

CARSON CITY BOARD OF SUPERVISORS

Minutes of the October 18, 2018 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, October 18, 2018 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 John Barrette, Ward 4

STAFF: Sue Merriwether, Clerk - Recorder
Adriana Fralick, Deputy City Manager
Dan Yu, Chief Deputy District Attorney
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 Clerk's Office, during regular business hours.

1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE (8:34:47) - Mayor Crowell called the meeting to order at 8:34 a.m. Ms. Merriwether called the roll; a quorum was present. Airport Road Church of Christ Pastor Bruce Henderson provided the invocation. At Mayor Crowell's request, Chief Financial Officer Sheri Russell led the Pledge of Allegiance.

5. PUBLIC COMMENT (8:37:27) - Mayor Crowell entertained public comment. (8:37:47) Paul Corrado provided background information on his experience as a landscape architect / urban planner, and reviewed a list of issues, with documentation, which he had distributed to the Board members, the Clerk, and made available to the public prior to the start of the meeting. Mayor Crowell explained that City roads are funded by gas tax revenues. Mr. Corrado responded to questions of clarification. Mayor Crowell entertained additional public comment; however, none was forthcoming.

6. POSSIBLE ACTION ON APPROVAL OF MINUTES - October 4, 2018 (8:49:51) - Mayor Crowell introduced this item, and entertained a motion. **Supervisor Bonkowski moved to approve the minutes with two revisions: to item 5 and to item 7. Supervisor Abowd seconded the motion. Motion carried 5-0.**

7. POSSIBLE ACTION ON ADOPTION OF AGENDA (8:50:56) - Mayor Crowell introduced this item, and entertained modifications to the agenda. When no suggested modifications were forthcoming, Mayor Crowell deemed the agenda adopted, as published.

8. SPECIAL PRESENTATIONS

8(A) PROCLAMATION AND PRESENTATION OF THE EMPLOYEE-OF-THE-QUARTER AWARD (8:51:16) - Mayor Crowell introduced this item and, at his request, the Board members joined him on the meeting floor. Mayor Crowell invited Juvenile Services Detention Manager Ryan Felix to the meeting table. Mr. Felix reviewed the nomination letter which was included in the agenda materials. Mayor Crowell invited Detention Shift Supervisor Renay Lapaille to the meeting table, read into the record the language of the Proclamation, and presented the original to her. Ms. Lapaille

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thanked Mr. Felix for the nomination and expressed appreciation to the Juvenile Services Department staff. Mayor Crowell presented Ms. Lapaille with a \$200 check. In response to a question, Human Resources Department Director Melanie Bruketta provided background information on the Employee-of-the-Quarter Program. The Board members, City staff, and citizens present applauded.

8(B) PRESENTATION OF LENGTH OF SERVICE CERTIFICATES TO CITY EMPLOYEES (9:00:31) - Mayor Crowell introduced this item, and presented Longevity Certificates to Emergency Medical Services Manager Sandra Wartgow and Alternative Sentencing Chief Tad Fletcher in recognition and appreciation of five years' continuous, dedicated service to Carson City. Mayor Crowell presented Longevity Certificates to Youth Advisor James Lutu and Water Production Operator Aaron Collier in recognition and appreciation of ten years' continuous, dedicated service to Carson City. The Board members, City staff, and the citizens present applauded each of the honorees.

CONSENT AGENDA

(9:07:07) - Mayor Crowell introduced the consent agenda and advised of having been requested to separately hear item 11. Mayor Crowell entertained requests to separately hear additional items and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to approve the consent agenda, consisting of items 9 and 10. 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

9. CITY MANAGER - POSSIBLE ACTION TO RATIFY THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENT BY THE CITY MANAGER, FOR THE PERIOD OF SEPTEMBER 8, 2018 THROUGH OCTOBER 5, 2018

10. FINANCE DEPARTMENT - POSSIBLE ACTION TO ACCEPT THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES, THROUGH OCTOBER 8, 2018, PURSUANT TO NRS 251.030 AND NRS 354.290

11. PURCHASING AND CONTRACTS - POSSIBLE ACTION TO APPROVE AN INTERLOCAL AGREEMENT WITH THE STATE OF NEVADA, ACTING BY AND THROUGH ITS DEPARTMENT OF HEALTH AND HUMAN SERVICES AGING AND DISABILITY SERVICES DIVISION, THROUGH JUNE 30, 2019, FOR A NOT-TO-EXCEED AMOUNT OF \$64,066.00, TO BE FUNDED FROM THE NEVADA MENTAL HEALTH AND DEVELOPMENT ACCOUNT IN THE GENERAL FUND (9:07:49) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers presented the staff report. Human Services Manager Mary Jane Ostrander presented the agenda materials. Supervisor Bonkowski commented "this is an item that is a

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push-down from the State. We have no control over it.” He noted that expenses had increased six times in one year. “... we budget based on the previous year’s expenses ... which have absolutely nothing to do with what our actual expenses are going to be for that budget year. So we’re always running a year behind. So this year, we had expenses of \$64,000. We’re only paying a little over \$10,000 but next year, we’re going to be budgeting the \$64,000 and our expenses could be \$10,000 or they could be \$120,000. So it really makes it hard for ... us to try to stick to our budget when there’s no relationship between expenses incurred and our data that we use to come up with the budget.” Supervisor Bonkowski commended Ms. Ostrander for “trying to make the best of a bad situation.”

Ms. Ostrander responded to questions of clarification. Mayor Crowell entertained additional Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Abowd moved to approve an interlocal agreement with the State of Nevada, acting by and through its Department of Health and Human Services Aging and Disability Services Division, through June 30, 2019, for a not-to-exceed amount of \$64,066. 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

12. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (9:07:44) - Please see the minutes for item 11.

13. SHERIFF

13(A) POSSIBLE ACTION TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, FOR THE REGIONAL GANG INITIATIVE, IN THE AMOUNT OF \$129,093 (9:13:33) - Mayor Crowell introduced this item, and Undersheriff Ken Sandage presented the agenda materials. Department Business Manager Casey Otto responded to questions of clarification. Mayor Crowell entertained additional Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Bagwell moved to accept the grant from the Department of Justice 2018 Edward Byrne Memorial Justice Assistance Grant Program, for the Regional Gang Initiative, in the amount of \$129,093. 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

13(B) POSSIBLE ACTION TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, TO FUND A BEHAVIORAL HEALTH PEACE OFFICER POSITION, IN THE AMOUNT \$93,480 (9:17:52) - Mayor Crowell introduced this item, and Undersheriff Ken Sandage introduced Assistant Sheriff Jerome Tushbant. Undersheriff Sandage commended Assistant Sheriff Tushbant on his research and writing of the grant application. Assistant Sheriff Tushbant acknowledged his participation in this year's Chamber of Commerce Leadership Class, and Mayor Crowell commended him. Assistant Sheriff Tushbant presented the agenda materials, and responded to questions of clarification.

Mayor Crowell entertained additional Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Abowd moved to accept the grant from the Department of Justice 2018 Edward Byrne Memorial Justice Assistance Grant Program, to fund a Behavioral Health Peace Officer position, in the amount of \$93,480. 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

13(C) POSSIBLE ACTION TO ACCEPT A GRANT FROM THE DEPARTMENT OF JUSTICE, 2018 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT PROGRAM, FOR THE TRINET NARCOTICS TASK FORCE, IN THE AMOUNT OF \$133,800 (9:21:18) - Mayor Crowell introduced this item. Undersheriff Ken Sandage presented the agenda materials, and responded to questions of clarification. Mayor Crowell entertained additional questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to accept the grant from the Department of Justice 2018 Edward Byrne Memorial Justice Assistance Grant Program, for the Tri-Net Narcotics Task Force, in the amount of \$133,800. Supervisor Karen Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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

14. PURCHASING AND CONTRACTS

14(A) POSSIBLE ACTION TO DETERMINE THAT TAHOE POOL & SPA CONSTRUCTION IS THE LOWEST RESPONSIVE BIDDER, PURSUANT TO NRS CHAPTER 338, AND TO AWARD CONTRACT NO. 1819-097, AQUATIC CENTER POOL REPLASTER PROJECT, TO TAHOE POOL & SPA CONSTRUCTION, FOR A TOTAL NOT-TO-EXCEED AMOUNT OF \$330,333.52 (9:24:57) - Mayor Crowell introduced this item. Purchasing and Contracts Administrator Carol Akers presented the staff report, and responded to questions of clarification. Parks, Recreation, and Open Space Department Director Jennifer Budge provided an overview of the project, and responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to determine that Tahoe Pool & Spa Construction is the lowest responsive bidder, pursuant to NRS Chapter 338, and to award Contract No. 1819-097, to Tahoe Pool & Spa Construction, for a total not-to-exceed amount of \$330,333.52. 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

14(B) POSSIBLE ACTION TO APPROVE THE PURCHASE OF NAVETTA THEATER SEATING WITH WILLIAM PETERSON AND ASSOCIATES, THROUGH JOINDER CONTRACT NO. 170302, WITH TIPS - USA, FOR AN AMOUNT NOT TO EXCEED \$222,406.80 (9:32:42) - Mayor Crowell introduced this item, and Purchasing and Contracts Administrator Carol Akers presented the staff report. Parks, Recreation, and Open Space Department Director Jennifer Budge presented the agenda materials, and responded to questions of clarification. Supervisor Barrette commended the project. Ms. Budge responded to additional questions of clarification, and agreed to check with the designer regarding the possibility of offsetting the seat layout. Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to approve the purchase of Navetta Theater Seating with William Peterson and Associates, through Joinder Contract 170302 with TIPS-USA, for an amount not to exceed \$222,406.80. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion and, when none was forthcoming, called for a vote.

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

15. FIRE DEPARTMENT - POSSIBLE ACTION TO ADOPT BILL NO. 115, ON SECOND READING, AN ORDINANCE AMENDING SECTIONS OF TITLE 14, CHAPTER 14.02, TO REFLECT THE ADOPTION OF THE 2018 EDITIONS OF THE INTERNATIONAL FIRE CODE, THE INTERNATIONAL WILDLAND - URBAN INTERFACE CODE, AND THE NORTHERN NEVADA FIRE AMENDMENTS (9:40:35) - Mayor Crowell introduced and provided background information on this item. Battalion Chief / Fire Marshal Dave Ruben and Fire Chief Sean Slamon introduced themselves for the record. Fire Marshal Ruben presented the agenda materials. In response to a question, Fire Marshal Ruben described outreach efforts and communication with representatives of the Nevada Builders Alliance, the Builders Association of Northern Nevada, the marijuana industry, and the Chamber of Commerce. Fire Marshal Ruben advised of having received no feedback “from any of the groups.”

In response to a question, Fire Marshal Ruben discussed District Attorney’s staff review of the proposed ordinance. He explained that the fire codes and amendments are technical documents not subject to review by the District Attorney’s staff. At Supervisor Bagwell’s request, Mr. Yu provided additional clarification. Supervisor Bonkowski discussed concerns that the intent of the language be very clear. Mr. Yu agreed that “the controlling factor” in how an ordinance provision is legally construed is “the intent. And you establish intent with the reading of the plain language. So when you move forward in years and ... that intent is stated on the record. ... Your fallback then is to look at the plain language of that provision and that applies to ... reading of anything ...” Mr. Yu noted the District Attorney’s “high emphasis ... on clear drafting of any document that comes before this Board for adoption.” In response to a question, Mr. Yu expressed the understanding that there are “12 different parties to this working group and they’re working off this base document.”

In response to a question, Fire Marshal Ruben advised that the base document “came from the regional agencies that are listed on the cover; the fire marshals and fire chiefs from those agencies. It was a technical document based on a national standard fire code.” In response to a further question, Fire Marshal Ruben described the International Fire Code and the International Wildland-Urban Interface Code as “a model code that’s adopted in each jurisdiction ...” He acknowledged that once the state adopts the codes and the amendments they are law.

In response to earlier questions and comments, Fire Marshal Ruben stated that “in terms of any foreclosure, the only way that that would occur is if we went down an abatement route. And there is, in current Title 14 in the Municipal Code, there is a process. If the Fire Department determines that there’s a fire hazard that needs abated, there’s a process for that. The homeowner or property owner is notified. There’s a hearing ... before any of that stuff happens. And then a lien would be placed on the property if that property

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owner didn't reimburse the City. ... after that, I would defer to the D.A.'s Office to explain what happens with the lien.

"Secondly, ... as far as language and where the language came from and as far as intent, if you look in the amendments, Section 603.2.1 ... is out of the base code document and that's the section that gives us the authority to have people maintain their defensible space. If you have a house, ... this is the section that says you put a house on this property and you have to maintain your defensible space. The section about adjacent land mirrors that same language. That's where the language originally came from in the 2012 document that we just carried forward. We modified it at Supervisor Bagwell's request but it's basically the same language. It just mirrored that language referring to vacant land instead of land that had a structure on it. So that's where it came from. We felt we were on solid ground because we're basically just re-using the same verbiage that's in the document and this becomes a subsection of who's responsible for defensible space. ... we have to be careful about just taking that adjacent land section out of context and looking at it by itself because it's actually a subsection of the paragraph above and it has to be taken together and ... if you take it together, the intent of it is pretty clear that one paragraph is referring to an improved parcel and the other paragraph below it is referring to vacant land."

Mayor Crowell inquired as to the result of not approving the proposed ordinance. Fire Marshal Ruben advised that Fire Department staff would then work with the City Manager's Office and the Board "to determine if they wanted to move forward with adopting the 2018 Fire Code and these amendments. There's a couple different paths. ... the state is on track to adopt the 2018 Fire Code and WUI Code January 1st, with an implementation date no later than July 1, 2019, possibly earlier. If we did nothing that, as you said earlier, becomes the state law and we would fall under that. When that happens, we would lose any of the local amendments that we have currently in place specific to our local area because they're tied to the existing 2012 edition. So the Board would have to decide if they wanted to keep things like sprinkler ordinances or defensible space or those things ...

"I would tell you that the Fire Chief and I certainly feel strongly that we need to keep these amendments in place so we don't have a conflagration like we had with the Waterfall Fire. I was just reading some statistics. Between 1985 and 1994, there were 9,000 structures lost in wildland fires in the United States. Just last year, in October, in the fires in Santa Rosa and Napa, they lost 8,900 homes. So in that one fire alone, they lost almost as many homes as we lost in 10 years ... not that long ago. So it's a really big issue. The state code is kind of a hundred thousand foot level code. It has to address the whole state, from Las Vegas to Lake Tahoe to our area and our challenges are a lot different than they are in Clark County; whether it's our lack of resources and ability to put 100 engines on a scene that they have and we don't or the climactic conditions and topography and geography ..."

In response to a question, Fire Marshal Ruben advised that the City cannot be less restrictive than the state. He acknowledged that state law will prevail if the subject ordinance is not adopted. Mayor Crowell noted the possibilities of not adopting the proposed ordinance or passing it and then requesting the District Attorney's staff to clarify the language where appropriate or "figure out if there are actually substantive issues in this document and the code that this Board or a member of the Board doesn't like and thinks it should not be there. We can vote on that and maybe take it out or leave it in ... But when we're just up in the air about things, it's not going to help any of us because ... in January, this code's going to be mostly implemented." Fire Marshal Ruben acknowledged the accuracy of the Mayor's comments.

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Fire Marshal Ruben advised that “the only friction points that ... we hadn’t worked through that I felt that we, in the end, were able to work through was this [Section] 603.2.1 that both supervisors referred to. There were some other issues Supervisor Bonkowski and I communicated back and forth on. So as far as I am aware, that was the only friction point that was left and I thought that, based on my communications, we were good to go. And so, if that’s not the case, we can have further discussion on it and whatever the Board’s direction ... There is yet another option, if the Board chooses not to adopt it today, is the amendment documents we’re adopting by reference which we also adopt these codes by reference as well. We can take the language out of here. ... the amendments themselves are locked down. So we either adopt them or we don’t adopt them. And if we decide we don’t want to adopt something in them, we can delete them but we have to put that deletion in the municipal code ... referring to that.

“The other thing we could do is take the ... language in the amendments and just incorporate it into the municipal code which is actually how the municipal code was prior to 2012. That was the first year that we did a regional approach and did a joint amendment package. Prior to that, all ... this long list of things was actually in the municipal code ... which isn’t the best way but it gives you ... total control over the document if you manipulate it into whatever you want when it’s incorporated into the municipal code as opposed to ... if there’s substantive changes. ... at this point, staff would ask the Board for direction of what other friction points there are.”

(10:03:21) Former Fire Chief Stacey Giomi offered “some historical perspective.” “The component that you’re talking about ... land adjacent to land that is constructed on was pushed rather hard to this body and to other public bodies in the City in the wake of the Waterfall Fire and the reason behind was, it came from the community. It didn’t come from the Fire Department. It came from the community. There were people who lost structures in the Waterfall Fire because their neighbors refused to take action on removing defensible space. So in the scenario that Supervisor Bonkowski talked about, if this property is built on, that neighbor had clear defensible space to protect their home. They did not clear this defensible space to protect the home adjacent to their home. And that’s where this particular component of the ordinance that they’re discussing came from. It was from community members who were, quite frankly, very upset that they lost their homes because an adjacent property owner refused to take action on their property. So that’s where the history of that came from.

“Reference, if I may, the adoption in 2012 of the code. There was an attorney involved in that process. When we initially did this regional approach was in 2012. We started sometime around 2010 / 2011 and that regional approach had a City of Reno attorney in the group. We also had a representative of the Builders Association of Northern Nevada in that group and the Reno / Sparks Realtors Group ... So when we did the process that they talked about here the first time around, it was done in a collaborative fashion. There was also an association of general contractors in the room ...

“In the code cycle prior to 2012, we had a local review by the District Attorney’s Office of Title 14 of the Municipal Code. So, within the last ten years, the Municipal Code was looked at by the District Attorney’s Office at the time for the sort of language discussions that you’re talking about for uniformity and consistency. Then, going forward in 2012, when the City adopted the amendment package and the 2012 Fire Code, that was done in a collaborative fashion with a local government attorney present. So that’s the historical perspective of those two things if that helps you make a better decision today.”

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In response to a question, Mr. Giomi advised that the defensible space requirement would stay the same if the Board takes no action “which is very close to the language that Supervisor Bonkowski brought up.” Mayor Crowell suggested finding the “sticking points and addressing them” or taking the ordinance off the table. Mr. Giomi expressed the opinion that the defensible space language “is important.” He suggested revising the language to ensure clarity, if necessary. He discussed concerns, “as a private property owner that I have a neighbor and I have had a neighbor ... who, adjacent to my property, does not clear their brush. And that is a fire hazard for me. And there needs to be a way to address that. Just like we have a way to address the development codes. You don’t want blight in a community. ... this, to me, is the same thing.”

Supervisor Bonkowski advised that he and Fire Marshal Ruben “have been working through maybe two dozen issues ... We’ve worked through every one of them. This is the only remaining item ... that I’m really having heartburn on the language and, going back to the comment [Mr. Giomi] just made, ... I think that this is a fairly simple solution. I think we just need to come up with language that everybody can live with for this item. I’m just not happy with this language.” In response to a question, Supervisor Bonkowski expressed agreement with Mr. Giomi. “... there should be a mechanism in place to make sure that we safeguard properties. My concern is I don’t want to have language that, for whatever reason, allows for somebody to lose their property for non-compliance. I think that there have to be other mechanisms in place that we can still have an enforcement action without going down the road of somebody losing their property. That’s my concern.” Discussion followed.

Mayor Crowell suggested the issue may be philosophical. Supervisor Bonkowski suggested “that we propose language to make a change where a property can be liened but not foreclosed on. And we’ve done that in the past where the lien stays on the record until the house gets sold. We’ve done that for other incentives that don’t get paid.” Following a brief discussion, Supervisor Bonkowski emphasized the importance of “a solution that gives us what we need without taking away somebody’s property rights. I know that there’s a solution and I’m sure that we can work through it. I just don’t know that we’re going to work through it in the next ten minutes.”

Chief Slamon assured the Board of no intent to foreclose on anyone’s property, but acknowledged Supervisor Bonkowski’s concerns regarding “what happens ten or fifteen years from now.” Chief Slamon expressed no opposition to revise the language. “We always have the intent to work with the property owner. The goal is to mitigate the fire hazard; not to punish any neighbor or property owner that abides by the rules.” Mayor Crowell discussed concerns over enforcement in that a property lien “overlooks the issue of the health and safety of what we’re doing. And so if we put this off and you go back and discuss it, ... from my perspective, I want to know that the health and safety and welfare of the residents of the community prevail over a technical issue of whether or not there is a lien.” Supervisor Bonkowski expressed the understanding that the City would have the ability to abate the defensible space and that would be the amount of the lien, plus legal fees. “I think that there is a solution here. I just think that we need to have more time to sit down and talk about it and come up with potential language.” Mayor Crowell expressed agreement, “as long as we don’t overlook the purpose of this provision. ... I suspect you’re going to have difficulty on ... the language ... based on what I’ve heard here.” He cautioned against overlooking a health, safety, and welfare issue relative to drafting new language.

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Supervisor Barrette agreed with working on the language. Mayor Crowell pointed out that the ordinance will have to be reintroduced, on first reading. He expressed concern that no one said anything about this. Fire Marshal Ruben advised that the only comment provided was from lobbyists for the Sierra Realtors after first reading. He reiterated the public outreach efforts.

Mayor Crowell entertained a motion to defer second reading with instructions that the defensible space language provisions be resolved. Deputy District Attorney Iris Yowell advised that foreclosure is a policy decision that would be presented to the Board of Supervisors. "It's not required in the Code. If a lien is placed on a property, you don't have to foreclose simply because a lien is placed. So the nuisance abatement happens, you go through a bunch of hearings, and then the lien is placed but it just sits there. So foreclosure doesn't have to happen. Having this in here does not trigger foreclosure."

Supervisor Abowd expressed concern over the language "trigger[ing] any sort of unintended, punitive impact." She expressed understanding for requiring defensible space, "but [Supervisor Bonkowski's] point is well taken. Fifteen years ... twenty years down the road, the intention ... can be lost and then it's a literal translation. That's happened to us way too many times so I just want to make sure it's clear." Supervisor Bagwell discussed the necessity of defensible space, and pointed out that the City has never foreclosed on a property. Supervisor Abowd stated, "That's what has to be clear ... that we're not going to foreclose." Ms. Yowell advised against removing the discretion to foreclose or not on a property. "If you have \$1,000 due to the City, you're not going to want to spend the money or the resources to foreclose on that property. It just doesn't make sense to do that. Property tax is a different issue because you have to sell the property after you go 'x' number of years so that's a different trigger. ... Under the nuisance abatement, it's up to [the Board] if a property is foreclosed on and if a ... lien just sits there ..." Supervisor Bonkowski suggested that if, in the meantime, the defensible space issue has been remediated, it's a win-win situation ... We have the ability to go in and remediate the defensible space and put a lien on the property. I just want an assurance that we don't actually take the property." Ms. Yowell compared the proposed lien for remediating the defensible space issue on a property to a mechanic's lien. Mayor Crowell suggested the possibility of property owners having the City remediate fire hazards on their property and allowing the lien to remain perpetually with no intention of selling their property.

Mayor Crowell entertained public comment. (10:23:32) Heather Lunsford, of Carrara Nevada representing the Sierra Nevada Association of Realtors, expressed appreciation to City officials and Fire Department staff for working together to address concerns. She further advised that the Sierra Nevada Association of Realtors "have been involved in the amendment changes since it got rolled out. We have been working with that group of 12 ... to address concerns from the Northern Nevada perspective ... We still do have a couple concerns that we are trying to work out with that group right now. You ... are the first jurisdiction to move towards adoption so we're trying to get them worked out before they even got here but ... we still have a couple ..." In response to a question, Ms. Lunsford expressed support for attaching a lien to a property instead of foreclosure. "Just clarifying that language does a lot for the realtors ... because we wouldn't want a house foreclosed on for defensible space." In response to a further question, Ms. Lunsford expressed support for health and safety "for all homes and citizens but ... a lien would be enforcing in our minds." In response to a further question, Ms. Lunsford cited "the appeal process" as another issue of concern to the realtors.

Following a brief discussion, Mayor Crowell suggested tabling the item and have it reagendaized once the Fire Chief and City staff is ready to present it again for first reading. Mayor Crowell entertained a motion.

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In response to a comment, Mayor Crowell emphasized the need “to have the issues crystalized.” He emphasized the importance of the community’s health and safety. “And that is one where you can have all the time you want but you’re not going to be able to return somebody to a home that’s been burned down” due to a neighbor’s negligence. Supervisor Bonkowski reiterated that he and Fire Marshal Ruben have been working through a list of issues over the past month. “This has been an ongoing discussion and we’ve worked through ... well over 20 items and ... I’m down to one issue and I think that there’s a solution and, frankly, I think that we’re making this much harder than it needs to be.” Mayor Crowell directed City staff to not agendize items until they are resolved, and discussion followed. **Supervisor Abowd moved to table this item. 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Mayor Crowell recessed the meeting at 10:32 a.m., and reconvened at 10:53 a.m.

16. FINANCE DEPARTMENT - PUBLIC HEARING, PURSUANT TO NRS 244A AND 350.020(3), CONCERNING THE PROPOSED ISSUANCE BY CARSON CITY, NEVADA OF ITS GENERAL OBLIGATION (LIMITED TAX) WATER BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2019A, IN THE AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$7,000,000, FOR THE PURPOSE OF FINANCING WATER PROJECTS FOR THE CITY; AND PAYING THE RELATED ISSUANCE COSTS (10:53:43) - Mayor Crowell introduced this item and opened the public hearing. Chief Financial Officer Sheri Russell presented the agenda materials, and responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, closed the public hearing.

17. DISTRICT ATTORNEY - POSSIBLE ACTION TO CONSIDER CARSON CITY’S POTENTIAL INVOLVEMENT AS AN AMICUS CURIAE (“FRIEND OF THE COURT”) IN MINERAL COUNTY V. WALKER RIVER IRRIGATION DISTRICT, A MATTER PENDING BEFORE THE NEVADA SUPREME COURT ON QUESTIONS CERTIFIED FROM THE UNITED STATES NINTH CIRCUIT COURT OF APPEALS, AND TO AUTHORIZE THE DISTRICT ATTORNEY’S OFFICE AND THE PUBLIC WORKS DEPARTMENT TO OVERSEE THE FILING OF A LEGAL BRIEF (10:56:09) - Mayor Crowell introduced this item, and recognized Carson Water Subconservancy District Executive Director Ed James and District Attorney Jason Woodbury. Mr. James presented the staff report, provided background information on this item, and responded to questions of clarification. Mr. Woodbury requested the Board’s serious consideration for engaging in the litigation as an amicus party. “Carson City is the owner of decreed water rights which are directly implicated in a potential ruling from the Supreme Court. There are about 5,200 to 5,400 acre feet of decreed water rights that Carson City owns. Probably more significantly, from the Water Engineer’s perspective and the legal perspective, is the potential disruption to well-settled water law that a ruling in

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this could potentially cause. That has wide-spread and pretty drastic consequences if it were to disrupt well-settled water law in that way.”

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to direct the District Attorney and the Public Works Department to oversee the preparation and filing of a brief in the Nevada Supreme Court reflecting Carson City’s position concerning the issues being litigated in *Mineral County vs. Walker River Irrigation District*. Supervisor Bonkowski seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Bagwell stated, for the record, “I’m not in the fight for Mineral County versus Lyon County for the water to go to Walker Lake. My family comes from there and I’m telling you no fishing in that lake has harmed Hawthorne immensely. So, as long as it’s clear, we’re fighting over the doctrine not whether water should go to the lake.” Mayor Crowell expressed agreement, “but for this novel use of an ancient doctrine ...” Mayor Crowell entertained additional 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

18. PARKS AND RECREATION DEPARTMENT - POSSIBLE ACTION TO ADOPT A RESOLUTION TO DESIGNATE CARSON CITY, NV AS A BEE CITY USA AFFILIATE

(11:12:57) - Mayor Crowell introduced this item, and Senior Natural Resource Specialist Lyndsey Boyer presented the agenda materials. In response to a question, Ms. Boyer reviewed the most recent revisions to the resolution. In response to a further question, Ms. Boyer expressed the opinion that the commitments included in the resolution will not create undue burden on the staff. “Many of the tenets in this resolution are already some things that we’re doing anyway, such as trying to enhance pollinator habitat here in Carson City, especially in regards to the Open Space Program and Parks. We already incorporate pollinator-friendly species into our seed mixes whenever we can. And ... adopting this resolution would really be ... a promise to make that a consistent practice. And there are other things that we can do within the department to kind of promote pollinator habitat creation which is essentially the whole tenet of the resolution and of the Bee City USA Program; to provide education to the public and promote sustainable pollinator habitat wherever we can.” Ms. Boyer discussed the importance of pollinators to the environment and provided an overview of the Bee City USA Program.

Mayor Crowell entertained additional Board member questions or comments and public comments. (11:21:15) Great Basin Bee Keepers Association Co-Founder and Past President Dell Barber expressed appreciation to the Board for their consideration of the resolution and to Ms. Boyer and Parks, Recreation, and Open Space Department Director Jennifer Budge “for all their hard work in putting this thing together.” Mr. Barber reiterated that adoption of the subject resolution would make Carson City the first Bee City USA in Nevada. Mr. Barber provided background information on the Great Basin Bee Keepers Association, and their activities.

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Supervisor Abowd thanked Mr. Barber and City staff for all their hard work, and agreed with the importance of Carson City being the first Bee City USA in Nevada. Mayor Crowell entertained additional public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to adopt Resolution No. 2018-R-30 to designate Carson City, Nevada as a Bee City USA Affiliate. 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

19. PUBLIC WORKS DEPARTMENT - POSSIBLE ACTION TO ADOPT THE FOLLOWING RESOLUTIONS CONSENTING TO RELINQUISHMENTS AND LAND TRANSFER AGREEMENTS, BETWEEN CARSON CITY AND THE STATE OF NEVADA DEPARTMENT OF TRANSPORTATION FOR (1) APPROXIMATELY 1.83 MILES OF SOUTH CARSON STREET, INCLUDING PORTIONS OF FRONTAGE ROAD EXTENDING FROM THE NORTHERLY RIGHT-OF-WAY LINE OF IR-580 TO THE SOUTHERLY RIGHT-OF-WAY LINE OF FAIRVIEW DRIVE; (2) APPROXIMATELY 1,485 FEET OF FRONTAGE ROAD EXTENDING FROM ARTHUR STREET TO SOUTH OF CLEAR CREEK AVENUE; (3) APPROXIMATELY 1 MILE OF SNYDER AVENUE EXTENDING EAST FROM THE EASTERLY LINE OF SOUTH CARSON STREET; AND (4) EIGHTEEN (18) SURPLUS PARCELS LOCATED ALONG THE IR-580 CORRIDOR, FROM COLORADO STREET TO SOUTH CARSON STREET (11:27:25) - Mayor Crowell introduced this item. Real Property Manager Stephanie Hicks introduced Transportation Manager Lucia Maloney, and presented the agenda materials. Ms. Hicks introduced NDOT Deputy Director Bill Hoffman, Transportation Planner / Analyst Bob Madewell, and Right of Way Survey Services Manager Jeff Henkelman. Mayor Crowell welcomed the gentlemen, and thanked Mr. Hoffman for working with Carson City over the years. Mr. Hoffman provided background information on Mr. Henkelman's and Mr. Madewell's experience and responsibilities.

Mr. Madewell, Mr. Hoffman, and Ms. Hicks responded to questions of clarification, and extensive discussion took place. Supervisor Bonkowski referred to the example of East William Street "that the relinquishment happened; the leases were terminated. This kind of fell through the cracks, between NDOT and the City. A property came up for sale, it entered escrow, we were going through the entitlement process and it's discovered that the parking lot is all in the right-of-way which was transferred from NDOT to Carson City, but there's no entity that controls that parcel now because the lease was terminated and the City did not take action to come back with an encroachment permit or a new lease. That put a cloud on the title because there was no parking for that property now. Zero. So the property couldn't be sold until that issue was resolved which took several months which created a financial burden on the property owner as well as on the buyer. What I'm trying to do is avoid that situation in this case and come up with a system where we get enough time to review documents or all of the NDOT leases get assigned to the City upon the relinquishment so that we have control of that land from day one so that we don't create clouds on title for the adjacent property owners where they have a parking lease or some other sort of lease."

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Mr. Hoffman and Mr. Madewell expressed understanding for Supervisor Bonkowski's concerns. Mr. Madewell advised that NDOT staff will review the lease terms to determine if they are assignable. "If they are, I don't see why we couldn't potentially go down that road of assignment, but we would have to document which ones are and which ones don't allow us to assign. And we certainly could put some language in the Resolution of Relinquishment for those that are assignable to make them assignable. We're way past the point of where we could renegotiate those leases to make them all assignable but, ... at this point, we'd have to figure out which ones we could do that with and which ones we could not do that with."

Supervisor Abowd inquired as to how the timing and process of the subject relinquishments will affect the Carson Street design and the TIGER grant. Ms. Maloney advised that Transportation Division staff has requested, from NDOT staff, "all of the detailed legal descriptions, maps of what we're receiving, lease information, utility easements ... by January 1, 2019. It's sort of a subjective date but the reason we didn't put that date is because the City is obligated, under Amendment 4 of the freeway agreement, to start construction on a complete streets project in calendar year '19. We do intend to meet that date and we are on target to meet those obligations such that the City, as part of that agreement, can receive the \$5.1 million from NDOT for the pavement resurfacing on South Carson.

"The activities that the City needs to do and complete in advance of starting construction at this point, at least in my mind, it's an unknown amount of work. We will need to certify the right-of-way, as part of the TIGER agreement. There may or may not be environmental steps that need to be taken as part of project design and approval. And what we receive from NDOT, the level of detail, how organized it is, all of those things, may impact the cost to the City to weed through those documents and really understand and be able to certify the right-of-way and get through those steps. So, for those reasons, we wanted to allow ample time and that's why we had noted the January 1st date. Now, if it slips a week or two, I don't know that that's too big of a deal or a deal breaker but that was the rationale when we had requested that date."

In response to a question, Mr. Madewell advised that for NDOT "to complete a resolution of relinquishment to be able to transfer the \$5.1 million to [the City] in the timely manner that you need, we would have to have ... the final resolution ... to our board on ... November 14th." Mr. Madewell responded to questions of clarification. Mayor Crowell suggested approving the subject resolutions "subject to [the City's] review rights under the contract." Mr. Hoffman agreed to look into the possibility, and additional discussion followed.

In response to a question, Mr. Madewell advised that no environmental documents are required for the transfer. "... the lease, the permits, the as-builts, all of those types of documents, we have given a lot of those already. I have promised [Ms. Maloney] in an earlier letter that we would have them all to her by the ... January 1st deadline. We would provide those, again, I have to restate this, in the format we've provided every other relinquishment throughout the state. So we would have those to your staff by January 1st."

In response to a question, Ms. Hicks expressed the opinion that the "sketch maps from those final resolutions from NDOT have provided us the complete detail that we need for the limits of the right-of-way. We just have not seen those final documents as of yet and we've only seen them in draft format. And they have worked very well with us. We've gone back and forth several times with comments that we had and questions that we have, but there are still a few things that are outstanding. So, if everything came forward to their board in that format that was presented for North Carson Street and ... William Street, I do think we'd have all the documentation that we need to take it forward. We just may only have a few

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a days to see it when it posts to the agenda for the State Transportation Board. And so that, ... compounded with our time frame for the TIGER, I think is what brings our concerns.”

Mr. Madewell expressed agreement with Ms. Hicks’ statements. “We have to take the documents to our board that are in formal, final state. So there would be the actual, recordable documents in the state that we would then take to the county recorder and recorder. So those would be those final documents. So we, too, are on a very short timeline to get those even prepared for our own uses much less for your uses as well. I think we’re much closer than it may sound to you, based on our discussions, but it’s just this pushed forward timeline has created some interesting scenarios for us. But we can’t go to our board again without having those formal, final documents as well.”

In response to a question, Ms. Hicks expressed the belief that the City’s “recourse would be to attend that board meeting and bring that to their Transportation Board’s attention so that it doesn’t go forward and be finalized. ... my understanding is that’s the final determination that needs to be made for the property to be relinquished. So we just have a small window of time in order to do that.”

Mr. Henkelman explained that the Resolution of Consent “which is what we’re asking you to consider here today is a very simple document. ... the legal description, as we’re referring to it, is very simple in a resolution of consent or a resolution of relinquishment. Again, the resolution of relinquishment, final document, is only going to be about three pages. And that’s because in a road transfer, we’re giving the City the entire roadway. Everything we own will be transferred. In this case, we’re saying the South Carson corridor, from Fairview to the proposed interchange, the proposed interchange to the county line, Snyder [Avenue] from South Carson to the 16th line at the Colony, but these are very simple corridor or strip descriptions. They don’t take a lot of work. The mapping, on the other hand, this is the package for North Carson Street. We presented the draft mapping to the City already so they’ve got an idea of what they’re going to get and, in that mapping, we identify all of the documents we use to acquire our rights. And we are transferring those same rights to the City. So that’s all going to be as specific as we can make it.” Ms. Hicks responded, “There are just some things we still have questions on and documents that are still missing and, if those come through as described to the Transportation Board, then I do think that we would have everything that we needed.”

Mayor Crowell proposed revised language to the last paragraph of the Resolution of Relinquishment. Mr. Henkelman reiterated that “the City can cause this process to pause at the Transportation Board meeting. If the City doesn’t like what they’ve got and they go to the Transportation Board and say, ‘Stop’, the process stops.”

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Bonkowski moved to adopt the four resolutions consenting to relinquishments and land transfer agreements, between Carson City and the State of Nevada Department of Transportation, as described on the record, and direct staff to review the November 2018 State Transportation Board agenda and supporting materials, and to attend the November State Transportation Board meeting to enter public comment, if appropriate, on the associated legal documents, maps, permits, et al., that staff feels are under appropriate review for Carson City. Supervisor Abowd seconded the motion.** Mr. Hoffman acknowledged agreement with the motion. Mayor Crowell entertained discussion on the motion; however, none was forthcoming. Ms. King advised that City resolution numbers would be assigned which would not affect the NDOT documentation. **Supervisor Bonkowski amended his motion**

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to include City Resolution Nos. 2018-R-31, 2018-R-32, 2018-R-33, 2018-R-34. Supervisor Abowd continued her second. Mayor Crowell called for a vote on the pending motion.

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

Mayor Crowell thanked Mr. Hoffman and his staff for their attendance and participation.

20. COMMUNITY DEVELOPMENT DEPARTMENT, PLANNING DIVISION

20(A) POSSIBLE ACTION TO APPROVE A TENTATIVE SUBDIVISION MAP FOR A 204 LOT, SINGLE-FAMILY RESIDENTIAL SUBDIVISION IN THE LOMPA RANCH NORTH SPECIFIC PLAN AREA, ON PROPERTY ZONED MULTI-FAMILY DUPLEX AND SINGLE FAMILY 6,000, LOCATED SOUTH OF EAST ROBINSON STREET, WEST OF HIGHWAY 395, AND NORTH OF EAST FIFTH STREET, APN 001-041-71 (TSM-17-184) (12:04:10) - Mayor Crowell introduced this item, and Planning Manager Hope Sullivan presented the agenda materials in conjunction with displayed slides. Mayor Crowell entertained Board member questions or comments and public comments; however, none were forthcoming. Mike Raley, of Rubicon Design Group, LLC, introduced himself, for the record, and expressed agreement with all the conditions of approval. Mayor Crowell called again for public comment and, when none was forthcoming, entertained a motion. **Supervisor Bonkowski moved to approve TSM-17-184, a Tentative Subdivision Map for 204 single-family lots, on property zoned Multi-Family Duplex and Single Family 6,000, based on the findings and subject to the conditions of approval in the staff report to the Planning Commission. Supervisor Abowd seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Barrette expressed concern regarding the traffic patterns “as one of those longer-term things that’s going to grow on us.” In conjunction with displayed slides, Ms. Sullivan pointed out the access points to the subdivision. In response to a question, Ms. Sullivan advised that the entitlements, including the specific plan approval, are blind to ownership. “It doesn’t matter who owns it. The development agreements are crafted. You just had the conversation about signing the agreements. Ours are ... automatically assigned to new owners. You don’t re-review it. If you bought the property that’s subject to the entitlement and subject to the development agreement, you bought all the responsibilities associated with that.” Supervisor Barrette expressed concern over the results. Ms. Sullivan assured the Board, “we are enforcing the law.” 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

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20(B) POSSIBLE ACTION TO APPROVE THE TRANSFER OF THE LOCATION OF AN UNLIMITED GAMING LICENSE, FROM 444 EAST WILLIAM STREET, SUITE 8 TO 2811 SOUTH CARSON STREET (12:10:08) - Mayor Crowell introduced this item, and entertained disclosures. Supervisor Bonkowski read into the record a prepared disclosure statement, and advised that he would abstain from discussion and action. Mayor Crowell entertained additional disclosures; however, none were forthcoming, Planning Manager Hope Sullivan presented the agenda materials. In response to a question, Ms. Sullivan expressed the understanding that the gaming license is current and in good standing.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. **Supervisor Abowd moved to approve the transfer of the unlimited gaming license, from 444 East William Street, Suite 8 to 2811 South Carson Street, subject to the business obtaining required business and liquor licenses. Supervisor Bagwell 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 Lori Bagwell
AYES:	Supervisors Abowd, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	Supervisor Brad Bonkowski

20(C) POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE APPROVING A CHANGE OF ZONING, FROM RETAIL COMMERCIAL AND SINGLE FAMILY ONE ACRE TO RETAIL COMMERCIAL, ON PROPERTIES LOCATED AT 449 WEST APPION WAY AND 382 WEST PATRICK STREET, APN 009-281-01 (12:13:33) - Mayor Crowell introduced this item, and Planning Manager Hope Sullivan presented the agenda materials in conjunction with displayed slides. Ms. Sullivan noted late material which was distributed to the Board members, the Clerk, and made available to the public prior to the start of the meeting. She further noted that the Planning Commission had a “split vote on this. It was a 3-2 vote with two absent, but they did vote to recommend approval of the zoning map amendment at their meeting of September 26th. At Ms. Sullivan’s request, Transportation Manager Lucia Maloney discussed the adequacy of public facilities relative to transportation. Ms. Sullivan introduced Chris Baker, of Manhard Consulting, representing the applicant.

Mayor Crowell entertained public comment. (12:30:08) Mark Butner, a resident of West Patrick Street, discussed concerns over traffic on Appion Way and Cochise Street.

(12:32:55) Greg Wilson discussed concerns over the width of Appion Way. “... the map has said for years that it was 66 feet wide. I found out fifteen years ago, when I submitted for my addition, that ... road is actually offset greatly and you can see that when you’re down at the Chevron station looking up. And I talked to Chris Baker about it and he was saying if they did do the hotel or project that they would probably keep that road offset which that’s not a guarantee.”

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(12:36:05) Mr. Baker explained the subject item as “a zoning map amendment to bring the property into conformance with the master plan, which is a City document which was approved by this Board. What we have there now is ... an area in transition. Transition for a few reasons. We do have a bunch of vacant properties. We do have properties that, right now, are currently served by well and septic as opposed to sewer and water which has probably limited growth in the area. We obviously have some big changes recently, as far as transportation network, modifications both on Carson and the 580 interchange. But what we’re really doing is changing colors on a map ... But it’s not that simple ... When you’re changing colors on a map, you’re still affecting somebody who lives adjacent to the property.

“The bulk of the discussion at the Planning Commission ... and the bulk of the discussion with the neighbors after the meeting and ... a lot since then is that buffering, that transition and how the commercial interfaces with the existing neighborhood.” Mr. Baker noted a request, as outlined in the staff report, “to keep the existing residential unit. That’s a commitment we made at the Planning Commission and we’ve made throughout the process. As you know, though, the issue isn’t that simple. There’s not a mechanism to condition us, through a zoning map amendment, to require us to keep that unit. So ... me saying ... we’re going to keep it doesn’t really stand up.

“So what I’ve been tasked with, over the last week or so, is to find a mechanism to ensure that that unit is kept. What I’ve come up with is ... there are two parcels so what we’d be doing anyway is a boundary line adjustment to create essentially a commercial parcel and a residential parcel which would match the existing residential unit there to the south which would create about a .60-acre parcel which would ensure the residential unit is kept. But, again, just creating that parcel doesn’t ensure that the unit is kept. What we’d also commit to is putting a deed restriction on that residential parcel. We’re in a unique situation that ... the majority of the lots up there are actually substandard. They’re not one-acre although they’re zoned SF1. So if we were to try and leave it as a residentially-zoned property, it would be actually a ... previously permitted nonconforming use but we couldn’t change the property line which would essentially eliminate the commercial parcel if we tried to keep the house. So to try to do both things, we would need to go through with the zoning map amendment and then we would deed restrict the residential parcel to a residential use.

“What’s before you today is the first reading for this. We would commit to have the boundary line adjustment and draft deed language submitted to the City prior to the second reading. So to actually follow through with what we’re proposing today. What that does is ensures that, although the colors on the map kind of have that little leg that comes up to Voltaire, realistically, from that area north the neighborhood stops ... right at the toe of that slope. So that’s our proposal. We’ve had many discussions with the neighbors. It’s consistent with their comments. It’s consistent with their emails and letters and that’s something we are willing to commit to today.

“As far as traffic, again, the only reason there was a site plan in there is because the City requires a checklist item of a proposed site plan and that’s more for us to determine existing land use versus proposed land use and how the infrastructure would correlate. We’re not there yet as far as what’s going to go on the site. A hotel has been thrown out there. More than likely that’s ultimately what could be there. How it’s going to fit, how many rooms, to get into traffic specifics is very difficult for us to do today. But I will say, just changing colors on a map doesn’t generate traffic. So I’m going to leave the rest of those traffic questions to City staff as far as answering those.”

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Mayor Crowell entertained additional public comment. (12:41:14) Mr. Butner expressed appreciation for the offer to “keep what we call Woody’s house in the neighborhood.”

Supervisor Bagwell provided an overview of email correspondence from Neva Dixon. Public Works Department Director Darren Schulz acknowledged no requirement for current residents of the area to connect to City utilities. “What would trigger that is if they had a failure of their current septic system or if that area was designated as an environmentally sensitive area by the State, in terms of leaching down into the ground water. Then that’s a different story. But this area is not one of those areas in Carson City so, no, they would not be forced to connect.”

Supervisor Abowd acknowledged the area is in transition but discussed the importance of a “tasteful buffer ... because it is an area in transition and because these people basically have commercial right at their doorstep ...” Supervisor Abowd expressed the opinion that “the terrain isn’t enough of a buffer.” She suggested a landscape screen “from what’s happening around them. ... that’s vital to making their properties worthwhile. This is their home and they were there long before the rest of this growth has occurred.” Supervisor Abowd expressed understanding “that that’s becoming a real viable location for growth at this point in time and was master planned for that purpose. But ... it’s important that we, as a Board, dictate that there is some tasteful landscape put in around this such that it softens that blow of growth.”

In reference to an earlier question, Supervisor Bonkowski requested clarification regarding what will be entailed in widening the street. Senior Project Manager Stephen Pottéy expressed the belief that the referenced right-of-way was “Appion [Way] ... adjacent to the zone change. So currently there’s wide right-of-way and a narrow pavement section. There is a little bit of wiggle room with the narrowest section ... so you could shift south to avoid taking out trees ... Again, we’d have to get into the actual details of a design to know exactly how that could impact.” In response to a question, Mr. Baker advised that an Assessor’s Parcel Map shows 66 feet “but your GIS data and all the other property information shows a 60-foot right-of-way.” In response to a further question, Mr. Baker was uncertain as to whether existing residential improvements on the north side of Appion Way extend into the right-of-way. “The concern is where ... the improvements would occur. ... obviously, if you’ve got a 60-foot right-of-way, any of the traffic counts are actually just dictating a local section which is significantly less than that 60 foot, obviously significantly less than the 66 foot, which we would start on our property and work north. Obviously, we wouldn’t start on their property and work south. So that’s the best we can tell you now. We haven’t put forth a road section in there to determine but I know that local section, even with sidewalks ... is 45 feet. It might even be less than that.” Mr. Baker acknowledged that would be for commercial development. Mr. Pottéy advised that “the minimum right-of-way for a local street is 50 so if something needed to be done to adjust the right-of-way, you could go down to a 50-foot width.”

Supervisor Bonkowski inquired as to what the improvements would look like “after the fact for commercial development and how does that impact the existing residential properties. Are they going to lose existing improvements? Or can the required improvements be built within the existing right-of-way, starting from the south side of the existing right-of-way going north? Ms. Sullivan referred the Board members to page 627 of the agenda materials, depicting “a lot line superimposed on an aerial and it does appear that what Supervisor Bonkowski is describing and what the resident described is correct; that there are private improvements that are encroaching past the property line. So the question is, if that’s the case and this exhibit is correct, can you still improve Appion without compromising those improvements ...” Ms.

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Sullivan pointed out “that this property that has frontage on Patrick, Patrick does have commercial zoning to the south and you have frontage on Cochise. So, I believe, when a development project came in, along the lines of what Supervisor Abowd said, we would be looking to have the least impact possible on the residents that are already there and were there first and we would be seeking access on those other streets as opposed to Appion. That’s not a direct answer to your question because your question is can Appion be improved to satisfy future development on the subject property without compromising improvements that may potentially be on the right-of-way ... And it’s a bit of a hypothetical. But this exhibit does appear to show improvements on the right-of-way but, in this particular case, I think we have two other roads to choose from in terms of access.” Ms. Sullivan acknowledged this would be accounted for in project conditions. “When the staff reviewed the project, we would work with the developer and ... would be looking to have the least impact possible on the existing residents and we would be seeking to have vehicular access on the other streets if that was what was necessary to avoid compromising private improvements.” In response to a previous question, Mr. Pottéy advised that the minimum street section that would be allowed at full build out would be 41 feet wide and that includes sidewalk. He acknowledged that the right-of-way could be reduced and the actual street improvements would be less than that right-of-way.

Supervisor Barrette expressed agreement with Supervisor Abowd’s previous comments relative to the “12-year-old master plan. ... this shows why the master plan means something and why our residents need to, when they go somewhere, figure out what it means long term.”

Mayor Crowell entertained additional public comment. (12:52:07) Mr. Wilson advised of “a garage that encroaches on ... the 41 feet ... on Appion and Cochise. If it went the full 60 feet, the garage would be cut in half which probably could be done ... But also remember they’re talking about doing the intersection, connecting it to Snyder ...” He circulated a photograph among the Board members.

In response to a question, Mr. Schulz advised that traffic will be considered “in and around this area. Traffic may cause further improvements than just the minimum standard. So everything has to be on the table today. We need to look at it all the way through but, yes, ... we do have cases all over town where things were built in the right-of-way for one reason or the other.”

Mayor Crowell entertained additional public comment; however, none was forthcoming. Ms. Maloney stated that “right now, Cochise south of Clearview is classified as a local roadway, meaning that it’s not eligible for Federal Transportation grant funds. However, staff are actively looking at feasibility of reclassifying that facility as a collector roadway in the future such to allow the City to use those critical grant funds to upgrade it in response to anticipated local traffic concerns right there.”

Mayor Crowell entertained additional questions or comments and, when none were forthcoming, a motion. **Supervisor Bagwell moved to introduce, on first reading, Bill No. 118, an ordinance approving a change of zoning from Retail Commercial and Single Family One Acre to Retail Commercial, on property located at 449 West Appion Way and 382 West Patrick Street, based on the findings contained in the staff report to the Planning Commission, and the commitment to do the boundary and deed restriction to retain the house. Supervisor Barrette seconded the motion.** Mayor Crowell entertained discussion on the motion. Supervisor Abowd emphasized that the buffer be in there. Ms. Sullivan pointed out that the zoning map amendment findings cannot be conditioned. She assured the Board that she would review the City’s landscape standards to “look specifically and, certainly, when we

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look at this development, should a development proposal come in, we'll look at it like we do all of them and try to protect the residential areas. Supervisor Bonkowski noted that approval requires three findings, as reviewed by staff. He noted that finding 2 addresses the compatibility issue. "In this particular case, I'm certainly having a lot of trouble with this issue. I'm ... going back over to [Supervisor Barrette's] point that maybe the master plan isn't always right. ... I understand that the master plan now says that it's retail commercial which helps us make finding 1. When it comes to the compatibility, I'm just not convinced yet that there is a compatibility between the low density residential and any commercial development in that area. So I appreciate the offer of a deed restriction and keeping that property residential. I think that's very helpful. What it comes down to for me ... is that I can't make that second finding. So I'm just not going to be able to vote to approve this item just based on the compatibility issue. I think that you're on the right track but, at this point, I'm just not convinced." Mayor Crowell entertained additional discussion on the motion. Supervisor Barrette commented that he considers the master plan "as our local charter or constitution over planning to a degree. It's much more amendable than that. I recognize that but people who live in this community need to look at it and be able to rely on it and so it has to be done periodically. And a dozen years ... is a little long although he's made the point that a recession intervened and not much happened so not much has changed. But, as time goes by, things do change. ... It's compatible in the sense that it's going there anyway. [Ms. Sullivan] has been correct in saying it's an area in transition and with the new intersection down there, it'll go that way increasingly." Supervisor Abowd expressed understanding for the "compatibility issue," but pointed out "it is transitioning more towards commercial and so that's why I'm adamant about buffers for the folks that have been there." Mayor Crowell entertained additional discussion on the motion and, when none was forthcoming, called for a vote.

RESULT:	Approved [4 - 1]
MOVER:	Supervisor Lori Bagwell
SECOND:	Supervisor John Barrette
AYES:	Supervisors Bagwell, Barrette, Abowd, and Mayor Crowell
NAYS:	Supervisor Brad Bonkowski
ABSENT:	None
ABSTAIN:	None

20(D) POSSIBLE ACTION TO CONSIDER A REQUEST FOR A TENTATIVE SUBDIVISION MAP APPLICATION TO CREATE 18 CONDOMINIUM HANGAR UNITS, ON A 2.19-ACRE PARCEL AT THE CARSON CITY AIRPORT, WITHIN THE PUBLIC REGIONAL ("PR") ZONING DISTRICT, LOCATED AT 2600 EAST COLLEGE PARKWAY, APN 005-091-19 (1:01:39) - Mayor Crowell introduced this item, and Planning Manager Hope Sullivan introduced Associate Planner Heather Ferris. Ms. Ferris presented the agenda materials in conjunction with displayed slides. Mayor Crowell entertained Board member questions or comments and public comments and, when none were forthcoming, a motion. **Supervisor Bonkowski moved to approve TSM-18-123, a Tentative Subdivision Map known as Mountainwest Community Association map, consisting of 18 condominium hangar units, based on the findings and subject to the conditions of approval contained in the September 26, 2018 staff report to the Planning Commission. Supervisor Abowd seconded the motion.** Mayor Crowell 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

20(E) PRESENTATION TO PROVIDE AN ANNUAL UPDATE ON BUILDING PERMIT SERVICES PROVIDED BY CHARLES ABBOTT ASSOCIATES, LLC, UNDER CONTRACT NO. 1415-050, AS AMENDED (1:05:47) - Mayor Crowell deferred this item. (2:00:03) Mayor Crowell reintroduced this item. Community Development Director Lee Plemel introduced Building Official Corey Coleman, and presented the agenda materials in conjunction with displayed slides. Mr. Coleman and Mr. Plemel responded to questions of clarification. Mayor Crowell entertained public comment and, when none was forthcoming, thanked the gentlemen for their presentation.

RECESS AND RECONVENE BOARD OF SUPERVISORS MEETING (1:05:51) - Mayor Crowell recessed the meeting at 1:05 p.m., and reconvened at 1:50 p.m.

**21. 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 - Supervisor Bonkowski advised of having recently helped North Bay Industries relocate to this area. He provided background information on the business, and advised that Carson City will be the only site west of the Mississippi River to manufacture American flags. Supervisor Barrette provided an overview of the most recent Airport Authority meeting. Mayor Crowell reported on a recent tour of homeless camps, accompanied by Chaplain Craig LaGiere. Mayor Crowell reminded the Board of the ribbon cutting ceremony scheduled for October 19th at the Hamm property.

STAFF COMMENTS AND STATUS REPORTS - Ms. Merriwether reminded everyone that Early Voting begins Saturday, October 20th. She reported statistical information on voter registration, and provided the early voting dates and hours.

22. COMMUNITY DEVELOPMENT DEPARTMENT - POSSIBLE ACTION TO DIRECT STAFF TO SERVE A COMPLAINT AND NOTICE OF AN ORDER TO APPEAR AND SHOW CAUSE WHY BUSINESS LICENSE NO. 6629, ISSUED TO ANN SULLIVAN, OWNER OF CAPITAL CITY LIQUIDATORS, LOCATED AT 3390 SOUTH CARSON STREET, SHOULD NOT BE SUSPENDED, CANCELLED, OR REVOKED, PURSUANT TO CCMC 4.04.210(1), FOR

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CONTINUED OPERATION OF THE BUSINESS IN VIOLATION OF THE CARSON CITY MUNICIPAL CODE, AND TO FIX THE TIME AND PLACE FOR THE SHOW CAUSE HEARING TO BE DECEMBER 6, 2018 AT 8:30 A.M. - Mayor Crowell introduced this item, and Community Development Director Lee Plemel presented the agenda materials in conjunction with displayed slides. Deputy District Attorney Iris Yowell responded to questions of clarification regarding previous contempt of court proceedings and fines.

Mayor Crowell entertained public comment. Lorne Houle advised of having discussed the matter with Ann Sullivan. Mayor Crowell responded to questions regarding the show cause hearing. Mr. Plemel advised that the licensee was not required to appear at this meeting, but that notice of the meeting had been provided via hand delivery.

Mayor Crowell entertained additional questions or comments of the Board members and of the public and, when none were forthcoming, a motion. **Supervisor Abowd moved to direct staff to serve a complaint and a notice of an order to appear and show cause why Business License No. 6629, issued to Ann Sullivan, owner of Capital City Liquidators, located at 3390 South Carson Street, should not be suspended, cancelled, or revoked, pursuant to CCMC 4.04.210(1), for continued operation of the business in violation of the Carson City Municipal Code, and to fix the time and place for the show cause hearing to be December 6, 2018 at 8:30 a.m. 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, Barrette, and Mayor Crowell
NAYS:	None
ABSENT:	None
ABSTAIN:	None

23. PUBLIC COMMENT - Mayor Crowell entertained public comment; however, none was forthcoming.

24. ACTION TO ADJOURN - Mayor Crowell adjourned the meeting.

The Minutes of the October 18, 2018 Carson City Board of Supervisors meeting are so approved this 15th day of November, 2018.

ROBERT L. CROWELL, Mayor

ATTEST:

SUSAN MERRIWETHER, Clerk - Recorder