the only place in here we can find the reference to the wood-style pickets." He advised of having been curious as to the types of fences in the historic district, and had non-scientific research conducted which results indicated 120 properties with no fence at all. "So, when you're looking at the typical fence in the district, we're looking at ... 120 of those properties having no fence at all. The next highest on the list was a wooden picket fence. She found 43 wooden picket fences in the neighborhood. And also eight plastic fences, these vinyl fences that we're talking about and also three plastic privacy fences that were over six feet tall. So there is some vinyl in the district there." Mr. List advised that Dr. Chase understands "how you want these fences to look like the other fences in the district."

Mr. List continued reading from Historic District Guideline 5.24 and stated, "Scale-wise, this fits perfectly. It's less than the hedge was. It's less than 36 inches and it's to scale with all of the other fences that are in the neighborhood. It's not a huge privacy fence. It's not a stone fence. It matches very well in scale to the other ones in the neighborhood. As far as rhythm is concerned, if you're driving down that block on Minnesota Street, it fits in very nicely rhythm-wise. You have the, on the corner of Minnesota and Telegraph, you have Resource Concepts, Inc. ... That is a wooden picket fence. ... The next three down are all these vinyl picket fences and, when you're looking at it from a distance, when you're driving down the street, in rhythm, it looks great. You just have kind of a non-continuous break of these nice, white pickets. ... Style-wise, it fits in nicely. They're all picket. The only one out of those four that doesn't fit is the material. So, in context, scale, rhythm, material, and style, it fits in real well. Even in material, you have three out of the five properties that have the vinyl right there."

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“On the next one here, and I know that staff disagreed on the use of this particular guideline, it was 5.24.1, Guidelines for Historic Fences.” Mr. List read the same into the record, emphasizing the sentence, “New fences for historic houses should emulate historic styles and designs.” He stated, “This is a perfect style and design, fits in with the other ones on the block and also 43 other wooden picket fences in the historic district.” Mr. List read into the record Historic District Guideline 5.24.2, and stated, “Her function for this was two-fold. One, she wanted to delineate her border. She mentioned to me that that home had been robbed within the last year. So she wanted to put a fence there that delineated a border and that's what this did. ... This fence, compared to the hedge, actually increases and positively impacts the view of the building. Before this was here, you couldn't really see the house at all and, on top of that, it encroached on the sidewalk which also harmed the blue line and ... any viewing of it from the sidewalk. ... If you look in the back there on her porch, you can see some pickets around that covered porch there. And her idea was to enhance the character of that home by having ... a little matching fence in the front. That's what she was really going for.

“The way that I'm reading these guidelines, this fence really does fit in and there's nothing in the guidelines that prohibit the vinyl. In all of the materials that are discussed in the fence guidelines, they talk about these materials. Why didn't they mention vinyl? And if vinyl is such an issue, why haven't they updated this to dissuade people or preclude vinyl fences in the historic district?”

In reference to Supervisor Abowd's earlier comments, Mr. List suggested that “while looking at all these fences in the neighborhood, a number of the wooden picket fences, probably more than half, needed a really good paint job. ... Some of them are falling over, they're dilapidated. It's my client's view ... that the vinyl picket fences last a little bit longer. They don't need the maintenance that's necessary. And in the long term, in that regard, they do enhance the overall character of the neighborhood. Finally, there was some discussion that old picket fences turn kind of brown, they kind of fade. These compared to the fences right next door are the exact same color. They're still completely bright white. They haven't faded yet. That's been more than ten years and that's probably two paint jobs in for your regular wooden picket fence.”

Mr. List requested the Board to retroactively approve the permit that Dr. Chase submitted to allow the vinyl picket fence to remain, and to ask the Historic Resources Commission to review current regulations and guidelines. “And if they really want to ban the vinyl picket fences, I think that they need to do so. As written, my client didn't have any notice that vinyl was prohibited. It's not in the guidelines and, in fact, I think and she thinks she matched most of the guidelines that were given.” In response to a question, Mr. List advised that the driveway apron has not been removed. He reiterated that the driveway was removed unintentionally due to a miscommunication with Dr. Chase's hired help.

At Mayor Crowell's request, HRC Chair Mike Drews returned to the meeting table. Mayor Crowell expressed appreciation for the Historic Resources Commission's work. In response to a question, Mr. Drews stated that “even the Secretary of the Interior's Standards don't specifically talk about vinyl but they talk about compatibility of materials. And vinyl is not an historic material. Stone, metal, and wood are historic materials, and that's the kind of compatibility they're looking for. In an historic district, you don't want to throw in a shiny piece of plastic where even painted, peeling wood exists.” In response to a further question, Mr. Drews advised that the requirement for historic district fences to be approved by the Historic Resources Commission has been in place for at least the last ten years. In response to a question, Ms. Pansky advised that the requirement for historic district fence approval is found in two different places under Title 18 of the Carson City Municipal Code. She acknowledged that if a permit application had been

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submitted, Dr. Chase would have known of the requirements. Mr. Drews further clarified that a wooden fence would have been approved administratively as complying with the Historic District Standards.

Mayor Crowell inquired as to the reason Dr. Chase didn't apply for approval for the fence. Mr. List explained that the property has been in Dr. Chase's family for generations. "She just became ... the manager of this property. She's a medical doctor. She lives in Alaska most of the year. The house has been rented off and on but she hasn't been in the state for any good long period of time ... She hopes to come back here when she's done with her medical practice and retire. The simple answer to your question is she had no idea that she needed a permit to get a fence in the historic district. Ignorance of the law is no excuse but she's been out of the state for quite a long time. She knew of the historic district but not of that specific requirement." Mr. List was uncertain as to whether the fencing company was aware of the requirement. Mr. Drews advised that the Historic Resources Commission previously held a workshop with a number of fencing contractors "because we were seeing issues with fences not being permitted, vinyl fences, and things like that. So most of the fence contractors in town ... are more than aware that a fence in the district does require a permit." Mr. List advised that Dr. Chase wants the vinyl fence due to ease of maintenance. "If she had applied for a permit for a vinyl fence and been rejected, we would still be here today because she believes and I believe that vinyl fences are not properly addressed nor prohibited in these guidelines. We would still be in the same place today. And that's really where we're coming from here. There's nothing in here that prohibits vinyl. What it says is, in a sense, 'Make it look good. Don't obscure the view of the house, and make it look like your neighbors.' And that's what these guidelines say to a layperson and that's pretty much what she's done. Had they said, 'No vinyl,' I think she would've understood and she'd be changing her fence out."

In response to a question, Mr. Drews advised that the Historic Resources Commission has debated fences for a long time. He explained that the adjacent properties' vinyl fences "preceded our real concern in the district with them. Nobody's really sure if they were installed before we started addressing fences or what the situation was. They've been there for quite a while. ... What we're trying to do is comply with the standards in terms of materials so that's the consideration." Discussion followed, and Mr. Drews advised, "We considered the fact that there were adjacent fences. If we were to approve this because there's adjacent fences, then what becomes adjacent? We've already, in the last five years, told two homeowners to remove their vinyl fence, replace it with wood, and they complied. If we say, 'Well, this one is appropriate because it's near two adjacent,' then we set the precedent across the district. It's the same idea. If we specify that they're not applicable in the district, then if someone wants to put a six-foot vinyl fence in their backyard where it's not visible from the street, really doesn't affect the structure, we can't approve that either. If we approve this, then anytime someone comes into the district that wants to put a vinyl fence in, we've set a precedent. We've said, 'Yes, it's allowable here.' The fact is that, from the historic knowledge, no one knows if those other two fences were approved or not. And, if there's more, it's the same situation. There may be little ones around the district that haven't been approved. ... In the past, we have set the precedent that, 'No, using our guidelines and looking at the materials, ... vinyl fences are not compatible with the district.'"

Supervisor Bonkowski suggested that the precedent has already been established. He inquired as to the reason the Historic Resources Commission hasn't changed the policy to address vinyl. Mr. Drews expressed the belief that the vinyl hasn't been specifically addressed "because, in the past, we've been able to work with homeowners and either get them to change or when they bring it to the commission, we discuss it and they go ahead and go with the wood or appropriate materials, and it still gives us the option.

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During this meeting, we asked if they would consider moving that vinyl fence to the side where it's not visible and installing a wooden fence in front. We recognize there was considerable cost. It's there. If we could minimize the visual effect, that would've worked as well." Mr. Drews acknowledged that the number of vinyl fences in the historic district is "enough to have the HRC ... address this specifically ... and also to discuss the possibility of taking action against those ... properties so that this situation that we're in today doesn't happen again in the future." He speculated that "we haven't attacked it yet because we've been getting cooperation from the property owners ..."

Mr. List reiterated that had Dr. Chase applied for the permit and been denied, she would have still appealed the denial. "The issue before you is whether or not the denial of the permit, retroactively or not, ... is in compliance with the guidelines." Mr. List expressed the opinion that the "denial of the vinyl fence does not comply with the guidelines because they are so nonspecific." Mayor Crowell suggested "a big difference ... because she's out of pocket ... and if this Board says no, then she's got to go ... expend the dollars to tear it down and rebuild if she's going to rebuild. So that's the difference ... because we're in the box here of saying that." Mayor Crowell expressed understanding of Mr. List's statement.

Supervisor Abowd expressed concern over an enforcement versus a complaint issue. In consideration of the Municipal Code, she suggested not proceeding forward with "complaint-based enforcement." She expressed further concern that someone will be singled out. In reference to Mayor Crowell's statement, Supervisor Bonkowski stated, "We wouldn't be talking about removing an existing, unauthorized vinyl fence because it wouldn't exist yet. So if the appellant had appealed the denial, the fence wouldn't exist. That would be a very different situation for us here." Mr. List agreed, "but the ... thing that remains the same in both situations is that the guidelines here don't address vinyl." Supervisor Bagwell pointed out that "the guidelines do address that the HRC has the authority to determine whether or not the material of the fence enhances the historic district. ... And in their determination, vinyl does not, in this case, enhance the historic district. ... they have the authority to determine whether or not, by the Code, ... it complies." Supervisor Bagwell expressed concern "both directions. I don't think there's a win either way in this because I want to support the HRC to keep the historic district."

Supervisor Bagwell inquired as to whether the HRC has authority to require the other properties with unauthorized vinyl fences "to prove up their approvals." In reference to previous statements, Mr. Yu advised that there are no specific facts relative to the circumstances of the other fences. "... even with those quantities of unknowns, the HRC absolutely does have the authority, under CCMC, to go out and investigate, issue citations, as the case may be ..." "With respect to the other fences in the area, ... it's difficult. I think that the HRC ... membership debated the issue for so long actually serves as a testament to how difficult the situation is. ... It's a difficult situation that involves financial impacts. That being said, I did also mention to the HRC at the initial hearing that there is a potential for establishing a bad precedent here. And what I mean by that is, as difficult as it is to make a decision to say that despite the fact we have adjacent vinyl fencings, we can't allow you to do it. It's difficult but, at the same time, by allowing someone to move forward based on the fact alone that it's because you already put it up; that really sets a bad precedent moving forward. I can certainly envision a situation where others, in the future, who might have perhaps a less-than-...upstanding moral character or integrity, could perhaps use this as a hook to ... just not ... seek approval ... I think that really does establish a bad precedent.

"Policy-wise, whether or not the HRC should look into ... the ordinances should be revised or amended to address specifically vinyl fencing, ... that's a policy issue. I think another policy issue is the question of

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whether or not there should be a beefing up of code enforcement in addition to just the complaint process ... Those are just purely policy questions. I do, however, want to use this as a spring-board to just quickly address what ... was specifically asserted in counsel for Dr. Chase's letter which alleges that ... the CCMC provisions ... in Title 18, and also the historic development standards are unconstitutionally vague. I appreciate counsel's assertions and ... acknowledge the fact that his propositions of law, as cited in those two cases he referenced in his letter, are correct. But I would also say, with all due respect to counsel, that he's taking his analysis completely out of context. And, therefore, I think that his analysis and his conclusions are wrong, as a matter of law.

“Looking at a very broad cross-section from all the various sister states, other jurisdictions, with respect to the cases and those opinions rendered by those courts, it's pretty clear that the CCMC provisions that we have on the books right now, which are surrounded by and also incorporated into and also support those provisions, meaning the design standards, the appendix in Title 18, which show not only the illustrations of the various types of structures and the types of architectural styles, everything incorporated in the CCMC provisions, along with standards that are referenced with respect to the federal provisions that are set forth by the Department of the Interior, other cases have said ... when it comes to ordinances involving matters of historic preservation, there cannot be any mathematical exactness. And the reason why is because, as one court pointed out, we are all condemned unfortunately to the use of words. And what that means is, it's really difficult, if not impossible, to capture the entire atmosphere of an historic district using just language that you incorporate into a legal ordinance. That's why courts have said over and over and over again, in all the jurisdictions, from state courts to federal district courts, that local municipalities, like Carson City, should be granted wide latitude in providing language that affords some degree of flexibility, as long as there are some standards there. The standards that are incorporated in CCMC Title 18 are sufficient to alert the appellant as to what sort of conduct is prohibited and what sort of conduct is not prohibited. Courts have also said, over and over again, with respect to historic preservation guidelines and ordinances, there's a different type of tolerance that courts and also municipalities ... would accept in terms of what is vague and what is not vague.

“... counsel has said ... on one or two occasions that there was no notice that was provided to Dr. Chase. And I respectfully disagree with that. I think that there was ample notice provided. I think that there's sufficient notice provided. I think that the level of notice and the level of articulation set forth in CCMC rises to the level of clarity that would withstand constitutional challenges and scrutiny if this were a proceeding before a court of law. So, I think when you look at all the cases throughout the jurisdictions and you look at the language that CCMC sets forth, I don't think that there's really any question in my mind that ... policy matters aside, difficulties of the issue aside, from purely a legal perspective, I don't think that there's a problem here.”

In response to a question, Mr. Drews explained that the HRC has not necessarily denied vinyl fences in the past, but “discussed and got the applicant to change. ... and, in fact, in two cases in the last ... eight years, we've actually had applicants take vinyl fences down and replace them with wood at our request.” Supervisor Bagwell expressed the belief that “if we allow vinyl here, we're setting the actual precedent to say vinyl will be accepted in the district and, therefore, it would negate the HRC's ability to look at fence material.” She expressed the opinion that the other, existing vinyl fences “should be looked at too.”

Supervisor Shirk thanked Mr. Yu for his thorough briefing. In response to a question, Mr. Yu reiterated that “the historic guidelines are in place ... to afford some degree of flexibility and latitude. Now,

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ultimately, when a court looks at whether or not the decision of the HRC was arbitrary and capricious, that would be the standard that's established. I don't think that there was arbitrary or capricious decision making or any lack of reasonable standards by which the HRC would base their decision. And the reason why is because they have to have some degree of flexibility. That flexibility that's afforded in CCMC does not run afoul of constitutional parameters; those constitutional parameters being a level of clarity that's required to avoid what's called the vagueness doctrine which would then void such ordinances. I don't think that's ... a problem here with the wording that we have in our ordinance because, again, the historical context of these types of ordinances and historic guidelines ... everything meets constitutional scrutiny.” In response to a question, Mr. Drews anticipates the HRC will recommend that staff agendize discussion regarding fencing materials and updating the Historic District Guidelines on fencing as a result of this.

In reference to Supervisor Bagwell's comments, Mr. List disagreed that this matter could set a precedence. He further disagreed with Mr. Yu, and expressed the opinion that “as applied, ... it's very, very vague because it doesn't say vinyl.” Mr. List reiterated the request that “this fence be allowed; the permit be allowed retroactively, the fence stands, and the Historic Commission goes back and revisits their guidelines to make them less vague to prohibit what Ms. Bagwell is concerned about ...”

Mr. Yu reviewed language from other ordinances which have successfully withstood constitutional challenges based on the vagueness doctrine. He expressed the opinion that there is no “necessity or requirement that the word vinyl appear specifically in CCMC. Now, would it make it easier for the appellant or for future members of the public who face the same situation? Absolutely. But does that lack of the word make it so that our Code is constitutionally defective within the context of this analysis? I would say no, it's not.”

Supervisor Abowd suggested listing “frowned upon materials so that folks take a second look at what they're considering to put in so we avoid this controversy.” Mr. Yu commended the idea. He pointed out that the current guidelines state that wooden picket fences are typical in the historic district and, in certain circumstances, masonry and iron. He expressed the opinion that the specific references “to those types of materials ... would conversely mean that we're excluding any other material that's not already incorporated in that ... list. However, if we want to expand upon that ... list and also specifically reference materials that would be 'frowned upon,' there's certainly nothing that would prevent the Board or HRC from doing that through revisions in the Code.”

Mayor Crowell suggested a motion indicating that the subject fence would be removed once the other vinyl fences in the historic district are removed. Mr. Yu was uncertain as to whether a citation for the other vinyl fences could be enforced to the point of demanding that the fences be removed. “There's nothing that would prevent HRC from going out and issuing citations and bringing them before the commission to conduct a hearing to investigate the matter ... but certainly there may be other conditions and limitations on what sort of legal authority is left for the HRC to commence with ...”

Mayor Crowell disagreed with Mr. List that the CCMC is unconstitutional. In response to a question, Mr. List expressed understanding for the concern over establishing a precedent. He suggested, “the way that you fix that is by immediately getting the HRC to put a moratorium ... on vinyl fences in the historic district. Tell the press about it. Send everyone in the neighborhood a letter that says vinyl fences are now prohibited ... My client simply wants to be treated fairly, as her neighbors. And, again, in all measures of the Code, a vinyl fence should be allowed by more metrics than others. For example, we talked about the

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scale, the rhythm, the style, it fits all of those. The Code talks about not obscuring the sight line. In fact, this fence improved the sight line from what it was before. It talks about fences being ... determined by the function and the location. It meets both of those as well. By every measure of this Code, a vinyl fence should not be reasonably rejected if it came up for a permit.”

Mayor Crowell pointed out that the vinyl fence doesn't meet the material criteria outlined in the Historic District Guidelines. Mr. List stated, “And that's only one of many, many things that these guidelines talk about ... is the material.” Mayor Crowell agreed, but reiterated the Historic District Guidelines do list acceptable types of material. Mr. List reiterated “material is one of many, many things that are listed in this permit. ... Material is listed ... twice, but it also talks about all of these other things. So, considered as a whole, along with the visual, the function, and all those sorts of things, as a whole, this fence meets the requirements more than it doesn't. ... And if you look at the one item when it talks about material, it says, 'Typically ...' It doesn't say that they must be wooden. And then it suggests that a few are also metal and masonry. That's what it talks about in terms of the material. And, again, when you look through it, it also talks about the context, the style, the design, the function meeting the visual, the sight line, the texture. It talks about all of those other things as well. So, on the whole, more often than not, by more metrics than others, this fence does meet the criteria.” Mr. List suggested that now is the time to have a moratorium on fences. “Strike while the iron is hot, ... accept this fence and, going forward, put a moratorium on the vinyl fences based on the material, and update the Code to let people know.”

Supervisor Bagwell expressed the opinion that materials are “the heart of an historic district. It's the whole purpose. You want to replicate what was there before. So even though this may only be an element, I think it's one of the most important elements ... not different than a window, no different than the siding, no different than the roofs. ... in whole context of this discussion, I don't want to set even a different precedent.” Supervisor Bagwell expressed the opinion that Code is written “to allow new things that are coming in to give the HRC the authority to determine whether or not that material enhances the historic nature.” She expressed concern over establishing “further precedent than just the fence issue. I'm concerned about the material issue.” Ms. Pansky advised that the Historic District Guidelines “in our Code are based on the Secretary of the Interior's Standards for Rehabilitation. They're outlined in staff's response to the appellant's letter and they very specifically talk to materials in almost every single case. And those standards are referenced at the end of every one of our individual standards. So you see our section on guidelines for historic fences. They reference standards 2, 4, 5, and 6 which are incorporated into our Code in the beginning of those standards. And related specifically to the guidelines for new fences, it references standard number 9 of those Secretary of the Interior's Standards,” and she read the same into the record. Ms. Pansky pointed out that standards 2, 4, 5, and 6 “talk very specifically about material. So, staff would agree with Supervisor Bagwell. Materials are incredibly important and the Historic Resources Commission has taken that stance over and over again, as it looks at these cases.”

Supervisor Bonkowski pointed out that if the appellant had applied, as required, we might be here hearing an appeal today, but it would be a very different situation and the conversation would be very different. We wouldn't be discussing whether or not we should allow an existing, unauthorized fence because it meets four out of five of the criteria in the guidelines. Those arguments would have been made in front of the HRC and would have been denied and then, it may have been appealed here, and we would only have been talking about whether it should be allowed. So, ... when we take a vote today, regardless of precedent, regardless of anything else in this, that's what I keep coming back to: we wouldn't be here if she had done what was required, which was to go in front of the HRC prior to building the fence.”

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Supervisor Shirk expressed the opinion that discussion leads to reviewing the Historic District Guidelines “to be more clear on what material you will or will not do. ... vagueness is great but it doesn't really help anyone. ... If vinyl is not to be a material that you want in the historic area, I think you just say vinyl is prohibited. He agreed with Supervisor Bonkowski's comments, expressed compassion for the homeowner, and the opinion that “it's not anyone's failure to do their job. It's her failure to ... go before the HRC.”

Supervisor Abowd expressed understanding that maintenance often takes precedence over choices in materials. She expressed the further opinion that it helps to “have something in writing that says the Historic Resources Commission frowns upon the use of ... It just takes it out of the equation so they can move forward in upgrading their historic property in a way that works.”

Supervisor Bonkowski suggested that if the intent of the HRC is to prohibit vinyl fencing in the front yards or where visible, “we should just say that without prohibiting vinyl. ... We definitely have to address the design guidelines so that they are more clear.” He requested Mr. List to mention to his client that, before she abandons the driveway, she needs to contact the Planning Division.

Mayor Crowell expressed understanding for the discussion, and agreed that had Dr. Chase submitted an application, “we wouldn't be here.” He reiterated concern that “if we allow this to happen, ... we're setting an even more dangerous precedent ...”

Mayor Crowell offered Mr. List the opportunity for additional rebuttal and, when none was forthcoming, entertained a motion. **Supervisor Bonkowski moved to uphold the Historic Resources Commission's denial of HRC-16-020, a request from Michele Chase (property owner: James Teegarden Revocable Trust) for a vinyl picket fence, on property zoned residential office, located at 210 North Minnesota Street, APN 003-192-08, because vinyl fencing does not comply with the Standards and Guidelines for Rehabilitation, Carson City Historic District Guidelines, and is not consistent with Historic Resources Commission policies, specifically (1) vinyl fencing does not enhance the overall visual presentation of a building of this age; and (2) a fence made of vinyl does not contribute to the character defining features of the building in a positive manner because of the age and historic nature of the building within the Historic District. 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, Bagwell, Shirk, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell commended Mr. List on the quality of his argument. Mr. List expressed appreciation for the Board's discussion in consideration of possibly updating the Code in the future.

27(C) POSSIBLE ACTION TO CONSIDER A REQUEST FROM CAPSTONE COMMUNITIES FOR A TENTATIVE SUBDIVISION MAP, KNOWN AS ARBOR VILLAS, CONSISTING OF 147 SINGLE-FAMILY ATTACHED RESIDENTIAL LOTS, ON PROPERTY

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ZONED MULTI-FAMILY APARTMENT (“MFA”), LOCATED ON LITTLE LANE, APN 004-021-13 (2:20:37) - Mayor Crowell introduced this item, and Planning Manager Hope Sullivan reviewed the agenda materials in conjunction with displayed slides. Ms. Sullivan noted staff's recommendation of approval subject to the conditions outlined in the staff report. She introduced Chris Baker, of Manhard Consulting, and Darren Enhard, of Capstone Communities. Ms. Sullivan and Mr. Baker responded to questions of clarification.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to approve TSM-16-023, a tentative subdivision map known as Arbor Villas, consisting of 147 single-family, attached residential lots, on property zoned multi-family apartment, located on Little Lane, APN 004-021-13, based on the ability to make the required findings in the affirmative and subject to the conditions of approval contained in the memorandum, dated June 1, 2016, from the Planning Manager to the Board of Supervisors; incorporating previous comments revising the condition language. Supervisor Bagwell seconded the motion.** Mayor Crowell entertained discussion on the motion. When none was forthcoming, Mayor Crowell pointed out that the subject property was once part of the Anderson Ranch. Mr. Baker confirmed the accuracy of the statement. “... that and the adjacent 20 acres is still ... currently owned by the Andersons so we had quite a turnout at our Planning Commission meeting.” Mayor Crowell entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion.

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

Mayor Crowell entertained comments of the Board members. Supervisor Bonkowski requested Mr. Baker to convey the Board's appreciation “for the conversations that the developer had with the surrounding property owners. As evidenced here today, I don't see a single person here ... to speak to this. And, as you said, there were a lot of people that wanted to speak to this at the Planning Commission.”

Mayor Crowell recessed the meeting at 2:36 p.m. Mayor Crowell reconvened the meeting at 2:46 p.m., and opened item 27(B) pursuant to the previous agenda modification.

RECESS BOARD OF SUPERVISORS MEETING (4:03:07) - Mayor *Pro Tem* Abowd recessed the meeting at 4:03 p.m.

**JOINT MEETING OF THE CARSON CITY BOARD OF SUPERVISORS
WITH THE CARSON CITY SCHOOL DISTRICT BOARD OF TRUSTEES**

28 - 29. CALL TO ORDER AND ROLL CALL (6:03:17) - School District Board of Trustees President Joe Cacioppo called the meeting to order at 6:03 p.m. Quorums of both the Board of Supervisors and the School District Board of Trustees were present. (6:06:26) Mayor Crowell noted, for the record, that all of the Board of Supervisors members were present. (6:27:23) President Cacioppo noted, for the record, that

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the School District Board of Trustees present were Trustees Hart, Reynolds, Crossman, Swirczek, and Cacioppo.

30. PLEDGE OF ALLEGIANCE - SUPERVISOR BRAD BONKOWSKI (6:03:27) - Supervisor Bonkowski led the pledge of allegiance.

31. POSSIBLE ACTION ON ADOPTION OF AGENDA (6:03:54) - President Cacioppo entertained a motion to adopt the agenda. **Trustee Reynolds so moved. Mayor Crowell seconded the motion. Motion carried unanimously.**

32. WELCOMING REMARKS - SCHOOL DISTRICT BOARD OF TRUSTEES PRESIDENT JOE CACIOPPO AND MAYOR ROBERT CROWELL (6:04:12) - President Cacioppo thanked everyone for their attendance, and discussed the importance of meeting jointly with the Board of Supervisors. Mayor Crowell discussed the importance of elected officials meeting routinely to discuss strategic plans for moving the community forward. He expressed appreciation for the opportunity to participate in the joint meeting.

33. PUBLIC COMMENT (6:07:59) - President Cacioppo entertained public comment; however, none was forthcoming.

34. CARSON CITY SCHOOL DISTRICT AND CARSON CITY

34(A) INFORMATIONAL UPDATE AND DISCUSSION ON THE CARSON CITY SCHOOL DISTRICT'S EMERGENCY RESPONSE PLAN, WITH SUPPORT FROM CARSON CITY DEPARTMENTS (6:08:42) - President Cacioppo introduced this item, and introduced Carson City School District Risk Manager Ann Wiswell and Deputy Emergency Manager Stacy Belt. Ms. Wiswell provided background information on work to update the School District's Emergency Operations Plan, and narrated a corresponding SlideShow presentation. (6:17:55) Ms. Belt provided background information on the Local Emergency Planning Committee, in conjunction with displayed slides. Ms. Belt and Ms. Wiswell responded to questions regarding plans for various emergency drills. In response to a question, Sheriff Ken Furlong discussed the effectiveness of the City and the School District's mass notification systems. President Cacioppo entertained additional questions or comments; however, none were forthcoming.

34(B) INFORMATIONAL UPDATE AND DISCUSSION ABOUT PROJECTED GROWTH IN THE REGION AND ITS POTENTIAL IMPACT ON CARSON CITY AND CARSON CITY SCHOOL DISTRICT OPERATIONS (6:27:36) - President Cacioppo introduced this item. School District Fiscal Director Andrew Feuling and Community Development Director Lee Plemel introduced themselves for the record. Mr. Feuling provided background information on the School District's facilities master planning process, and narrated a corresponding SlideShow presentation. He responded to questions of clarification throughout the presentation. Mr. Plemel narrated that portion of the presentation relative to future growth projections. President Cacioppo entertained additional questions or comments and, when none were forthcoming, thanked Mr. Feuling and Mr. Plemel for their presentation.

34(C) INFORMATIONAL UPDATE AND DISCUSSION ON THE MOBILE MAKER SPACE GRANT (6:52:20) - President Cacioppo introduced this item, and Library Director Sena Loyd provided background information and narrated a PowerPoint presentation. Ms. Loyd responded to

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questions of clarification, and discussion ensued. President Cacioppo entertained additional questions and, when none were forthcoming, thanked Ms. Loyd for her presentation.

34(D) INFORMATIONAL UPDATE AND DISCUSSION ON THE NEW STUDENT INFORMATION SYSTEM, INFINITE CAMPUS, AND THE PLAN TO PROVIDE TRAINING FOR STUDENTS AND PARENTS (7:00:41) - President Cacioppo introduced this item, and introduced Janice Towns and Library Director Sena Loyd. Ms. Towns narrated a PowerPoint presentation on the New Student Information System and Infinite Campus, and introduced a correlative video presentation. Ms. Towns discussed the method by which training for students and parents will be provided, and Ms. Loyd provided additional detail. Ms. Towns acknowledged that a Spanish version of Infinite Campus is available. Ms. Loyd advised that the Library has multi-lingual staff who can provide assistance. Ms. Towns responded to questions of clarification, and discussion followed. President Cacioppo entertained additional questions and, when none were forthcoming, thanked Ms. Towns and Ms. Loyd.

35. PUBLIC COMMENT (7:19:36) - President Cacioppo entertained public comment; however, none was forthcoming.

36. ACTION TO ADJOURN (7:19:42) - President Cacioppo thanked everyone for their attendance and participation, and adjourned the meeting at 7:19 p.m.

The Minutes of the June 16, 2016 Carson City Board of Supervisors meeting are so approved this 21st day of July, 2016.

ROBERT L. CROWELL, Mayor

ATTEST:

SUSAN MERRIWETHER, Clerk - Recorder