

for consideration before that date. Based upon the District Attorney's advice, the license was brought to the Board after the fact. Member Bennett moved that the Board of Supervisors approve the Special Event Short-Term Permit. Following a request for a correction, Member Bennett began the motion again that the Liquor and Entertainment Board approve a Special Event Short-Term Permit for Mountain Faire Productions for a craft show held at the Carson City Mall 11/5/93 through 11/7/93, fiscal impact is \$315.00 increase in revenue. Member Tatro seconded the motion. Motion carried 5-0.

C. ACTION ON APPROVAL OF SPECIAL EVENT SHORT-TERM PERMITS FOR SILVER CITY MALL PROMOTIONAL EVENTS, CAROL PARK, COORDINATOR, FOR CRAFTS FAIR TO BE HELD ON NOVEMBER 19 TO 21, 1993; DECEMBER 10 TO 12, 1993; AND DECEMBER 17 TO 20, 1993; AND, D. ACTION ON APPROVAL OF SPECIAL EVENT SHORT-TERM PERMIT FOR BETA SIGMA PHI PRECEPTA ALPHA CHAPTER WITH REQUEST OF PROMOTER FEE WAIVER FOR CRAFTS FAIR TO BE HELD AT SILVER CITY MALL ON DECEMBER 3 TO 5, 1993 (1-0158) - Carol Park - Ms. Park explained the fee waiver requested for the Beta Sigma Phi's craft fair. Member Smith explained his knowledge of the request and reasons for feeling that her fair was similar to the Rendezvous' activities. He suggested the Board consider at some future time a third class of vendors which would be for individuals selling their hobby-type crafts. He also questioned the reasons for requiring the City to be listed on an insurance rider when the event is held on private property. Mr. Lipparelli explained that the Code only allows fee waivers for recognized non-profit organizations. He was willing to conduct research on the insurance requirement. Comments briefly noted the problems and ongoing investigation of the Treasurer's office. Member Smith then suggested that Ms. Park request a refund of her \$114 business license which was "worthless". Mr. Lipparelli explained the procedure. Member Bennett then moved that the Liquor and Entertainment Board approve a Special Event Short-Term Permit for Silver City Mall Promotional Events to be held 11/19 to 11/21/93, 12/10 to 12/12/93, and 12/17 to 20/93. Member Ayres seconded the motion. Motion carried 5-0.

Member Smith moved the Board approve the Special Event Short-Term Permit for Beta Sigma Phi for the Precepta Alpha Chapter for a Crafts Fair to be held at the Silver City Mall 12/3/93 to 12/5/93 with the waiver of the \$50 promoter fee and all booths to pay a fee of \$5 a day with the exception of the non-profit booths. Member Ayres seconded the motion. Motion carried 5-0.

Chairperson Teixeira then adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present constituting a quorum.

CITIZEN COMMENTS (1-0742) - None.

3. CONSENT AGENDA

A. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9293-32 - SALIMAN ROAD BEAUTIFICATION

ii. ACTION ON CONTRACT NO. 9293-188 - CHILDREN'S MUSEUM

RESTORATION

iii. ACTION ON CONTRACT NO. 9394-037 - REQUEST FOR APPROVAL - NEVADA

BELL DIGITAL CENTREX SERVICE

B. PUBLIC WORKS DIRECTOR

i. ACTION ON A DEDICATION OF A DRAINAGE EASEMENT ACROSS A PARCEL OF LAND RUNNING EASTERLY FROM THE FUTURE INTERSECTION OF SPOONER DRIVE (EXTENDED) AND CARMINE DRIVER ON APN'S 8-151-42 AND 8-151-29 FROM STEINHEIMER FAMILY TRUST

ii. ACTION ON A DEDICATION OF A PUBLIC UTILITY AND ACCESS EASEMENT

ACROSS A PARCEL OF LAND AT 2820 AIRPORT ROAD ON APN 8-184-26 IN CONJUNCTION WITH SANDY ACRES MOBILE HOME PARK FROM DONALD AND SANDRA GARRETT

C. COMMUNITY DEVELOPMENT DIRECTOR - ACTION ON M-93/94-5 - AN ABANDONMENT APPLICATION FROM JOHN AND DOROTHY SHAD AND BRENDA GREY TO ABANDON A FIVE FOOT BY APPROXIMATELY 113 FOOT PUBLIC UTILITY EASEMENT LOCATED AT NO. 5 AND NO. 7 REX CIRCLE, ADJACENT TO APNS 8-562-16 AND 17 (PLANNING COMMISSION APPROVED 5-0-2-0)

D. DISTRICT ATTORNEY - ACTION ON ADOPTION OF A RESOLUTION BY THE BOARD OF SUPERVISORS JOINING IN THE DISTRICT ATTORNEY'S REQUEST FOR THE APPOINTMENT OF A DOUGLAS COUNTY DEPUTY DISTRICT ATTORNEY TO INVESTIGATE AND PROSECUTE A CASE WHERE THE DISTRICT ATTORNEY HAS A CONFLICT OF INTEREST (1-0745) - A request to pull an item was not made by either the Board or audience. Supervisor Tatro then moved that the Board accept the Consent Agenda as presented, which includes Resolution Number 1993-R-96, A RESOLUTION APPOINTING DOUGLAS COUNTY DEPUTY DISTRICT ATTORNEY DAVE WASICK AS A SPECIAL DEPUTY DISTRICT ATTORNEY FOR CASE NUMBER 93-9269. Supervisor Smith seconded the motion. Motion carried 5-0.

4. TREASURER - Ted P. Thornton - ACTION ON REQUEST FOR REFUND ON ALL LICENSE FEES BY THOMAS DEAN THOMPSON FOR HIS BUSINESS CAPITAL CAFE, LOCATED AT 301 NORTH CARSON STREET (1-0777) - Supervisor Smith moved that the Board approve a refund of all monies paid to Carson City in the amount of \$1,884.75 to Thomas Dean Thompson, fiscal impact is \$1,884.75 decrease in revenue collected in Business Licenses, funding source is the General Fund. Supervisor Ayres seconded the motion. Motion carried 5-0.

5. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. PLANNING COMMISSION REVIEW AND APPEAL MATTERS - ACTION ON S-92/93-3 - A FINAL SUBDIVISION MAP FROM ROBERT BOLES (PROPERTY OWNER: DAN McCARTY) TO DEVELOP 16 MOBILE HOME LOTS (GARSON MANOR) ON APPROXIMATELY 3.31 ACRES OF LAND ZONED MOBILE HOME 6,000 (MH6,000), LOCATED NORTH OF SHERMAN LANE APPROXIMATELY 700 FEET WEST OF PANAMINT DRIVE, APN 8-281-05 (PLANNING COMMISSION APPROVED 5-0-2-0 (1-0878) - Supervisor Tatro moved to approve S-92/93-3, a Final Subdivision Map from Robert Boles, property owner: Dan McCarty, to develop 16 mobile home lots, Garson Manor, on approximately 3.31 acres of land zoned Mobile Home 6,000, located north of Sherman Lane approximately 700 feet west of Panamint Drive on Assessor's Parcel Number 8-281-05, based on the findings and subject to completion of the conditions of approval contained within the staff report. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ORDINANCES - FIRST READING

i. ACTION ON A-93/94-2 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 17.20.010 (MAP SUBMITTAL FOR APPROVAL) AND OTHER MATTERS PROPERLY RELATED THERETO (PLANNING COMMISSION APPROVED 5-0-2-0 (1-0927) - Discussion explained how the proposal would streamline the process. Supervisor Bennett moved to introduce Bill No. 155 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 17.20.010 (MAP SUBMITTAL FOR APPROVAL) AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0.

ii. ACTION ON A-93/94-3 - AN ORDINANCE AMENDING CARSON CITY

MUNICIPAL CODE CHAPTER 17.09.010 (AUTHORITY OF PLANNING DIRECTOR) AND OTHER MATTERS DIRECTLY RELATED THERETO (PLANNING COMMISSION APPROVED 5-0-2-0 (1-1140) - Mr. Sullivan and Mr. Lipparelli outlined the purpose of the modification. Supervisor Tatro moved to introduce on first reading Bill No. 156, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 17.09.010 (AUTHORITY OF PLANNING DIRECTOR) AND OTHER MATTERS DIRECTLY RELATED THERETO. Supervisor Ayres seconded the motion. Motion carried 5-0

iii. ACTION ON A-93/94-5 - AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 20.08.030 REGARDING BILLBOARD OFF-PREMISE SIGN HEIGHT AND AREA REQUIREMENTS AND SECTION 20.08.040 REGARDING PROVISIONS FOR AN EXTENSION OF TIME FOR COMPLIANCE OF ILLEGAL SIGNS AND OTHER MATTERS PROPERLY RELATED THERETO (1-1248) - Principal Planner Rob Joiner; Lionel Sawyer and Collins Attorney Donald L. Soderberg, representing Donrey Outdoor Advertising; and Mr. Lipparelli - Mr. Joiner reviewed the modifications. Mr. Soderberg indicated the proposal was a compromise and was supported by the industry with the exception of the distance between signs. Full compliance will occur prior to going to the Planning Commission in April. Discussion ensued on whether the Special Use Permit could be submitted prior to obtaining compliance. Discussion modified Section 8 to allow signs to be within 300 feet to property zoned agricultural, conservation reserve or residential single family or multi-family. Discussion ensued between Mayor Teixeira and Mr. Soderberg on Item C. - Business License Fees for Billboards, which follows.

(1-1813) Supervisor Smith moved that the Board introduce Bill No. 157 on first reading, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION

20.08.030 REGARDING BILLBOARD OFF-PREMISE SIGN HEIGHT AND AREA REQUIREMENTS AND SECTION 20.08.040 REGARDING PROVISIONS FOR AN EXTENSION OF TIME FOR COMPLIANCE OF ILLEGAL SIGNS, AND OTHER MATTERS PROPERLY RELATED THERETO with the following change: Page 8, Section 1, Paragraph 8, Line 5, delete the following words: "an established residence or", and on Line 6 delete the following word: "to", so that Paragraph 8 reads as follows: "Setback From Certain Uses and Zoning. A sign may not be closer than three hundred feet to property zoned agricultural, conservation reserve or residential single family or multifamily.". Supervisor Tatro seconded the motion. Comments were solicited but none made. Motion carried 5-0.

C. FINANCE DIRECTOR - ACTION TO DIRECT FINANCE DIRECTOR TO PREPARE AN ORDINANCE FOR FIRST READING SETTING BUSINESS LICENSE FEES FOR BILLBOARDS (1-1695) - Donrey Outdoor Advertising Attorney Donald L. Soderberg - Mayor Teixeira explained the suggested fee and Mr. Soderberg indicated the industry's support for the program. This matter will be considered at the next Board meeting. Mayor Teixeira commended Mr. Soderberg for his assistance and his efforts on both items. (1-1858) Mayor Teixeira recommended an annual business license fee of \$1 per square foot per sign. Supervisor Ayres moved that the Board direct the Finance Director to prepare an ordinance setting an annual business fee for billboards in the amount of \$1 per square foot per sign. Supervisor Bennett seconded the motion. Motion carried 5-0.

D. COMMUNITY DEVELOPMENT ITEMS

i. ACTION REGARDING EXTRA EXPENSES INCURRED BY CAPITAL PROJECTS ADVISORY COMMITTEE MEMBERS WHILE ATTENDING JAIL SEMINAR IN MADISON, WISCONSIN (1-1921) - Supervisor Tatro moved that the Board approve the additional expenses incurred by the Capital Projects Advisory Committee Members while attending a jail seminar in Madison, Wisconsin, fiscal impact is \$351.40, funding source is Capital Projects Fund AB 104 fund monies.

ii. ACTION ON PRIORITIZATION OF CERTIFIED LOCAL GOVERNMENT (CLG) GRANT FOR FISCAL YEAR 1994-95 PROPOSALS (1-1995) - Rob Joiner - Mr. Joiner explained the history of the Historical Architectural Review Committee, the grant, projects which were funded by the grant, projects which had been suggested for the 94-95 grant, and those recommended for submittal. Supervisor Tatro outlined the Redevelopment Authority Citizens Committee contact with Mel Greene on the seismic retrofit concerns. As a result of these meetings Ordinance/resolution modifications will be submitted to the Board for consideration in December. His comments briefly touched on these modifications and Mr. Greene's recommendations. Comments indicated the grant request would be adequate based upon the information which had been provided. Additional comments were solicited but none made. Supervisor Tatro then moved that the Board of Supervisors recommend to the State Historic Preservation Officer funding of the 1994-95 Certified Local Government grant funds not to exceed \$30,000 for training Carson City staff in identifying unreinforced masonry buildings and in assisting the property owners in seismic retrofit activities and to fund completion of historic properties management element of the master plan. Supervisor Bennett seconded the motion. Motion carried 5-0.

12. BOARD OF SUPERVISORS

B. NON-ACTION ITEMS - STAFF COMMENTS AND STATUS REPORTS (1-2543) (4-1785) - Mr. Sullivan explained the status of the vision planning survey and the survey response. The meetings scheduled for December 1, 2, and 3 on the survey were also explained. Mayor Teixeira commended staff and CAT 10 on the response. The public was invited to attend the meetings. Mr. Sullivan explained the public participation in the efforts to involve the residents in the survey and commended all. Contacts by Douglas and Washoe Counties on the vision planning process were also noted. Supervisor Ayres explained the effort made to involve the senior citizens and handicapped citizens and commended staff and Channel 10 on those efforts.

BREAK: A twelve minute recess was taken at 10:22 a.m. When the meeting reconvened at 10:34 a.m., the entire Board was present constituting a quorum.

6. CITY MANAGER - John Berkich

A. ACTION ON APPROVAL OF AN AMENDMENT TO THE EVENTS CENTER AGREEMENT BETWEEN CARSON CITY AND THE CARSON CITY CONVENTION AND VISITORS' BUREAU (1-3063) - Convention and Visitors Bureau Executive Director Candice Duncan distributed copies of the amendment and a wish list of the events planned for the facility to the Board and Clerk. Reasons for the fee reduction and half day fees were explained. The working relationship between the City and Bureau was discussed and examples provided to support the feeling that it was positive and harmonious. Discussion also noted the need to advertise the facility, the flexibility in fees specifically for non-profit organizations, a seminar promoting events in the center, promotional activities, and goals. Supervisor Smith commended the Bureau on its initiative. Supervisor Tatro moved that the Board approve the proposed amendment to the Events Center Pony Express Agreement with the Carson City Convention and Visitors Bureau as presented. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON APPROVAL IN CONCEPT FOR THE CONSTRUCTION OF A 90-UNIT, LOW-INCOME HOUSING TAX CREDIT PROJECT (2-0106) - Mr. Berkich's introduction included Nevada Housing Representatives Charles Elders and Debra (last name unknown) and Applicant/Developer Phil Hettrick, also a copartner of Bowen Real Estate Group of Portland, Oregon. Mr. Hettrick then detailed the project history, experience elsewhere, funding mechanism, the proposed Carson City project, and responded to Board and Mr. Berkich's questions on income qualification requirements; HUD restrictions on the annual rent increase; tenant qualifications and investigation procedures; restrictions on the number of occupants in a unit; on-site property management controls and procedures; Nevada Rural Housing audits, compliance standards, and penalties;

potential impact on the City's current apartment occupancy rate; the typical tenant; proposed site and traffic on the abutting streets; amount of subsidized housing found in Carson City and a comparison with other Nevada counties; the list of individuals needing subsidized housing; citizenship requirements; HUD ownership requirements; the site plans and density--a copy was given to the Clerk; tenant turnover/eviction rate; the resident association; rental rates; amenities; ADA access; and the action requested from the Board. Supervisor Tatro moved that the Board approve in concept the construction of a 90-unit low income housing tax credit project and authorize the Mayor to sign certifying that the funds to be received under the application submitted be requested with the approval of the local government and will be utilized within the guidelines as established by the Home Investment and Affordable Housing Program and authorize the Mayor to sign the necessary correspondence relative to the directive from the City to the State regarding the tax credits. Supervisor Bennett seconded the motion. Supervisor Smith delineated his objection to the proposal due to his concern that the project would become a liability rather than the perceived asset. He also expressed the hope that he is proven wrong. Supervisor Ayres expressed her hope that she is also proven wrong and that she would vote no due to her objection to becoming the low income bedroom for the area. The motion to approve the project in concept and authorize the Mayor to sign the appropriate letter was voted by roll call with the following result: Ayres - No; Smith - No; Bennett - Yes; Tatro - Yes; and Mayor Teixeira - Yes. Motion carried 3-2.

7. CLERK-RECORDER - Mr. Lipparelli - ACTION TO CORRECT CARSON CITY MUNICIPAL CODE 4.04.07391) TO CREATE A \$25 PER DAY FEE FOR CARNIVALS, TENT SHOWS AND CIRCUSES SPONSORED BY CARSON CITY BASED NON-PROFIT ORGANIZATIONS (2-1892) - Discussion ensued on procedures to correct the Ordinances and reasons staff had not been authorized to modify the Code without Board direction. Supervisor Tatro moved that the Board authorize the Mayor to sign a letter correcting CCMC 4.04.073(1) to reflect the reduction. Supervisor Bennett seconded the motion. Following a request for an amendment, Supervisor Tatro amended his motion to include the removal of the term "reduction" and the inclusion of words "correct as necessary". Supervisor Bennett continued her second. Motion carried 5-0.

8. PUBLIC WORKS DIRECTOR - Dan O'Brien, City Engineer Tim Homann, and Street Superintendent Bill Barker - ACTION ON SNOW MAINTENANCE POLICY (2-2048) - Mr. O'Brien outlined the status of equipment acquisitions and training programs. Mr. Homann explained the School District's plans and concerns including coordination needs. The School District has requested an opportunity to make a presentation to the Board in two weeks. Mr. Berkich outlined RSVP's plan to expand the Sheriff's "Are You Okay Program" and work on other communication programs. Status of the proposal to clean the downtown areas during specified periods and communication/signage needs were discussed. Supervisor Bennett suggested NDOT be invited to make a presentation on its program. Future Board action was discussed and staff was directed to return as soon as possible with an ordinance delineating the snow routes, enforcement, etc. No formal action was taken.

9. INTERNAL AUDITOR - Gary Kulikowski - A. ACTION TO RECESS INTO CLOSED SESSION TO CONSIDER THE PROFESSIONAL COMPETENCE OF THE INTERNAL AUDITOR PURSUANT TO NEVADA REVISED STATUES, CHAPTER 241.030 (1-2750) - Supervisor Bennett moved to go into closed Session regarding consideration of the professional competence of the Internal Auditor pursuant to Nevada Revised Statutes Chapter 241.030. Supervisor Ayres seconded the motion. Motion carried 5-0.

BREAK: At 11:55 a.m. Mayor Teixeira reconvened the Open Session and immediately recessed the session for lunch. When the meeting reconvened at 1:35 p.m., the entire Board was present constituting a quorum.

B. ACTION REGARDING BOARD REVIEW OF THE INTERNAL AUDITOR'S PROFESSIONAL COMPETENCE AND SETTING OF COMPENSATION (3-0001) - Mayor Teixeira delineated the merit and COLA increases given earlier and his salary range. Supervisor Ayres moved that the Board approve an annual performance evaluation which was done earlier of the Internal Auditor pursuant to

Nevada Revised Statutes Chapter 241.030 and that the Board approve a five percent merit for the Internal Auditor effective November 9, 1993. Supervisor Tatro seconded the motion. Supervisor Smith noted that during his three year tenure on the Board Mr. Kulikowski had done a "wonderful job and is a true asset to the City", however, until he saw more money on the other side of the equation, in order for him to do some of the other things he wished to do for the town, it was his general practice to vote against this period. Mayor Teixeira reviewed his merit and salary increases since 1992. The motion to grant a five percent merit effective November 9, 1993, was voted by roll call with the following results: Smith - No; Bennett - Yes; Tatro - Yes; Ayres - Yes; and Mayor Teixeira - No. Motion carried 3-2.

10. UTILITIES DIRECTOR - Dorothy Timian-Palmer

A. ORDINANCE - SECOND READING - ACTION ON BILL NO. 154 - A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND WILLIAM AND LOUISE GONI (3-0145) - Supervisor Smith moved that the Board adopt on second reading Ordinance No. 1993-55, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND WILLIAM AND LOUISE GONI REGARDING ASSESSOR'S PARCEL NUMBER 8-011-65, LOCATED AT SALK ROAD, CARSON CITY, NEVADA, FOR TANK CONSTRUCTION. Supervisor Tatro seconded the motion. Supervisor Smith amended his motion to include fiscal impact of approximately \$65,672, funding source is the 520 Participation Account. Supervisor Tatro continued his second. Motion carried 5-0.

11. DISTRICT ATTORNEY - Paul Lipparelli

A. ACTION ON FORMAL RECOGNITION OF THE ASSOCIATION OF CARSON CITY FIRE DEPARTMENT CLASSIFIED CHIEF OFFICERS AS THE EXCLUSIVE BARGAINING AGENT FOR ITS MEMBERS (3-0195) - Fire Battalion Chief Jim Powell - Discussion between staff and the Board noted the size of the Association, reasons the original request for recognition of the Association was denied, and reasons the employees felt justified in forming an Association. Supervisor Ayres moved that the Board formally recognize the request of the Association of Carson City Fire Department Classified Chief Officers to be recognized as the exclusive bargaining agent for its members. Supervisor Bennett seconded the motion. Motion was voted by roll call with the following results: Smith - No; Tatro - No; Bennett - A reluctant Yes; Ayres - Yes; and Mayor Teixeira - Let me qualify this before I make my vote, this is absolutely within their legal domain, whether we appreciate it or not, it's another union whether it's in their best interest, I think it lies within their domain, and I--this would absolutely draw an immediate challenge, so, therefore, I'm voting Yes, because it's legally the responsibility of our Board to act accordingly and equally whether it's a three man union or a 40 man union, it still passes. Motion carried 3-2.

10. B. ACTION ON ESTABLISHING POLICIES FOR SETTING EFFLUENT WATER RATE MAKING METHODOLOGY (3-0519) - Ms. Timian-Palmer, Mr. Berkich, Golf Course Advisory Committee Chairperson Bob Tobias - Discussion between staff and the Board included future irrigation sites, the rate recommendations, justification for hiring Mr. Guastella to study the rates, rates assessed by other communities, feasibility of having two rate structures--one for private use and one for municipal/public use, and rates assessed currently for potable water which is used for irrigation purposes. Mr. Tobias voiced the Committee's objection to the proposal based on the financial impact it would have on the courses and tourism. The fee would purportedly force the player fees to be increased at a time when competition for players is increasing and future growth in the number of rounds is restricted. He questioned the need to place the fees generated by the sale of effluent in a reserve fund not associated with the golf courses. Mr. Berkich distributed Golf Course Superintendent Bob Townsend's analysis of the fiscal impact the fee would have on the courses to the Board and Clerk. Ms. Timian-Palmer explained staff's analysis of the reserve fund proposal which Mr. Tobias had referenced. Discussion ensued between Mr. Tobias and Supervisor Smith on the financial impact to the golf courses and Mr. Tobias'

position that municipal users should not be assessed for effluent. Supervisor Tatro noted the economic benefit tourism provides to Carson City and specifically that generated from the golf courses. He suggested that all users pay for effluent if a fee is established and that the fee be a single rate. He felt that too many costs were being assigned to the effluent users, such as the federally mandated tertiary costs required without regard to the irrigation requirements and debt service. He also felt that if the courses install the computerized radio irrigation sensor the rate should be reduced. Ms. Walker then delineated her concern about the golf courses' ability to increase their revenue capacity. The financial peak may be reached within two years. Competition for players is increasing and may be impacted by a fee increase. Supervisor Smith pointed out the impact even a 22 cent fee would have on the courses as well as the savings which would be incurred at the other parks and school facilities by irrigating with effluent. This savings would not occur at the golf course as potable water had not been used for some time. Supervisor Bennett acknowledged the need to consider fees associated with delivering a service, however, could not support the recommendation of 61 cents. Supervisor Ayres felt a more reasonable fee was appropriate. Mayor Teixeira voiced his opposition to the proposal to charge the only entity not protected by a long-term agreement. He acknowledged the need to begin to recognize the value of this resource. He also voiced his opposition to the delay in giving the Board the Guastella report. The courses used in the comparison had been aware of the fiscal impact using effluent would have when they were constructed and this cost was appropriately reflected in their course fees. He acknowledged the City's leadership role in water management and pointed out that efficient management would ultimately result in a reduced amount of effluent being available for irrigation purposes. (Supervisor Ayres left the room during his comments and returned prior to his conclusion--2:35 p.m. to 2:38 p.m. A quorum was present throughout her absence.) He questioned the amount available for irrigation and whether use for irrigation purposes was in the best interest of the City. The cemetery was cited as an area where irrigation could be used. He suggested that similar public areas be used and not charged for the effluent due to the public benefit these enhanced areas would provide.

(3-2638) E. M. "Doc" Scrivner explained the history of the irrigation program and expressed his feeling that there had never been any intent to assess the golf courses for the effluent.

(3-2785) Mr. Berkich apologized to the Board for the appearance of having "dumped" the program on the Board. Staff's intent had been to gain direction from the Board. He stressed that it was not urgent for the Board to establish a policy today. Mayor Teixeira felt that it was necessary for the Board to address the policy issues quickly due to the effluent needs involved with Silver Oak.

(3-2848) Steve Hartman, on behalf of Silver Oak, also supported Mr. Scrivner's contention that the golf course was not to have been charged for the effluent. He, too, felt that it was urgent that the issues be resolved by the Board and not delay his project. He also pointed out that until his development's infrastructures are constructed, little progress would occur with the program to add the cemetery, schools, and parks to the list of effluent users. He felt that the Board needed to weigh the public benefits derived from the golf courses, parks, etc., including tourism values, against its increase in operating expenses.

Discussion ensued between the Board and staff on whether the City could legally charge private users and not public users, impact charging public users would have on their budgets, the costs which had been allocated to effluent users, previous assessment of these costs to the sewer users, and the equality/fairness of the proposals.

(4-0076) Chuck Burns acknowledged the benefits afforded by the golf courses. Due to the number of new courses in the vicinity, he felt that Carson City had the opportunity to become a golf mecca and that the use of effluent could be repaid by tourist activities. Additional public comments were solicited but none made.

Supervisor Tatro expressed his feeling that it is unfair to have the sewer users subsidize the effluent users, however, could not support the proposed rates. He also felt that the golf fees could be increased a nominal rate without creating a negative impact on the players. This would maintain the integrity of the utility. Clarification

indicated the proposed rates considered only the distribution costs and were not a result of either an increased demand on the treatment plant or need to expand the plant. Ms. Timian-Palmer also explained the improvements needed to commence effluent irrigation at Centennial Park. Currently the Parks Department is paying a commercial rate for the potable water used for irrigation. The conversion should result in a savings within Parks' budget. Clarification indicated that the base rate would be established and reviewed annually before an increase would be occur.

BREAK: A five minute recess was declared at 3:15 p.m. When the meeting reconvened at 3:20 p.m. the entire Board was present constituting a quorum.

Mayor Teixeira passed the gavel to Mayor Pro-Tem Bennett and noted his conversation with Ms. Timian-Palmer during the recess. **Mayor Teixeira then moved that the City of Carson City establish a policy for the charge of effluent water as follows: That the charge for effluent water be charged equitably to all commercial uses in both the public and private sectors, that that amount not exceed 22 cents per thousand gallons, and that, in fact, that amount be levied to the public sector when in fact the private sector starts utilizing that product.** This is equity. He was concerned about assessing a fee today for a product which may not be used for 1-1/2 to 2 years based on what happens in the private sector. He then amended his motion to include **and that the effective date be January 1, 1995.** Supervisor Tatro seconded the motion. Mayor Teixeira then expressed a desire to modify his motion and Supervisor Tatro withdrew his second. Mayor Teixeira then stated his motion as being to not exceed 22 cents and that the price not be effective when it can be leveraged equitably between both the private and public entities and not to be effective until such time as the private sector uses its own water. Following a request for clarification, Mayor Teixeira rephrased his motion to that he moved that the Board of Supervisors establish an effluent water policy as follows: that effluent rates be established at a not to exceed rate of 22 cents per thousand gallons for both the private and the public uses and that these rates become effective when in fact the private sector activates the use of that product. Supervisor Tatro seconded the motion and requested the motion be amended to indicate that the 22 cent per thousand gallon rate is based on the Guastella rate minus debt service and pumping costs to the reservoir, only maintenance and testing. Mayor Teixeira objected to the use of the Guastella data, however, Mayor Teixeira amended the motion to reflect that the 22 cents was based upon Ms. Dorothy Timian-Palmer's recommendation. Discussion ensued on the type of action staff had requested. Mayor Teixeira then amended his motion to include and based upon the information from Guastella report and Ms. Timian-Palmer, let's share it. Supervisor Tatro concurred with the amendment. Mayor Teixeira then explained his reason for the 22 cent fee was based upon Ms. Timian-Palmer's indication that there may be some costs which should be removed. Ms. Timian-Palmer indicated that this figure had been reached quickly and requested Controller Mary Walker review the figures. Mayor Teixeira stressed that it was a "not to exceed" figure. Discussion ensued on the need for the motion to include terminology stipulating an annual review, indicated a contract would still be required with Silver Oaks, and that the motion did not include an escalation clause. Mr. Berkich indicated that the motion would direct staff to prepare an ordinance establishing a rate not to exceed 22 cents a thousand gallons, that the effective date would be upon usage by the private sector, that the rates would be uniform for all customers and classes, and that it would be subject to annual review. Discussion by Supervisors Tatro and Ayres indicated that the contract with Silver Oaks would contain a clause reflecting a rate as established in the ordinance and that the rate would be reviewed annually. Additional comments were solicited but none made. **The motion to establish the uniform rate for all users at a not to exceed amount of 22 cents per gallon effective when the private sector commences using the effluent with an annual review requirement was voted by roll call with the following result: Yes - Ayres; Smith, Tatro, Mayor Teixeira, and Mayor Pro-Tem Bennett. No - None. Motion carried 5-0.** Mayor Pro-Tem Bennett returned the gavel to Mayor Teixeira.

11. B. ACTION ON SILVER OAK EFFLUENT AGREEMENT (4-0685) - Deputy District Attorney Mike Suglia and Silver Oak Developer Steve Hartman reviewed the terms of latest draft. Mr. Hartman urged the

Board to work expeditiously toward adoption of the effluent ordinance. He also urged the Board to consider the economic benefits of his development when considering the effluent fee structure. Mr. Lipparelli indicated that the ordinance should not effect the agreement. If deemed necessary, the agreement could be amended to reflect the proposed rates. Mr. Hartman agreed to the amendment. Ms. Timian-Palmer supported the amended agreement and noted that the City's golf course would be in front of the Silver Oak course when effluent priorities are considered. Additionally, the agreement required Silver Oaks to provide the City with water rights if effluent is not available for its golf course. Discussion ensued on the agreement terms relating to reimbursement of infrastructure costs. Mayor Teixeira suggested the "development" agreement which Mr. Hartman may use for reimbursement of the infrastructure costs include a provision which would allow the trade of these costs for effluent specifically if a public entity is involved. Mr. Hartman indicated that it was a possibility, however, Mr. Berkich and Ms. Timian-Palmer were concerned about the commingling of funds. Mr. Hartman suggested any revenue obtained from the sale of effluent be used to improve the treatment standards and recharge the groundwater table. He also felt that the rates should be a lot less than those recommended due to the community benefits derived from its use. Additional comments were solicited but none made. Discussion ensued on Mr. Lipparelli's recommended motion including the agreement modifications. (4-1725) **Supervisor Smith moved that the Board of Supervisors direct staff to negotiate and present a final agreement signed with all the attachments for Board consideration regarding the Silver Oak effluent agreement with the following change on Page 4, Paragraph 7, where the blank is the following is to be inserted: That the initial rate established by the City Code for effluent water not exceed 22 cents per thousand. Supervisor Ayres seconded the motion.** Clarification of the amendment noted that the line then would read: Silver Oaks shall pay to Carson City for reused water an amount equal to an initial rate established by the City Code for effluent water not to exceed 22 cents per thousand gallons and a monthly meter service charge per CCMC 12.01.020. Mr. Hartman indicated his support for the agreement. Comments were solicited but none made. **The motion was voted by roll call with the following results: Yes - Tatro, Bennett, Ayres, Smith, and Mayor Teixeira. No - None. Motion carried 5-0.**

12. B. ACTION ITEMS - DISCUSSION AND ACTION ON DRAFT RESOLUTION FOR AN ADVISORY QUESTION ON THE 1994 PRIMARY ELECTION BALLOT REGARDING THE INCREASE OF FUEL TAX (4-1791) - Mayor Teixeira suggested the item be tabled until after the next meeting. Supervisor Smith explained a special Regional Transportation Commission meeting with the Board of Supervisors which had been scheduled for December 8.

BREAK: A recess was declared at 4 p.m. When the meeting reconvened at 6 p.m. the entire Board was present, constituting a quorum. The following staff members were present: City Manager Berkich, Clerk-Recorder Nishikawa, Finance Director Walker, Utilities Director Timian-Palmer, Deputy District Attorney Lipparelli, Deputy Utilities Director Ahrens, and Recording Secretary McLaughlin.

13. UTILITIES DIRECTOR - Dorothy Timian-Palmer, City Manager John Berkich, Deputy District Attorney Paul Lipparelli, and Deputy Utilities Director Jay Ahrens - **ACTION ON THE DEVELOPMENT OF AN ORDINANCE OUTLINING A SEWER CONNECTION FINANCIAL PLAN (4-1951)** - Discussion among the Board and staff pointed out the feeling that applicants for septic tank permits are not aware the permits are temporary until such time as (a) the City extends the sewer line to the area; or (b) the system fails. This State Code had never been enforced in Carson City. Comments included bank commitments to provide the homeowners with a loan; the ten and 25 year sewer construction programs; the cost to connect to the City system; the number of residences which would be impacted; the need to address all the septic systems in Carson City including the New Empire area, along Roop Street, in Lakeview, and in the southeast section; reasons the Board was given only one financing option and not allowed to evaluate all the funding options including forming an assessment district; and the administrative costs for an assessment district.

(4-2519) Mr. Berkich thanked Dick Reavis of Nevada DEP for attending. (4-3261) Nevada Department of

Environmental Protection Representative Dick Reavis cited the State regulations stipulating the septic permits were temporary. He then explained the health concerns found with the shallow wells in the southeast section of the City and increased concern created by the migration of that water. Mayor Teixeira read a letter from Dale Chaney delineating his opposition to the proposal based on the lack of evidence indicating his well was contaminated. Mayor Teixeira suggested a program be established which would allow the new septic permits to connect to the sewer system later and provide for amortization of the system rather than mandating all residents to connect at the same time. (5-0073) Mr. Reavis acknowledged the connection costs and Mr. Chaney's point that his well and septic systems had been installed correctly and avoid self-contamination. He cautioned the Board about the lack of knowledge about where the contaminated water would eventually migrate and reappear. The State is willing to be flexible, if possible, and would consider whatever program the City ultimately approves. Mayor Teixeira felt that the State would consider the City's program based upon equity, costs, concentration of nitrates, etc.. Mr. Reavis also urged the Board to overlook the age of the septic tanks as the issue was one of contamination. Mayor Teixeira also felt that the City needs to establish a prohibition against new subdivisions with septic tanks.

(5-0205) Discussion ensued among the Board, staff, and Mr. Reavis on the sewer system expansion plans; need for septic tanks until that expansion occurs; health concerns in the "hot zone" and the immediate need to address that zone; the lack of flexibility in mandating connection to sewer system in the "hot zone"; the fact that the same "hot zone" problem is found throughout the State; (5-0425) various contamination sources; reasons for the delay in noticing/discovering the problem; well testing requirements; areas where septic tanks would be allowed and noticing procedures advising the permits are temporary; lender requirements for home loans; the City's willingness to perform water tests; and the Board's ability to mandate well testing.

(5-0408) Supervisor Bennett asked Mr. Reavis to provide financial data indicating how other areas are addressing the water contamination problem.. (5-0695) Mayor Teixeira commended Mr. Reavis on his candor and honesty, and for participating this evening as well as his willingness to apply reason when considering the City's ultimate program.

(5-0885) Doug Minter expressed his feeling that the prison effluent line was causing the contamination problem. Ms. Timian-Palmer responded by explaining the purpose of the line and testing procedures on it, which Mr. Minter felt were inadequate. (5-0968) Frank J. Leupp felt the connection fees had not considered the terrain and boulders found in his area on Conte. Additionally, the fiscal impact to the residents when combined with the property tax were more than he could financially handle. He was also concerned about lack of proof that his area was contaminated. He urged the Board to consider impact fees for new subdivisions. Unless something is done to stop the constant increase in taxes, he was certain that Carson City would be faced with a proposition similar to California's No. 13. (5-1082) Pete Bachstadt questioned the loan program, the ability of the loans to be assumed, equity requirements, etc. Mr. Berkich explained that the discussions with the banks had not been finalized but were based upon letters which spell out the specifics including: that the loans would not be assumable; would not be seconds; would be unsecured loans; required favorable credit criteria; would have equity ratio analysis; and that the banks would be as liberal as possible when granting the loans. Mr. Lipparelli spelled out the appraisal requirements for an assessment district. Mr. Bachstadt felt that the issue of another loan on top of the original loan should be addressed as well as the foreclosure issues, costs involved in creating the loan as well as for sewer connections. Mr. Berkich indicated that the City would only be involved in those cases between a bank and the owner(s) when the loan goes into default and involve "low income" people. Criteria defining "low income" residents has been established nationwide; for example--CDBG grants. If the City assumes the loan, a lien would be filed against the property. The City would be reimbursed when the property is sold. (5-1388) Steve Asikainen explained his water sampling techniques and that his testing has indicated his water nitrate level has dropped considerably. He questioned the accuracy of the testing program. Ms. Timian-Palmer explained the City testing program and requested a copy of his test results. She indicated the City would perform a pressure test on the effluent line. Mr. Minter felt this test would not indicate a leak. Mr. Asikainen then expressed his feeling that the

estimated construction costs were very conservative specifically if he was required to upgrade his 28 year old residence. Ms. Timian-Palmer requested an opportunity to discuss these issues with Mr. Asikainen. (5-1875) Jim Reinschmidt explained his permit date and questioned the reasons the City had failed to take action on a problem it was aware of ten years ago. He then explained the depth of his well, the results of its tests as well as his neighbors, and his feeling that residents who allow "manure piles" to accumulate were the only ones with problems. As his well is 160 feet deep, he did not feel that he would have a future contamination problem nor could he handle the increased loan/tax for connecting to the City's system. (5-1685) Gail Thomssen expressed her feeling that the contamination issue was negatively impacting her area and her home value even though she was not in the "hot spot". She also felt that it was the City's sole responsibility to address and correct the situation. (5-1765) Ray Donahue pointed out that the area growth had originally mandated the use of septic tanks. He outlined his personal experience with his property and well. He also questioned the criteria and validity of the water testing procedures. He suggested the City fund the construction costs at no interest and allow the residents to repay the loans over a period of several years. Ms. Timian-Palmer requested a copy of his test. Mr. Berkich explained that the City was not in the financing business and noted legal restrictions prohibiting the City's entering this field. Even the proposal before the Board this evening would require sanctioning by the Attorney General's office. Supervisor Bennett felt that this question was a policy issue which should be established by the Board rather than staff. She, therefore, wanted the ability to analyze this option as well as the number of homes which would be affected, the feasibility of assessing these costs to the home owners over a specified period, and the City's ability to collect a fee for reimbursement of the construction costs. (5-2135) Jim Stoops explained his contact with the Health Department indicated he could construct a septic tank on his property and that the permit was not temporary. His house is now in plan check. Ms. Timian-Palmer felt that the building permit could be issued for the home and when the home is ready for occupancy, the sewerline should be in the area and he could connect. She expressed a desire to work with him. (5-2210) Ms. Timian-Palmer explained the connection requirements for Donna Kunkle and reasons the City was funding the arterial extensions. Ms. Timian-Palmer responded to Supervisor Ayres' question concerning Mr. Reavis' comments on the notification procedures when permits were obtained and the City's ability to issue permits for septic tanks in Carson City. (5-2345) Michael Tanchek expressed his feeling that he did not have a water problem at this time and that his neighbors were not polluting his well. He submitted a copy of his written comments to the Clerk, Board, and Ms. Timian-Palmer but did not read the statement. He questioned the impact created on his neighborhood by Ross Gold Park and, specifically, the duck pond in the park. He also questioned the motive behind the matter due to his previous experience as a councilperson in another area and urged the Board to explore all the options. He suggested the State's position be analyzed by an independent firm. Supervisor Smith expressed his concern about the difference in test results and desire to verify the problem, its magnitude, and the urgency of the issue. Ms. Timian-Palmer was willing to have an independent lab conduct additional tests but reminded the Board that her staff was professional, had met specified criteria in order to perform the tests, and had followed mandated procedures in conducting the tests. Supervisor Ayres acknowledged her professionalism, however, reminded all of the credibility problems the City had experienced in the past which mandate the need for an outside lab to conduct the testing. Mr. Tanchek explained that his problems were with the tests performed by the State and not by the City. He suggested that a needs assessment be performed as well as verification of the State's model. Board comments supported the need for an independent analysis in order to address the public concerns. Additional public comments were solicited but none made. Mayor Teixeira thanked all for their input.

Discussion ensued between the Board and staff on an estimated cost for the retesting and analysis. Ms. Timian-Palmer felt that it would amount to \$3 to \$4,000 and Mayor Teixeira felt that the entire area should be included in the testing, not just the "hot spot". Supervisor Bennett requested all of the funding options be included in the information. Mayor Teixeira directed Mr. Berkich to do an independent study in the area of \$3 to \$4,000, funding to be taken from the wastewater account or whatever source is determined appropriate, to include the raw sewage concerns, etc. Tonight is the first of several meetings on the issues. He also directed that, if the testing indicates the City has a problem, evaluation of a possible plan which would allow an amortization period for new tanks and forcing connection of older tanks first-- a program of "first in, first out; last in, last out" approach--be included in

the information. He acknowledged the need for uniformity and equity in mandating connections, however, felt that economic sense and mitigation issues should be involved in the considerations. He felt that it would be after the first of the year before the issues could be reconsidered. Ms. Timian-Palmer emphasized that the area which would be retested would be only that in the "hot zone". Mayor Teixeira felt that if the independent lab produced similar figures to those found by the City and State testing, it should provide the necessary validity and creditability and would not require retesting of the entire City. A poll of the audience supported his direction. He again thanked all for participating.

There being no other matters for consideration, Supervisor Ayres moved to adjourn. Mayor Teixeira seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 8 p.m.

The Minutes of the November 18, 1993, Carson City Board of Supervisors meeting

ARE SO APPROVED ON ____January_6____, 1994.

_____/s/_____
Marv Teixeira, Mayor

ATTEST:

_____/s/_____
Kiyoshi Nishikawa, Clerk-Recorder