

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 1

A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, February 17, 2005, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Marv Teixeira	Mayor
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Linda Ritter	City Manager
	Dave Dawley	Assessor
	Alan Glover	Clerk-Recorder
	Andrew Burnham	Development Services Director
	Tom Minton	Finance Director
	Roger Moellendorf	Parks and Recreation Director
	Mark Forsberg	Chief Deputy District Attorney
	Scott Fahrenbruch	Park Operations Director
	Juan Guzman	Open Space Manager
	Beverly Moltz	Lieutenant
	Katherine McLaughlin	Recording Secretary
	Justine Chambers	Contracts Coordinator
	(B.O.S. 2/17/05 Tape 1-0013)	

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

CALL TO ORDER, ROLL CALL, INVOCATION AND PLEDGE OF ALLEGIANCE - Mayor Teixeira convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Supervisor Williamson led the Pledge of Allegiance. Rev. John Wiltse of the Bread of Life Fellowship gave the Invocation.

CITIZEN COMMENTS (1-0045) - None.

1. APPROVAL OF MINUTES - 5/17/04 BUDGET MINUTES; MINUTES OF 7/15/04, 8/5/04, 8/19/04, 1/6/05, AND 1/20/05 REGULAR SESSIONS; AND 1/27/05 SPECIAL TRI-COUNTY LEGISLATIVE SESSION (1-0048) - Clerk-Recorder Alan Glover - Discussion explained that the January 6th Minutes had been discussed at the previous meeting but were not included in the motion for approval. Supervisor Livermore moved for approval of the Minutes of the Special Meeting of May 17, 2004, Budget Session; July 15, 2004, Regular Meeting; August 5, 2004, Regular Meeting; August 19, 2004, Regular Meeting; January 6, 2005, Regular Meeting; January 20, 2005, Regular Meeting; and January 27, 2005, Possible Quorum of the Tri County Legislative Luncheon as presented. Supervisor Williamson seconded the

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 2

motion. Motion carried 5-0 with Supervisor Aldean abstaining on the 1/27/05 and Mayor Teixeira abstaining on the 2004 Minutes as they were not present at those meetings.

2. CHANGES TO THE AGENDA - None.

3. CONSENT AGENDA (1-0080)

3-1. JUSTICE COURT - ACTION TO APPROVE THE REMOVAL OF PATRICK B. WALSH FROM THE PANEL OF SUBSTITUTE JUSTICES OF THE PEACE

3-2. ASSESSOR - ACTION TO APPROVE THE REFUND AND PARTIAL REMOVAL OF TAXES FROM THE REAL PROPERTY TAXES FOR 3173 HWY. 50 EAST (APN: 008-311-05) FROM THE 2002/03, 2003/04 AND THE 2004/05 REAL PROPERTY TAX ROLLS, FOR A TOTAL OF THREE YEARS, PER NRS 361.768

3-3. FINANCE

A. ACTION TO ADOPT A RESOLUTION CREATING THE FIREFIGHTER RETIREMENT MEDICAL SPECIAL REVENUE FUND

B. ACTION TO ADOPT THE CARSON CITY PLAN OF CORRECTIVE ACTION FOR FY 03-04 STATUTORY VIOLATIONS INCLUDED IN THE ANNUAL AUDIT

3-4. DEVELOPMENT SERVICES - CONTRACTS - ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE CARSON CITY FREEWAY - PHASE 2 UTILITY RELOCATIONS PROJECT, CONTRACT #2002-002 AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO LOUIS BERGER GROUP, INC., 500 AMIGO COURT, SUITE 100, LAS VEGAS, NEVADA 89119 FOR AN AMENDMENT NO. 2 AMOUNT OF \$572,270 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$50,000

3-5. PARKS AND RECREATION

A. ACTION TO APPROVE A RESOLUTION CLARIFYING A PAST ACTION BY THE BOARD OF SUPERVISORS ON A PETITION FILED PURSUANT TO N.R.S. 405.195 DECLARING KINGS CANYON ROAD AS A PUBLIC ROAD

B. ACTION TO APPOINT AND SWEAR MR. STEPHEN JOHNSON OF JOHNSON-PERKINS & ASSOCIATES, INC., AS THE APPRAISER FOR CARSON CITY WITH REGARD TO THE SELF-CONTAINED APPRAISAL OF THE FOLLOWING PROPERTIES OWNED BY CARSON CITY: 1) APN 01-188-03, CONSISTING OF 7,735 ± SQUARE FEET LOCATED ON THE NORTHWEST CORNER OF NORTH CURRY STREET AND WEST ANN STREET, IN CARSON CITY, NEVADA, AND 2) APN 04-141-05, CONSISTING OF 0.18 ± ACRE LOCATED ON THE NORTH SIDE OF PALO VERDE DRIVE APPROXIMATELY 200 FEET WEST OF THE SOUTH ENTRANCE TO MILLS PARK, IN CARSON CITY, NEVADA

C. ACTION TO AUTHORIZE THE MAYOR TO SIGN A NEIGHBORHOOD PARK AGREEMENT WITH THE SILVER OAK DEVELOPMENT COMPANY, CARSON CITY, NEVADA

3-6. CITY MANAGER

A. ACTION TO ACCEPT THE FINDINGS AND RECOMMENDATIONS OF THE CARSON CITY, NEVADA COMMUNITY WILDFIRE PROTECTION PLAN

B. ACTION TO APPROVE A RESOLUTION URGING THE U.S. FOREST SERVICE TO STATION A SKYCRANE HELICOPTER WITH SNORKEL AND RETARDANT DISPENSING CAPABILITIES IN NORTHERN NEVADA - Supervisor Livermore pulled Item 3-2 for

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 3

discussion. Supervisor Aldean explained that she had faxed some changes to Item 3-5A to Open Space Manager Guzman and pulled the item for discussion. Supervisor Livermore moved to approve the Consent Agenda consisting of one item from the Justice Court, two items under Item 3-3 from Finance including Resolution No. 2005-R-6, one item under Item 3-4 from Development Services - Contracts, two items under Item 3-5 from Parks and Recreation, and two items under Item 3-6 from the City Manager with Item B being 2005-R-7, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.

3-2. (1-0115) David Lee explained the error in his tax bill created by improper documentation as the structure contains only 5,100 square feet and not the 7,100 square feet on which he was being assessed. He felt that it had been billed at the incorrect amount since 1998. He asked that the Board refund the over-assessment from that date. Assessor Dave Dawley explained his staff's research which indicated that an error was made in 1998 and that NRS 361.768 and NRS 361.765 established a three limit on refunds or credits. Supervisor Livermore explained his contact with Mr. Dawley and Chief Deputy District Attorney Mark Forsberg regarding the Statutes. He felt that the Board should refund the entire amount that had been collected on the erroneous building size as a fair and equitable solution. Chief Deputy District Attorney Mark Forsberg opined that the Board should refund only the three years due to the Statute limitation. He also explained that the funds could be repaid or a credit given against future tax bills in the same amount. Reasons for his opinion were explained. If the Board wished, he could research the legislative history and determine whether it is possible to grant more than the three years provided by the Statute. Discussion indicated that Mr. Lee had constructed the building. During a 1998 reappraisal the size of the building was incorrectly entered. Discussion between Mayor Teixeira, Mr. Dawley and Mr. Forsberg indicated that staff will research the legislative history and bring the item back to the Board if more than three years can be refunded. Mr. Lee agreed to allow the three-year refund and to bring the item back if more can be granted. Supervisor Livermore moved to approve the refund and partial removal of taxes from the Real Property Taxes for 3173 Highway 50 East, APN 008-311-05, from the 2002/03, 2003/04 and 2004/05 Real Property Tax Rolls for a total of three years per NRS 361.768; the fiscal impact is \$1,119.85. Supervisor Staub seconded the motion. Motion carried 5-0.

Mr. Dawley explained the importance of having taxpayers contact his office immediately upon learning that an error has occurred. Mayor Teixeira pointed out that Mr. Dawley was not the Assessor when the error occurred.

3-5A. (1-0294) - Open Space Manager Juan Guzman explained that Supervisor Aldean's corrections had been made as suggested. Supervisor Aldean moved to approve Resolution No. 2005-R-8, A RESOLUTION CLARIFYING A PAST ACTION BY THE BOARD OF SUPERVISORS ON A PETITION FILED PURSUANT TO NRS 405.195 DECLARING KINGS CANYON ROAD AS A PUBLIC ROAD. Supervisor Livermore seconded the motion. Motion carried 5-0.

4. DEVELOPMENT SERVICES - CONTRACTS - Contract Coordinator Justine Chambers - **ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE EMERGENCY EXPANSION OF VICEE BASIN PHASE 1B - HAULING ONLY CONTRACT PROJECT, CONTRACT #2004-080 TO THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER (1-0335)** - Development Services Director Andrew Burnham - Supervisor Williamson moved to accept Development Services recommendation and award the Emergency Expansion of Vicee Basin Phase 1B - Hauling Only Contract Project, Contract No. 2004-080 to Bidder No. 1, Lyn Marie Trucking,

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 4

Incorporated, 43 Cash Drive, Carson City, Nevada 89706, for a contract amount of \$179,200 and a contingency amount of \$9,860; fiscal impact is not to exceed \$189,060 and the funding source is the Water Fall Fire Account 260-2560-422-0265 as provided for in FY 2004-2005 - 75% reimbursable through FEMA. Supervisor Aldean seconded the motion. Discussion between Mayor Teixeira and Mr. Burnham indicated the benefit of having the dirt and being able to use it on the freeway may have resulted in a lower contract cost. This is the reason Ames volunteered to load the material at no cost to the City or NDOT. Supervisor Williamson corrected her motion to indicate that the last four digits of the account number are 0625. Supervisor Aldean concurred with the amendment. Motion carried 5-0.

5. DEVELOPMENT SERVICES - CAPITAL PROJECTS - ACTION TO AUTHORIZE STAFF TO PROCEED WITH FINAL DESIGN OF THE SHERIFF ADMINISTRATION BUILDING USING THE PROJECT MANAGER DELIVERY METHOD (1-0395) - Sheriff Ken Furlong, Ganthner Melby LLC Consultant John Ganthner, Development Services Director Andrew Burnham, Clerk-Recorder Alan Glover, Chief Deputy District Attorney Mark Forsberg, Frank Page, Tom Minton, - Mr. Ganthner explained schematics of the proposed building and the parking area which requires removal of the current administrative building and the detox facility. Supervisor Livermore explained his contact with City Manager Ritter and Sheriff Furlong about the possibility of using a portion of the new administrative building for Board meetings. Justification for having the meetings in either the Sheriff's Administrative Building or the Courthouse was provided. It included the Recreation Division's need for additional space at the Community Center. Discussion indicated that wiring for audio and cable television in the meeting room could be included in the plan, if desired. There will be private interview rooms available on the first floor. Shell space for the dispatch center is to be provided on the second floor. Evidence storage will be at the rear of the first floor. The locker and physical training rooms are on the first floor. Equipment for the weight room will have to be "found". A portion of the street at the back of the building will be used during construction for material storage. The street will be closed during construction. The location of the secured parking area for Sheriff's vehicles is to be to the east and south of the current Courthouse. The new administrative facility will not have a base-ment. The groundwater problem could not be overcome without costing a lot of money. The parking area will not provide all of the required parking spaces. For this reason lots in the area are being appraised and may be acquired for additional parking. The current facility also needs additional parking. The acquisitions will be completed before construction begins. The cost of the lots is included in the budget. Four million dollars of the budget is allocated for relocation of the rehab center. The appraisals for its relocation and the additional parking areas should be presented to the Board in two or three months. Justification for using a project manager included the City's successful use of this program during construction of the Senior Center's expansion project and the ability to control the costs. Substantial contingencies had been included throughout the project. Two million dollars had been established and set aside as a conservative estimate of contingencies that may be encountered. The cost of a project manager was also noted. An RFQ is already on the street for a project manager. A number of individuals have expressed interest in submitting qualifications for the project. Mayor Teixeira suggested that the Courthouse/Sheriff's staff use the State parking area across Musser at Second Street for parking. It was felt that a majority of the Second Street parking is used by City employees. The safety concerns found with crossing Musser were noted. When the Courthouse was originally designed, a signal at Musser and Roop was included in the estimate. It was not installed but should be for safety reasons. Sheriff Furlong did not believe that a walkway from the second floor of the Administrative Building to the Jail was needed. Supervisor Staub urged staff to consider the ergonomics of having a skywalk and the protection and safety it could provide staff. Mr. Burnham explained that a project manager

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 5

would provide better coordination and efficiency in removal and construction of the buildings. Public comments were then solicited.

Mr. Page express his support for the structure and his belief that the Public Safety Complex committee had recommended a signal at Roop and Musser, however, the intersection has failed to meet warrants justifying the installation. He suggested that the Traffic Engineer work with the plan and develop traffic patterns before, during, and after construction. He purportedly had obtained a "free" signal for the Musser and Roop Street intersection when he worked on the committee, however, it may no longer be available. Mr. Burnham explained the locations of the parcels under consideration for acquisition. They are awaiting the appraisals before approaching the owners. Mr. Page urged staff to keep the neighborhood apprised of the process. There is a parking problem there now and expansion of the Sheriff's Administrative Building may worsen it. Mr. Burnham explained that the permitting process includes public notification to the neighborhood. He felt that there would be a neighborhood meeting within two months. Sheriff Furlong pointed out the advantage of keeping the neighborhood informed. Mr. Page reiterated his suggestion that a traffic plan for construction and after completion be developed. Justification for this recommendation was provided. He then suggested that King Street be completely abandoned and the area used for parking for the Courthouse.

(1-0959) Mr. Minton explained that the proposed financing will utilize funds now used to make bond payments as those bonds are retired. The plan uses the funding for a Park Bond that will be retired in 2006 and the Fire Station 1 bond that will be retired in 2007. The financing plan also required a \$75,000 payment from the General Fund. If the Board wishes, the General Fund could pay \$100,000. Discussion between Mayor Teixeira and Mr. Minton indicated that the \$100,000 would finance a \$750,000 bond. This additional sum may be needed for unforeseen contingencies. The contingency funds will be used only if needed. There are contingency funds throughout the estimate. Mr. Minton then explained the bond defeasance program. If the sales tax fails to grow adequately to cover the bond payments, a two-cent property tax must be added to the ad valorem rate. He also indicated that the Community Counseling Center rehab facility may be relocated for less than \$4 million. There may be some savings created by the consolidation of offices. Switching the debt rate to the operating rate is possible as there is 21 cents that has not been used in the operating rate. Discussion reiterated that if the sales tax revenue continues to grow, it will be possible to construct the new Sheriff's Administrative Facility and the parking areas and relocate the rehab center without an increase in property taxes. Mayor Teixeira also pointed out that this session's legislative acts have not been completed and its impact is unknown at this time.

Sheriff Furlong indicated that the personnel and building maintenance costs are being considered in the process. The impacted Departments are included in the discussions. These Departments are part of the General Fund. Supervisor Livermore urged inclusion of these costs within the budget process. Ms. Ritter indicated that the Board's action will allow staff to finalize the design, obtain a project manager, and develop the final numbers. The budget will include the staffing and operational costs. A refined package will be presented to the Board with those numbers. Final design must be completed before this can occur. Supervisor Livermore expressed his reluctance to increase the ad valorem rate and reminded everyone that additional revenue may be needed for the operational costs. Supervisor Aldean pointed out that there may be a reduction in the operational costs due to the replacement of archaic and inefficient equipment. She also hoped that additional officers will not be hired to fill the empty spaces. Mayor Teixeira indicated that this matter will be considered by the Board at a future date. He also pointed out that the Sheriff can use trustees

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 6

for maintenance. Sheriff Furlong indicated that the space assessment addressed the staffing needs for 20 years. Projected increases in staffing are part of the plan. Mayor Teixeira indicated that the Courthouse has open space for the same reason. Additional public comments were solicited but none were given. Discussion explained the staff parking area, the staff entrance, the public parking area, and the public entrance to the building. Comments described the location of a break area and explained that the second floor could be expanded to cover the entire first floor when and if needed in the future.

Supervisor Williamson moved to authorize staff to proceed with final design of the Sheriff's Administration Building using the project manager delivery method. Supervisor Livermore seconded the motion. Motion carried 5-0.

RECESS: A recess was declared at 9:45 a.m. The entire Board was present when Mayor Teixeira reconvened the meeting at 9:51 a.m., constituting a quorum.

6. DEVELOPMENT SERVICES - PUBLIC WORKS - ACTION TO PROVIDE DIRECTION TO STAFF TO INCLUDE REVISIONS FOR TITLE 12 RELATING TO DEFERRING FEES FOR WATER AND/OR SEWER CONNECTION CHARGES IF THE CONNECTION FEE FOR A PROJECT EQUALS OR EXCEEDS A SPECIFIC THRESHOLD ESTABLISHED ANNUALLY BY THE BOARD OF SUPERVISORS, THE BOARD MAY APPROVE A REQUEST TO PAY A PORTION OR ALL OF THE WATER CONNECTION FEE OVER AN EXTENDED PERIOD OF TIME (1-1216) - Development Services Director Andrew Burnham, City Manager Linda Ritter, Chief Deputy District Attorney Mark Forsberg, Finance Director Tom Minton, Chamber of Commerce Chief Executive Officer Larry Osborne, Casino Fandango Attorney John Griffin, Public Works Operations Manager Tom Hoffert - Supervisor Staub stressed the need for the promissory note to be collateralized. Discussion explained that the concept places a lien on the property. Concerns were expressed that mortgage companies may have a problem with these liens. The concept includes bringing each request to the Board for approval before moving forward. The Board will consider each request on a case-by-case basis. There should be justification for allowing the deferral. Reasons for granting the loan could include economic development benefits and the threshold limit. Staff believed that there will not be many requests for deferral. The interest rates will be adjusted two times a year. Economic development measures include the number of jobs created in the community. Supervisor Livermore explained how he believed economic development could be used to justify deferral of the connection charges. This major tool could provide funding for a major economic development project, such as the auto mall, which would have a lot of up front costs. Discussion indicated that such costs are currently figured by the developer into his/her development costs. The program could impact the City's ability to bond for capital improvements for enterprise projects. It would also provide some interest revenue. Supervisor Staub expressed his belief that the proposal would open "a can of worms" and require the City to provide staff to collect and process payments.

Mr. Forsberg explained that the current concept would not require Board action to adjust the interest rates semiannually. Standards and thresholds need to be established. He acknowledged that there could be a risk to the City regarding the payment program. There may be questionable benefits to the City for that reason. Discussion indicated that staff is not aware of any other community with the same program. Mr. Minton indicated that as the bonds are repaid with operating revenue, the bond ratings will not be impacted. It may be necessary to increase the water/sewer rates to meet the bond payments. Supervisor Staub expressed his concern regarding the need to generate the necessary revenue to make the bond payments without the

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 7

connection fees.

Mr. Osborne expressed the Chamber's support of the concept as it will provide another economic development tool to attract business/industry to the area. It also makes the City more competitive with other areas. He did not believe that a lot of businesses/individuals will want to avail themselves of the program. He did not feel that large multi-dollar projects will need the funding, however, small firms/individuals may need it. He supported a \$50,000 threshold. The Board should establish the threshold and judge the application based on criteria similar to that used for the Redevelopment incentive program.

Mayor Teixeira pointed out that the proposal will use a public utility that serves the entire community to provide a ten-year promissory note. He felt that it was a "can of worms".

Mr. Griffin explained that Casino Fandango's expansion plans were on hold pending the Board's decision. He felt that the casino could afford the connection fees and would not pose a threat to the community in the future as it will have lots of equity to provide the necessary security. The program will be beneficial to the casino as it will allow them to spend money on other capital improvements. The program will be an economic development tool for restaurants as their connection fees are a large cost for them. Mayor Teixeira pointed out that the casino would be able to obtain a bank loan for prime plus a quarter of a percent. The City's rate is proposed at prime plus one percent. He questioned the reasons for wanting to accept that rate. Mr. Griffin pointed out that not all financial institutions like to deal with casinos. They had not researched the rates. Small restaurants are not considered by financial institutions. He agreed that the proprietor may not want to accept the City's interest rate. He was uncertain of the Casino Fandango's total project cost but believed it was more than \$10 million. Mayor Teixeira indicated that he had heard that the project would cost \$30 million.

Supervisor Aldean indicated that she understood the trepidation that had been expressed and noted that the "devil is in the details". She asked that staff develop the criteria for the threshold. Requests for Redevelopment incentives require the applicant to show that funding is available for the project without the incentive. The incentives provide a symbolic partnership for them to make a substantial financial commitment by doing the project. If the proposed program becomes a "rat's nest" or is too difficult to administer, the Board can undo the program. The program will send a symbolic signal to individuals who are interested in investing in the community that the Board/City will go out on the proverbial limb to support a project for the benefits that it will give to the community.

Supervisor Williamson pointed out that the Redevelopment incentives are not repaid if the individual/firm stays for seven years. It does not have an interest rate. The proposal is a loan and it must be secured. If there is a program, inquiries/applications will be submitted. Her concern with the program is the use of an enterprise fund. It presently makes the capital improvements required to serve the property. If there is a problem that bankrupts the fund, the City and the users will have to pay the capital improvement costs.

It was explained by Supervisor Livermore that the program will create a partnership. The future sales taxes could offset the costs. The businesses will have large work forces who will increase the sales tax. The Board/City can choose which project to support. Competition for land increases the project and development costs. The concept will provide another tool in the economic development chest to attract other retailers/manufacturers to the area for the benefit of the entire community. It should not be granted to all

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 8

applicants but is a valid tool. He urged the Board to try the concept.

Supervisor Staub indicated a willingness to have staff evaluate the concept further. The program should address additional security and bonding against the promissory note. The fiscal impact that had been provided did not consider the cost of collection and litigation if it is a bad debt. A threshold must be established, otherwise, everyone will be eligible for the program. He is business oriented and had paid his sewer and water improvement costs. He also pointed out that the City's connection fees are less than that charged by the surrounding counties.

Mr. Burnham pointed out that staff's request is for a policy direction. The ordinance currently requires payment of the connection fees at the time when the building permit is executed.

Mayor Teixeira felt that the concept would be unfair competition for the banks and financial institutions. They are working with the community. He also felt that the necessary economic and development tools are already in the tool box. The proposal will take utility funds which are presently used for capital improvements for the utility. A firm using \$23,000 worth of water monthly needs to know that when the tap is turned on, the water will be there. He questioned whether the criteria that would be established could hold the line as every firm/business will be beneficial to the community. Small contractors are required to pay up front. They roll the dice and hope to sell the product when it is completed. They are not being given this incentive. Financial institutions are regulated. They have established criteria. Who will fund the loss if the business goes bankrupt? He repeated his contention that the program is a "Pandora's box" and urged the Board not to go there.

Supervisor Staub pointed to the K-mart building as an example of how a bankrupt business could impact the utility. He questioned whether the liability would run with the land if the proprietor sells the property. He did not believe that it would. This issue should also be considered in the criteria.

Supervisor Aldean suggested that additional research be conducted by staff on the concept. She also felt that the City was economically more stable at the time Supervisor Staub had constructed his project. She believed that the discussion should be continued and more research conducted. The criteria should be more defined by staff. It has some merits as indicated by the supporters.

Mayor Teixeira respected her request. He pointed out that staff is quite busy and he did not wish to have them spend their time on exercises in futility. He felt that the message that would be sent was that the Board is selective in choosing to whom to grant the program. Everyone should be eligible and receive the same benefits. He passed the gavel to Mayor Pro-Tem Williamson.

Mr. Hoffert indicated that staff is happy to build a lot of facilities now. Money is an issue with which he deals with on a daily basis and will continue to have to deal with in the future. He relies on Finance Director Minton and his staff to help him finance the projects which are submitted to the Board for approval. They need to supply the services to the community for sewer and water. They are substantially buried in work at this time. He had performed an internet search looking for communities with similar programs. He did not find any that used an enterprise fund. There were similar programs for parks or in the private sectors. He asked the Board to move forward with the concept and flush out the details or continue business as usual. Discussion indicated that debt collection would be handled by the Treasurer's Office. Mr. Hoffert could not

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 9

speak for his operation. He preferred to have his money up front and eliminate the risk of not getting it at all. He also did not know how Douglas County is funding its program at the North County Line.

Supervisor Aldean pointed out the fluid situation created by Douglas County's competition for firms. Developers have previously been required to install stop lights. The City is now volunteering to do it and providing the funding. The concessions are being changed by competition from surrounding communities. She was not afraid to have staff research the concept so that a reasonable determination can be made. There are too many unknowns about collections at this time. She was willing to have staff conduct the research necessary unless informed by staff that the current workload will not allow them to perform the necessary research. The research would respect the members of the community who believe it will be a useful economic development tool.

Mayor Teixeira reiterated that the service is provided by a public utility that's rates are assessed against the total population of the City. He felt that to be selective on its nickel is inappropriate. Mayor Teixeira moved that the Board decline and not go any further with this particular project at this time. Supervisor Staub seconded the motion. Additional comments were solicited but none were given. The motion was voted and carried 3-2 with Supervisors Aldean and Livermore voting Naye. Mayor Pro-Tem Williamson returned the gavel to Mayor Teixeira.

7. DEVELOPMENT SERVICES - PLANNING AND ZONING - Community Development Director
Walter Sullivan

A. ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION'S DECISION OF DENIAL OF A SPECIAL USE PERMIT APPLICATION FROM THE ROBERT POLICHIO FAMILY TRUST TO ALLOW THE INSTALLATION OF A 400 SQUARE FOOT BILLBOARD ON PROPERTY ZONED GENERAL COMMERCIAL (GC) LOCATED AT 2794 HIGHWAY 50 EAST, APN 008-161-07 (FILE NO. SUP-04-041) (1-1995) - Robert Polichio Family Trust's Attorney John Griffin, Robert Polichio, Chief Deputy District Attorney Mark Forsberg - Mr. Griffin indicated that Mr. Campagni had withdrawn his objection. Colored drawings of the proposed billboard were given to the Board. (A copy was not given to the Clerk.) He reviewed the Board's history on billboards whereby two Planning Commission denials had been overturned. The proposed billboard location is one of the few remaining sites. It meets all of the strict ordinance requirements. Staff recommended approval. The denial was based on sign clutter, aesthetics, and safety. He used excerpts from the Commission minutes to expound on those reasons. He felt that the Commission did not like billboards. This is not a justifiable reason for denial. Billboards are a form of commercial free speech. The ordinance is a balancing act between it and community standards. The billboard location is within 200 feet of the new freeway. Safety concerns for traffic created by the billboard were felt to be unfounded as all major metropolitan freeways have billboards along them. He pointed out that there are a number of accidents at the Reno spaghetti bowl. He was unaware of its having any billboards. Therefore, traffic should not be used to justify the denial. The proposed location does not obstruct a vehicle's turning movement. The Code does not include the billboard's being a distraction at a freeway intersection as a reason to deny the application. It must be an obstruction in order to deny it. A statement indicating that it is an obstruction was not provided. He felt that the denial was arbitrary and capricious and asked the Board to overturn the denial. Discussion indicated that landscaping could not be required as the Commission had denied the application. The staff report and staff's recommended conditions of approval require landscaping. The applicant will landscape the sign and meet the conditions

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 10

of approval contained in the staff report if approved. Mr. Sullivan indicated that Condition 16 requires the applicant to submit a landscape plan.

Discussion between Mr. Sullivan and the Board explained that there are five potential sites for billboards left in the community. The locations were described. Reasons the property owners may not be interested at this time in leasing/selling to a billboard company were noted. NDOT may want to relocate a billboard at the north end of the City to the freeway intersection, however, at this time there are only five potential sites left.

Mr. Griffin indicated that Mr. Polichio will contract the management with another firm. Mr. Polichio indicated that he had been contacted by two or three companies but had not yet contracted with a firm. The sign will be professionally managed.

Supervisor Staub explained his contact with Jim Benson and his request for some accommodations. Mr. Griffin indicated that they had not talked to Mr. Benson. Mr. Polichio explained Mr. Benson's original objection to the sign location. He indicated that the bottom of the sign is 18 feet from the ground, which is above the ridge of Mr. Benson's building. It should not interfere with Mr. Benson's new facade or sign. He expressed a willingness to work with Mr. Benson. Mr. Griffin felt that as long as the sign is outside the setback requirements, some adjustments could be made. Mr. Griffin agreed to talk to Mr. Benson.

Supervisor Aldean explained the concerns that had been expressed by the owner of the "Truck Stop Accessories". Mr. Griffin had not spoken to him, however, felt that his concern relates to the billboard blocking the view of his/her sign. Mr. Griffin was not sure that this is true as his sign is closer to the roadway than the billboard. He agreed to talk to that person and noted his family relationship to that individual. He then explained that the only way to control the billboard usage or restrict the advertisement would be to approve the sign. He felt that a billboard could be located across the street which would advertise businesses in Lyon County. Their intent at this time is to advertise auto dealers in Carson City on the proposed billboard. The majority of the billboards along Highway 50 East are utilized by Carson City businesses such as the Carson Nugget, Pinion Plaza, or Slot World.

Mr. Sullivan noted the letter of opposition from Peter and Barbara Stankevich contained in the Board's packet. A second almost identical copy of that letter was received yesterday. A copy of it was given to the Board and Clerk. (A copy is in the file.)

Supervisor Livermore explained his contact with Jim Benson and his objection to the billboard based on its impact on his facade, building, signage, location, height, and the challenges with the freeway and the access-egress issues with his location. Discussion indicated that the Board had approved five to six billboards on Highway 50 during the last three or four years. Supervisor Livermore felt that this illustrated that he is business friendly. He also indicated that he is concerned about the proposed location due to its close proximity to the freeway and a potential new hotel that will be there. He hoped that Highway 50 does not become a sign cluster which the picture illustrated. He indicated his concerns regarding Mr. Benson and his investment. He felt that if they work with Mr. Benson, the Board's policy is for them to return the item to the Planning Commission for reconsideration.

Mr. Forsberg explained that the City's billboard ordinance is content neutral. The Board cannot consider what business or message will be contained on it. That is a first amendment right. The billboard must meet

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 11

the design guidelines which include the height and square footage. The Board is considering the special use permit process which has broader guidelines. The Board could uphold the Commission's decision if it does not meet the special use permit guidelines which he read. The Board could uphold the Commission's decision even if the billboard complies with the design guidelines based on its failure to meet the special use permit guidelines.

Mr. Griffin pointed out that people do not like billboards. He understood Mr. Benson's concerns. The freeway is causing a development boom. Mr. Benson's property is now three times more valuable as a result of it. The billboard helps larger businesses such as Walmart. It is a tool that encourages businesses to locate in the community. It provides an opportunity to direct customers to a specific business location. Growth is causing heartache for long time businesses in the community. He reiterated his commitment to work with Mr. Benson within the framework of the application. Additional comments were solicited but none were given.

Supervisor Williamson moved to approve the appeal and reverse the Planning Commission's decision of denial of a Special Use Permit application from the Robert Polichio Family Trust to allow the installation of a 400 square foot billboard on property zoned General Commercial located at 2794 Highway 50 East, APN 008-161-07, subject to the findings and conditions of approval contained in the staff report. When a second was not made, Mayor Teixeira ruled the motion died for lack of a second.

Supervisor Aldean explained her participation as part of the Chamber of Commerce in the redrafting of the sign ordinance. The committee had acknowledged the need of signage for the survival of business. The billboard deals with offsite advertisement that may or may not benefit businesses in Carson City. This issue concerns her. She appreciated Mr. Forsberg's comments that the Board has some discretion even if the billboard meets the technical requirements of the Code. She had been rather outspoken regarding a billboard further east that she believed would have a detrimental impact on the future of the V&T Railway. Supervisor Aldean moved to deny the appeal and uphold the Planning Commission's decision of denial of a Special Use Permit application from the Robert Polichio Family Trust to allow the installation of a 400 square foot billboard on property zoned General Commercial, GC, located at 2794 Highway 50 East, APN 008-161-07, subject to the findings contained in the staff report. Supervisor Livermore seconded the motion. Motion was voted by roll call with the following result: Williamson - No; Aldean - Yes; Livermore - Yes; Staub - Yes; and Mayor Teixeira - No. Motion carried 3-2.

Mayor Teixeira then explained his need to attend a meeting elsewhere and passed the gavel to Mayor Pro-Tem

Williamson. Mayor Teixeira left the meeting at 11 a.m. (A quorum was still present.)

B. ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.15, COMMUNICATION FACILITIES AND EQUIPMENT, TO ALLOW NEW WIRELESS COMMUNICATION STRUCTURES WITHIN THE SINGLE FAMILY FIVE ACRE (SF5A) ZONING DISTRICT, LIMITED TO THE CLEAR CREEK/SPOONER AREA (1-2722) - Sharon Arnold - Discussion ensued on the appearance of the towers. Mr. Sullivan indicated that there is a photograph of one in the file which he would distribute to the Board. The plan calls for two companies to collocate on the one tower. Supervisor Livermore explained a Mr. Alexander's telephone conversation urging the Board to support the ordinance. He also noted

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 12

the need for cellular telephone service in this area. A tower in the Monterey area looked like a tree. He felt that it would blend well in the Spooner area. He also noted that cellular telephone service is lost along Highway 50 West. Mr. Sullivan explained testimony provided at the Commission meeting indicating the need for cellular/telephone service along Highway 50 West. Based on this testimony, the Planning Commission had approved the ordinance. Public comments were solicited.

Ms. Arnold explained Supervisor Staub's attendance at a Clear Creek Road meeting and the poll he had taken of the attendees that indicated unanimous support for the ordinance. She also explained the need for communication during traffic emergencies and urged the Board to approve the ordinance. Additional comments were solicited but none were given.

Supervisor Aldean explained the need to correct the Mayor's name below the signature line. Supervisor Aldean moved to introduce on first reading Bill No. 104, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE TITLE 18, ZONING, SECTION 18.15, COMMUNICATION FACILITIES AND EQUIPMENT, TO ALLOW NEW WIRELESS COMMUNICATION STRUCTURES WITHIN THE SINGLE FAMILY FIVE ACRE, SF5A, ZONING DISTRICT FOR THE PLACEMENT OF ANTENNA STRUCTURES AS A CONDITIONAL USE UNDER CERTAIN CIRCUMSTANCES subject to the findings contained in the Planning Commission staff report. Supervisor Livermore seconded the motion. Motion carried 4-0.

8. FINANCE - Director Tom Minton

A. ACTION TO ADOPT A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING DRAINAGE PROJECTS AND WATER PROJECTS FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES; AUTHORIZING THE CITY MANAGER OR CITY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE BONDS; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF (1-2936) - City Manager Linda Ritter - Discussion indicated that the bond would be repaid using revenue generated by an increase in the storm drainage fee. The proposal will double the current fee, e.g., residential rates are now \$1.70 and will be \$3.40. The commercial rate is now \$15.50 and will be \$31. The water rates will be increased 7% on April 7 and 7% on October 7. The interest payment is due six months later. The rate increase must occur before the bonds are issued. The proposal starts the notification period. Four votes are required for passage of the resolution. The rate increase will be considered at the March 3 Board meeting during an evening session. Approval of the resolution does not mandate approval of the rate increases. The capital improvements are for water and drainage projects. The drainage bonds are required for a 25% FEMA match. Supervisor Livermore requested the storm drainage issues be included with the water and sewer rate increase. Ms. Ritter indicated the need to commence the financing process at this time. The process can be halted at any time. The storm drainage bond is for \$7 million. Clarification indicated that the proposed amounts are for a not to exceed figure. The actual amount to be issued will be determined later in the process. Public comments were solicited but none were given. Supervisor Livermore moved to adopt Resolution No. 2005-R-9, A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) BONDS (ADDITIONALLY SECURED BY

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 13

PLEGGED REVENUES) FOR THE PURPOSE OF FINANCING DRAINAGE PROJECTS AND WATER PROJECTS FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES; AUTHORIZING THE CITY MANAGER OR CITY FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE BONDS; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Staub seconded the motion. Motion carried 4-0.

B. ACTION TO ADOPT BILL NO. 103 ON SECOND READING, AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF ITS NEGOTIABLE "CARSON CITY, NEVADA, GENERAL OBLIGATION (LIMITED TAX) PARK BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005," FOR THE PURPOSE OF FINANCING THE COST OF ACQUIRING, DEVELOPING, CONSTRUCTING, IMPROVING AND EQUIPPING PROJECTS FOR PARKS, TRAILS AND RECREATIONAL FACILITIES; AUTHORIZING AND DIRECTING THAT THE CITY SHALL EFFECT SUCH PROJECT; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO (1-3149) - Mr. Minton indicated that the Governors Field lighting project and the community gym are part of the projects. He was uncertain what the remainder of the projects are. Mayor Pro-Tem Williamson indicated that she had not received any comments on the ordinance. Public comments were solicited. None were given. Supervisor Livermore moved to adopt Bill No. 103 on second reading, Ordinance 2005-5, AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF ITS NEGOTIABLE "CARSON CITY, NEVADA, GENERAL OBLIGATION, LIMITED TAX, PARK BONDS, ADDITIONALLY SECURED BY PLEDGED REVENUES, SERIES 2005," FOR THE PURPOSE OF FINANCING THE COST OF ACQUIRING, DEVELOPING, CONSTRUCTING, IMPROVING AND EQUIPPING PROJECTS FOR PARKS, TRAILS AND RECREATIONAL FACILITIES; AUTHORIZING AND DIRECTING THAT THE CITY SHALL EFFECT SUCH PROJECT; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO. Supervisor Aldean seconded the motion. Following discussion,

Supervisor Livermore amended his motion to indicate that the fiscal impact is \$13,193,030 including principal and interest; the explanation of the impact is the General Fund - \$200,000 contribution for Governors Field Lighting and ongoing debt service payments of \$75,000 for 20 years; Quality of Life ongoing debt service payment of approximately \$675,000 for 25 years; and that the funding source is a .25 cent sales tax from the Quality of Life Fund and \$75,000 annually from the General Fund. Supervisor Aldean concurred. Motion carried 4-0.

9. PARKS AND RECREATION - Director Roger Moellendorf and Open Space Manager Juan Guzman

- ACTION TO DETERMINE THAT TIMBER SALVAGE OPERATIONS FOR THE WATERFALL FIRE FALL WITHIN THE PRESENT EMERGENCY STATUS, AND AUTHORIZE THE CITY MANAGER TO ENTER CONTRACTS FOR A NOT-TO-EXCEED SUM OF \$200,000 AS NECESSARY FOR CONDUCTING TIMBER SALVAGE OPERATIONS WITHIN THE CARSON RANGE (1-3252) - Resource Concepts, Incorporated, Consultant Rick Jones, Nevada Division of Forestry Representative John Christopherson - Mr. Jones and Mr. Christopherson's roles in the program were noted. The Contractor was unable to attend. He had sent his apology to the Board for being unable to attend. He

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 14

is anxious to commence work. Discussion explained the reasons for having to pay to have 14 inch and larger trees removed is due to the waste encountered when trees smaller than 18 inches are salvaged and the increase in transporting costs for shipping smaller trees. It will, however, eliminate between 40 and 50 percent of the standing damaged timber. The roads will be repaired to a stage that will allow the logging trucks to use them. They will not be passable or usable by the public. Once the logging operation is completed, FEMA funds will be used to bring the roads to a state that the public can use them. The consultant costs were not included in the contract price. The contract cost is \$180,000. Mr. Jones explained his background, the cost of the helicopter, the location of the mills, the reasons for removing 14 inch trees and for cutting the timber now. The actual amount of salvageable timber will be determined when the trees and boundaries are marked. Trees will not be removed from private property. The Masonic Lodge is considering joining the City's contract. Private property owners should negotiate their own contracts or join with the City. Mr. Guzman felt that they would join the City and that there will be many signatures on the final contract. This will allow the entire operation to be done at once with the exception of the Forest Service. The Forest Service plans to remove its salvageable timber at the end of the summer. It has other restrictions, regulations, and conditions that must be addressed first. Difficulty in obtaining a helicopter was explained. It may delay the starting date. The logging/mill company is responsible for obtaining the helicopter. The maps contained yellow dots illustrating the locations for the helicopter landings. The operation will commence at sunrise and continue until sundown. The logging trucks will use Kings Canyon and Ash Canyon Roads. The haul routes were described. (Supervisor Livermore stepped from the room at 11:39 a.m. A quorum was still present although Mayor Teixeira was also absent.) Supervisor Aldean moved to determine that the timber salvage operations for the Waterfall Fire fall within the present emergency status and authorize the City Manager to enter into contracts for a not to exceed amount of \$200,000 as necessary for conducting timber salvage operations within the Carson Range; fiscal impact is possibly \$200,000; and source of funding is the Waterfall Fire Fund No. 260-2560-422-03-09. Supervisor Staub seconded the motion. Motion carried 3-0.

10. BOARD OF SUPERVISORS (NON-ACTION ITEMS)

B. STAFF COMMENTS AND STATUS REPORT (2-0110) - City Manager Ritter noted that this is Mr. Forsberg's final meeting. It had been a pleasure working with him. The Board complimented him on his service and wished him success in his future endeavors. Mr. Forsberg indicated that he had looked forward to doing his job every day. It had provided many wonderful opportunities and lots of challenges. It had been a hard decision for him to make to leave the City. (Supervisor Livermore returned during his comments-11:40 a.m. A quorum was present although Mayor Teixeira was absent.)

A, INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-0150) - Supervisor Livermore noted a *Reno Gazette Journal* article in yesterday's paper on the Merriner Family donation to the Hospital. He complimented Ruth Merriner on her donation. Mayor Pro-Tem Williamson also thanked her for the donation. Supervisor Aldean reported on a meeting with Supervisor Livermore, City Manager Ritter, various legal and law enforcement individuals, Sheila Leslie and Carlos Brandenburg regarding the Governor's health budget for Carson City and rural Nevada. She announced plans to have a meeting to discuss their presentation strategy on Monday. She recognized Supervisor Livermore and Ms. Leslie's dedication and commitment to the effort. Mayor Pro-Tem Williamson explained her absence and thanked everyone for their cards and thoughts. She and her family had appreciated them. Supervisor Staub indicated that he did not have a report to make.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the February 17, 2005, Meeting
Page 15

11. ACTION TO ADJOURN - Supervisor Livermore moved to adjourn. Supervisor Aldean seconded the motion. Motion carried unanimously. Mayor Pro-Tem Williamson adjourned the meeting at 11:45 a.m.

The Minutes of the February 17, 2005, Carson City Board of Supervisors meeting

ARE SO APPROVED ON March 3, 2005.

/s/

Marv Teixeira, Mayor

ATTEST:

/s/

Alan Glover, Clerk-Recorder