

CARSON CITY BOARD OF SUPERVISORS
Minutes of the March 18, 1999, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, March 18, 1999, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Kay Bennett	Supervisor, Ward 4
	Robin Williamson	Supervisor, Ward 1
	Jon Plank	Supervisor, Ward 2
	Pete Livermore	Supervisor, Ward 3
STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	Steve Kastens	Parks and Recreation Director
	John Iratcabal	Purchasing Director
	Steve Mihelic	Assistant Fire Chief
	Melanie Bruketta	Deputy District Attorney
	Eric Cantlin	Deputy Coroner
	Liz Teixeira	Admin. Asst. to the City Mgr.
	Katherine McLaughlin	Recording Secretary
		(B.O.S. 3/18/99 Tape 1-0001)

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 Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Lt. John Van Cleef of the Salvation Army gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

CITIZENS COMMENTS (1-0026) - Anne MacQuarie requested support for a bicycle trail along the Bypass. The decision to eliminate it from the freeway design has jeopardized both the current and future plans for a pathway. The bicycle master plan elements for both 1994 and 1999 included a path along the freeway. These plans had included public input and support. Petitions signed by 212 people were submitted to the Board supporting her request. (The petitions were given to the Clerk and are a part of the file.) The plan is one of the best in the State. She urged the Board to implement the plan and expressed a willingness to return and discuss the issues when agendized. Mayor Masayko indicated that the issue is an item on the top of the Board's agenda.

Deborah Terry explained a neighborhood flooding problem in her area. Efforts to pump the water have been slowly losing the battle. Health concerns were described. She felt that these residences will receive additional runoff from the previously approve Peavine Construction's development agreement and the now constructed Sunchase Homes project. The detention/retention basin constructed as part of the Sunchase project does not collect any water. Help was requested as the City had created the problem by allowing growth and new construction. Mayor Masayko indicated that the phone calls he had received on this issue were referred to Deputy City Manager Dan St. John. Staff is still analyzing the situation. When an answer is developed, if she would like, he would agendize it. Mr. Berkich indicated that staff had meet with her and the neighbors and was continuing to work with them. A briefing will be agendized once the research is completed. Supervisor Bennett explained her intent to meet with the neighbors on Monday. She had asked Supervisor Livermore and Public Works staff to attend.

1. APPROVAL OF MINUTES - 1/9/99 Workshop and 1/21/99 Regular Sessions (1-0185) - Mayor Masayko noted the two corrections which had been submitted by the Clerk's Office. Supervisor Livermore

requested a correction on Page 5 of the January 9 Minutes to indicate Mayor Masayko had seconded the motion. Supervisor Livermore then moved to approve the Minutes of January 9 and January 21, 1999, Meetings as corrected. Supervisor Plank seconded the motion. Motion carried 5-0.

2. CHANGES TO THE AGENDA (1-0210) - None.

3. SPECIAL PRESENTATIONS - ACTION ON A RESOLUTION HONORING ED BLANCHARD (1-0213) - Mayor Masayko's introduction included a brief notation about the bill to change Nevada Day to the last Friday in October. He read the Resolution into the record. Supervisor Bennett moved to adopt Resolution NO. 1999-R-20, A RESOLUTION HONORING ED BLANCHARD. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko presented the Resolution to Mr. Blanchard with a collage of his Nevada Day activities over the years and thanked him for his efforts and dedication. Mr. Blanchard explained a telephone call he had received from Senator Bryan and played the tape of the conversation commending him on his dedication and efforts over the years. Mr. Blanchard thanked the Board for its recognition.

4. CONSENT AGENDA

A. TREASURER - ACTION ON TREASURER'S REPORT FOR THE MONTH OF FEBRUARY 1999

B. DEPUTY CITY MANAGER - ACTION ON APPROVAL OF SIERRA PACIFIC POWER COMPANY UTILITY FACILITY AGREEMENT NO. 98-17240-5-16 TO ALLOW INSTALLATION OF PRIMARY ELECTRICAL FACILITIES AND TRANSFORMER FOR THE SLUDGE DEWATERING PROJECT AT THE WASTEWATER RECLAMATION PLANT

C. PURCHASING DIRECTOR

i. ACTION ON CONTRACT NO. 9798-145 - CARSON CITY'S OPEN SPACE ELEMENT TO THE MASTER PLAN, REQUEST APPROVAL OF CONTRACT AMENDMENT

ii. ACTION ON CONTRACT NO. 9798-217 - CARSON RIVER PARK DESIGN SERVICES FOR PHASE I - SITE IMPROVEMENTS, REQUEST FOR CONTRACT APPROVAL

iii. ACTION ON CONTRACT NO. 9899-212 - VALLEY VIEW/EDMONDS SEWER EXTENSION DESIGN SERVICES

iv. ACTION ON CONTRACT NO. 9899-218 - FIRE DEPARTMENT TELESTAFF ACQUISITION, REQUEST FOR CONTRACT APPROVAL

v. ACTION ON CONTRACT NO. 9899-195 - HAZMAT TRAINING PLATFORMS (1-0335) - Mayor Masayko indicated Contract 9899-195, Hazmat Training Platforms, was removed from the Consent Agenda due to technical difficulties and will be rebid. Supervisor Plank moved to approve and accept all the items on the Consent Agenda with the exception of action on Contract 9899-195. Supervisor Bennett seconded the motion. Motion carried 5-0.

5. BOARD OF SUPERVISORS

A. SUPERVISOR BENNETT

i. PRESENTATION BY DAN KAFFER OF WESTERN NEVADA RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL AND POSSIBLE ACTION ON TALL WHITETOP NOXIOUS WEED ABATEMENT (1-0365) - Supervisor Bennett introduced Mr. Kaffer. Mr. Kaffer explained his council and its duties. He displayed the weed and explained its spread, the difficulty and costs to eradicate it. Potential funding sources and agencies who may assist in the eradication efforts were noted. A map illustrating the sites where the plant was found in Carson City last year was displayed. His Council has provided a grant for four demonstration sites in Carson City. Inmate crews could also be obtained from his Council. Literature, a video and some slides were given to the Board. (A copy was not given to the Clerk.) He volunteered to assist in any way he could. He urged the Board to establish a telephone service to receive public calls advising of other locations. He then explained the invasion of Star Thistle in the canyons to the west. He encouraged the Board to establish a weed abatement district. Discussion with the Board described the erosion problems created by Whitetop. Mr.

Kaffer volunteered to take the Board on a tour to see the problem. Safety concerns with the use of the herbicide were noted. The City currently has three trained individuals on staff who can treat the weed. The public was urged to contact the City offices when the weed is discovered so that they can treat it.

Street Superintendent John Flansberg indicated that the weed is at the golf course, in the drainage channels and linear ditch as well as in Kings Canyon. The Cooperative Extension Service had held an educational seminar on the weed in 1997 but it was too late to do anything that year. Staff had located and sprayed several areas last year. Herbicide treatments for dry and wet areas were described. Three weeks of NDF inmate labor had been obtained for this year's program. The program is to: locate, educate, and eradicate. An estimate had not been established of the cost to eradicate all areas at this time as the magnitude of the problem must be assessed first. Mr. Kaffer described his demonstration programs which the \$41,000 grant will cover. This may treat between 30 and 50 acres. It takes three treatments a year for three years to kill the plants. An estimate of the entire cost could not be provided until the survey is completed and a determination made as to how well the weed is established. Mr. Flansberg indicated that the problem became apparent after the flood. He did not feel that the problem was dense at this time but could become so with the right conditions.

Discussion explained Nevada laws which mandate the Counties address noxious weeds. This is the purpose behind Weed Abatement Districts. Florists need to be educated so that they in turn can educate the public. The weed is pretty and cheaper than Baby's Breath which is why people unknowingly cut and transport it to other areas which spreads it. Education was emphasized. Supervisor Bennett thanked Mr. Kaffer for his presentation and congratulated Mr. Flansberg, Assistant Street Superintendent Chuck Knowlton and Health Director Daren Winkelman on their efforts. She requested Mr. Berkich include in the budget adequate resources to help staff do as much as possible to address the situation. She urged staff to broaden the agencies to include the CR&D, Cooperative Extension, and others in the eradication effort. She also encouraged staff to develop the suggested telephone service. Board comments supported her suggestions. Discussion indicated 1997 laws had expanded the mosquito control district activities to include weed abatement and encouraged Mr. Berkich to analyze these programs.

Comments also noted the roles Larry Turner, Claude MacIntosh, and Mickey Anderson had played in developing the map and program. Discussion also noted the weed's ability to compete with restoration efforts.

(1-0812) Master Gardener with the UNR Extension Office Marie Brush explained the Master Gardener Program called the "Weed Warriors". BLM is also working on the problem. She felt that everyone should cooperate on the effort. Mayor Masayko agreed that the efforts should be coordinated. No formal action was taken or required.

ii. ACTION TO APPOINT WAYNE CHIMARUSTI TO THE TAHOE REGIONAL PLANNING AGENCY'S MEETING ON MARCH 24, 1999 (1-0835) - Supervisor Williamson moved to appoint Wayne Chimarusti to the Tahoe Regional Planning Agency meeting on March 24, 1999. Supervisor Livermore seconded the motion. Motion carried 5-0. (1-1648) Supervisor Bennett explained her reasons for not being able to attend the TRPA meeting as being due to an American Hospital Association seminar in Monterey. A copy of its agenda was to be shared with the other Board members.

iii. DISCUSSION AND POSSIBLE ACTION ON LEGISLATIVE MATTERS INCLUDING BDR 43-687 - A \$1 SURCHARGE FOR VEHICLES REGISTERED IN CARSON CITY FOR PUBLIC TRANSIT (1-0855) - Discussion explained the purpose of BDR 43-687 and LCB's legal opinion rejecting the proposal. Comments also stressed the need to find a funding source for public transit without creating a tremendous burden on the General Fund. Discussion questioned whether the sales or gas taxes could be increased to provide funding for this purpose. Budget considerations should include expansion of the General Fund commitment. Public comments were solicited but none given. Supervisor Livermore moved that the Board of Supervisors withdraw BDR 43-687, a \$1 surcharge for vehicles registered in Carson City for Public Transit from the legislative process. Supervisor Plank seconded the motion. Motion carried 5-0.

Discussion then noted the speed with which the Legislature is moving. Mr. Berkich briefed the Board on AB 314, AB 270, SB 368, and announced that the NACO bill on the tax cap will be heard later today. Mayor Masayko reported on the NACO long-term medical care bill and the need to develop an optimum long-term solution to this continuing problem. Comments emphasized the need to track all legislative proposals. The Monday morning meeting with Consultant Mary Walker had been scheduled for 10:30 a.m.

B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1075) - Supervisor Plank reported on the meeting with City staff regarding the north Highway 395 median beautification program and Jim Robertson's contribution to the program; the WNDD meeting; the golf course reception; his meeting with WNDD Executive Director Marylou Bentley regarding the Home Consortium; the Senior Center Advisory Council meeting, its grant applications for additional improvements, and its survey which will be sent to individuals 45 years and older; his attendance at the Legislature; his meeting with RTC Engineer Harvey Brotzman and Street Superintendent John Flansberg regarding RTC matters including its agenda and future meetings; the RTC meeting yesterday; NDOT's demonstration workshop; and announced the Future Farmers of America Convention dates of March 25 and 26 and his intent to discuss their support needs with the Mavericks Lions Club. Supervisor Williamson reported on the WNDD meeting she had attended with Supervisor Plank; the Eagle Valley Golf Course reception; the Mainstreet Downtown Citizens Committee of the Chamber of Commerce meeting; announced the Redevelopment Authority Citizens Committee meeting scheduled for next Tuesday; and continued her report with the Carson City Employee of the Year and Volunteer Recognition Luncheon; the jail opening; the Open Space Advisory Committee meeting; the meeting on legislative issues; and the NDOT Bypass presentation. She explained the successful Carson-Tahoe Hospital Auxiliary Cowboy Poetry program and thanked the public and Board for their support. She also explained her efforts to resolve some communication problems which have surfaced between City staff and the public. Supervisor Bennett reported on a "quick" meeting regarding the medians; the Healthy Communities Initiative and its efforts to obtain a 501c3 status; a "short" bicycle committee meeting; the golf course reception; Nevada-Tahoe Conservation District activities; Tahoe Transportation District meeting on Highway 28 issues and a follow-up meeting with NDOT representatives on additional public transit opportunities for Lake Tahoe; the Cowboy Poetry program; her tour of the jail and Sheriff's office; and her Legislative activities. Supervisor Livermore reported on the Convention and Visitors Bureau meeting and its ability to address the delinquent room tax payment issue; Carson-Tahoe Hospital meetings; the Nevada Cares open house and congratulated Mr. Campbell and his staff for their vision and investment in the community; his tour of the jail; the Chamber of Commerce's Transportation Committee meeting; and explained the reasons the trees had been removed from the Governor's Field parking lot; the startup of Little League and softball practices, and elaborated on the signups for the Comstock Soccer Shootout. Mayor Masayko highlighted his involvement at the Legislature regarding the Tri-County Railway; FAA's grant allocations for Carson City's Airport; the Airport Authority meeting; the employees recognition luncheon; his tour of the jail and commended the Capital Projects Advisory Committee on its dedication and efforts, and suggested recognition be given to the Committee members. He urged the Board members to participate in the FFA convention.

D. STAFF REPORTS (1-1612) - Mr. Berkich briefly reported on the status of the Public Safety Complex and the relocation of offices to it. A meeting has been scheduled for next week with Roche Constructors to begin closing out the project. The official dedication date is still scheduled for April 30. The public was invited to attend.

6. FIRE DEPARTMENT - EMS Battalion Chief Vince Pirozzi - ACTION TO APPROVE THE INTERLOCAL AGREEMENT BETWEEN CARSON CITY AND NORTH TAHOE FIRE PROTECTION DISTRICT WHICH WILL ALLOW NORTH TAHOE FIRE PROTECTION DISTRICT TO BECOME A MEMBER OF THE AMBULANCE BILLING PROGRAM (1-1652) - Discussion explained the District's location and the other agencies who use the City's billing program. Supervisor Williamson moved to approve the interlocal agreement between Carson City and North Tahoe Fire Protection District which will allow North Tahoe Fire Protection District to become a member of the ambulance billing program. Supervisor Livermore seconded the motion. Motion carried 5-0.

BREAK: A ten minute recess was declared at 10:17 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:27 a.m., constituting a quorum.

7. DEVELOPMENT SERVICES - Deputy City Manager Dan St. John

A. ACTION TO EXPRESS BOARD SUPPORT OF THE GENERAL GOALS OF GROW (GARDENERS RECLAIMING OUR WAYSIDES), INCLUDING GROW'S EFFORTS TO PURSUE LANDSCAPING GRANTS (1-1765) - Staff has worked with GROW for sometime. Staff had not made any financial commitments to GROW due to the lack of adequate information regarding their program/plans. Such funding may at some future date be necessary. NDOT Freeway Project Manager Jim Gallegos could not attend the meeting today. A letter of support had been requested from the Board for a grant application. Mary Fischer used a 1956 State Highway Department manual encouraging the use of landscaping along highways to illustrate the need for landscaping along the freeway. It should not be considered a luxury but is definitely a necessity. It should be part of the original design so that it will flow together. Landscaping should not be retrofitted 40 years after the roadway is constructed as is occurring in Reno. Difficulty generating public support was felt to be due to the lack of progress on the freeway. Justification for including the landscaping in the design was provided. The conceptual drawing was displayed and explained. The plants will require low water and maintenance. Irrigation systems should be installed as construction occurs. Seventy-five acres will need to be landscaped. A unofficial estimate of the cost is \$3.5 million. This includes large plants. If smaller plants are used, the cost may be \$1.5 million. Landscaping is as much an investment in the community as the Arrowhead interchange is. She then compared the freeway to a commercial building and explained its mandatory landscaping requirements. The same requirements should be fulfilled by the freeway. She urged the Board to study the landscape drawing and commit to it by signing a letter of support and to include funding in the future. By starting now, she felt that it could be included in the design and not delay construction.

Board comments supported her position that it is a critical need and should be part of the plan, Comments commended GROW on its work, tenacity, knowledge, and willingness to participate. Discussion explained the purpose of the grant, funding for freeway landscaping in other States, Nevada's landscaping philosophy, the status of GROWS 501c3, and the need for the 501c3. Ms. Fischer indicated that the landscaping would not be planted until 2002, however, the irrigation system must be installed during construction. The planting could be phased if necessary. Volunteers will be needed for at least 3 to 5 years to maintain the plants. Hopefully, after that period maintenance would only be necessary every six months. Comments noted the electorate's support for park and open space tax issues and the vision survey's support for landscaping along roadways. Supervisor Livermore volunteered to dedicate himself to working with the group to improve the City's quality of life. Supervisor Bennett explained her and Supervisor Plank's efforts to beautify the City's entranceways. She suggested that they combine efforts and work together to accomplish this task. She indicated a desire to include landscaping along the Graves Lane extension. She then suggested that GROW consider TEA-21 enhancement funds. Ms. Fischer explained her understanding of the Board's Community Service grant program and that TEA-21 funds could be obtained and held for four years for specific projects. She requested inclusion in these funds. Supervisor Bennett suggested that the City consider inclusion of the plan into the grant requests for the year 99-2000. Mayor Masayko felt that staff had been sensitized to her comments. The projects will have to be phased. He felt that the landscaping plan could be eligible for the TEA-21 funding. Supervisor Williamson moved that the Board of Supervisors express support for the general goals of GROW, Gardeners Reclaiming Our Waysides, including GROW's efforts to pursue National Urban Forestry grants and other funding programs. Supervisor Plank seconded the motion. Mayor Masayko indicated the motion was to provide the letter of support for GROW's concepts and the initial planning grants. Motion carried 5-0.

BREAK: A ten minute recess was declared at 11 a.m. The entire Board was present when the meeting reconvened at 11:10 a.m., constituting a quorum.

B. ORDINANCE - SECOND READING - ACTION ON BILL NO. 101 - AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND PEAVINE

CONSTRUCTION, INC., RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 09-031-25 AND 26 LOCATED AT 2384 AND 2412 SOUTH CURRY STREET IN CARSON CITY, NEVADA (1-2552) - A drawing of the site was displayed. The project may be constructed this summer, however, a specific timeline has not been developed due to land issues involving State Lands. Supervisor Bennett requested periodic reports on the project due to the plan to develop a 229 unit motel at the corner of Curry and Rhodes. Justification for both the timeline and the regional detention basin were noted. Mr. St. John explained the feeling that the Pat Lane residents' problem was created by the groundwater level and noted that this project involves surface water. A clear relationship between their problem and the project could not be found at this time. There are several locations throughout the community with similar high groundwater levels. The relationship between five wet years and a seven year drought is being studied by the Storm Drainage Advisory Committee. Additional comments were solicited but none given. Supervisor Bennett moved that the Board of Supervisors adopt Bill 101 on second reading, Ordinance No. 1999-2, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND PEAVINE CONSTRUCTION, INC., RELATED TO THE DEVELOPMENT OF ASSESSOR'S PARCEL NO. 09-031-25 AND 26 LOCATED AT 2384 AND 2412 SOUTH CURRY STREET IN CARSON CITY, NEVADA, no fiscal impact. Supervisor Williamson seconded the motion. Motion carried 5-0.

8. CITY MANAGER - John Berkich

C. STATUS REPORT ON CARSON CITY MUNICIPAL GOLF CORPORATION (1-2852) - Corporation Chairperson Mark Sattler described the financial status of the courses. There had been a 30 percent increase over last year. Staff's dedication and efforts were noted. In January the market program had surpassed its goal of 10,000 packaged rounds. The course retrofit programs were described. The junior golf programs were explained including the Western Nevada Community College golf course maintenance program and the plan to develop a junior golf course with donations from Arnold Palmer's group and other nationally known businesses. The courses' vision statement was read. Board comments complimented Golf Course Superintendent Mike McGehee and his staff on their efforts to keep the winter-time costs down and support for the junior course concept. Supervisor Bennett requested written documentation be provided to justify the Board's consideration of a resolution of support. Chairperson Sattler emphasized the need for community support in order for the program to be successful including support from the Boys and Girls Club and schools. Mr. McGehee explained that he has the design and commitment from Arnold Palmer Golf. He also has an application for the "First Tee", which is a division of the United States Golf Association. Its program was described. Other written commitments for irrigation design/equipment and construction were explained. Chairperson Sattler indicated that a packet of information would be provided to the Board. Mr. McGehee explained the need for community support before moving forward with the application. Supervisor Bennett urged them to develop and make a full presentation to the Board in the near future so that the level of support required could be obtained. Discussion explained the proposed site and size of the junior course. The Board was invited to meet with Mr. McGehee at any time. Supervisor Williamson volunteered to provide names of individuals with the School District to whom the Corporation should request assistance as well as with Youth Sports Association and Parks and Recreation. Chairperson Sattler noted this offer had been made earlier and the reasons they were planning to avail themselves of the offer. Supervisor Plank explained his sons' use of the courses when they were younger. The youth are the future. Chairperson Sattler explained his personal experience with the game and benefits of the program. No formal action was required or taken.

A. STATUS REPORT ON THE PREPARATION FOR Y2K (1-3520) - Mr. Berkich felt that the City was currently 90 percent compliant and would be 100 percent compliant by September. A May emergency tabletop exercise has been planned. This should point out any weaknesses. Minor interruptions may occur but should not create a major problem. Supervisor Bennett then advised the Board about a Y2K scam which is currently hitting the East Coast. Discussion noted this may not be the only scam in operation. Mr. Berkich indicated that he would notify the media.

(2-0135) Virginia Orcutt explained a letter she had received from the State concerning various technical questions

relating to the Y2K preparedness by the City and public utilities to which she did not feel she could respond. Comments indicated that the State needed to go to the providers rather than the property owners. Mr. Berkich was directed to assist her. No formal action was required or taken.

B. STATUS REPORT ON STORM DRAINAGE (2-0195) - Mr. St. John explained the status of the contracts which had been issued for various studies and design standards, the Committee, its program, and its meeting schedule. He then used a lap top computer program to illustrate and explain the problem, the Vicee Canyon gabions, Subconservancy funding for improvements in Ash and Kings Canyon, freeway improvements and alternatives, the timeline for the freeway projects, benefits of this program to the community and freeway, costs for these improvements, the need for additional right-of-way/easements, and the public hearing process. Supervisor Williamson explained a letter she had received from WNCC President Bill Davies and a residents' petition about Vicee Canyon and the need for a fence around the detention basin. She urged staff to hold workshops on small projects as well as the large problems and to open the lines of communications. Mr. St. John responded by explaining the almost daily communications occurring between Senior Engineer Dave Merrill and Mr. Davies. A final design for Combs Canyon and Timberline is to be completed today. A gate is to be installed off of Winnie Lane in an attempt to control access onto the college property. The detention basin does not require fencing but the residents concern is understandable. At this time he felt that the City should attempt to eliminate "ORV" traffic and prohibit access. The delay in providing a documented procedure for sand bagging was explained. Efforts to mitigate the impact and to work with the residents were noted. He agreed that a second meeting with the residents is needed, however, there is not much more that they can be told. Supervisor Williamson explained the reasons that she felt the meeting was warranted. Mr. St. John encouraged the residents to contact his office and the Storm Drain Advisory Committee. Discussion then indicated that the storm drain channels will be constructed at the same time as the bridge construction occurs. This is Phase 1A. Mr. St. John felt that the drainage improvements will reduce the impact at Highway 50 to the point where only localized flooding will occur; however, the total impact will not be addressed until Phase 1B is completed. Supervisor Livermore requested a timeline and a report on the mechanisms which would be included. Mr. St. John agreed. Additional comments were solicited but none given. No formal action was required or taken.

BREAK: A lunch recess was declared at 12:40 p.m. The entire Board was present when the meeting was reconvened at 1:40 p.m., constituting a quorum.

9. COMMUNITY DEVELOPMENT DIRECTOR - Walter Sullivan

A. ACTION ON Z-98/99-2 - A REQUEST FROM MARK PALMER, PALMER AND LAUDER ENGINEERS, INC. (PROPERTY OWNERS: RANDALL AND DONNA HARRIS) FOR A CHANGE OF LAND USE FROM SINGLE FAMILY ONE ACRE (SF1A) TO MULTI-FAMILY APARTMENT (MFA) ON A 1.8 ACRE SITE, LOCATED AT OAK STREET AND SNYDER AVENUE, APN 9-197-01 (2-0875) - Mark Palmer, Jim Cavilla, Jim Godec, Dale Ryan, Lupe Corral, Ada Roelke, Santos Corral, Janet Baker, Hal Menshaw, Randy Harris, Senior Planner Juan Guzman - Mr. Sullivan's introduction included the applicant's request for a continuance which was requested in the hope that something could be worked out with the neighbors. Mr. Palmer read the applicant's letter requesting a continuance into the record. (A copy was given to the Board and Clerk.) The request was for time to pursue a resolution of intent which would be taken back to the Planning Commission for its review before coming back to the Board. Mr. Palmer then explained the "town hall" meeting which had been conducted on the project. A representative from the adjacent church had been the only one to attend this meeting. After the Commission's denial, alternatives were pursued which included the resolution of intent. The resolution allow phasing of the project which may reduce the initial impact on the neighbors. Mayor Masayko noted the Board's concern with "eleventh hour" continuances. Mr. Cavilla indicated that staff had only recently suggested the resolution of intent.

Mr. Godec noted his petition which had been signed by over 30 residents opposing the project. Community Development had indicated that the question is one of timing. He suggested that a moratorium be placed on the area until after the freeway is constructed. The neighborhood supported construction of a single family residence

on the site as the property is zoned. He then indicated that he had contacted all of the petition signers and that they had not felt that a compromise was possible. Mr. Ryan opposed the project due to the traffic impact, the encroachment of multi-family uses on the single family one acre uses, and the impact on other community services created by multi-family housing. He asked that the Board take action denying the application.

Discussion between Mayor Masayko and Deputy District Attorney Bruketta indicated the desire to restrict testimony to the continuance. Mr. L. Corral opposed the project due to the traffic impact and its potential increase in criminal activity. He also opposed the continuance request. Ms. Roelke, S. Corral, Ms. Baker, and Mr. Menshaw also opposed the continuance.

(2-1169) Mr. Sullivan explained his discussion with Mr. Harris concerning the resolution of intent, the need to include the neighborhood in the process, and the Board's history on resolutions of intent. Discussion with Mr. Cavilla indicated concern with the one year prohibition against resubmitting a new application for the property if denied and reasons for the continuance request. Mr. Sullivan felt that phasing the project is a substantially different application than that which had been submitted. Ms. Bruketta then read CCMC 18.02.107.4 regarding continuances and timelines. The pros and cons of using a "letter of intent" were noted by Supervisor Bennett. Mr. Sullivan agreed that the resolution of intent would have to be reconsidered by the Planning Commission after noticing had been accomplished. Mayor Masayko explained the Board's policy prohibiting consideration of any evidence which the Planning Commission had not heard. Mr. Sullivan indicated that he had also explained this to Mr. Cavilla when they had discussed the options. Mr. Cavilla felt that if the option of the resolution of intent had been raised earlier in the process, a continuance would not have been requested. Mr. Cavilla reiterated his reasons for bringing forward the project at this time and his feeling that current zoning does not allow for development of the type envisioned by staff. Discussion ensued concerning the timeline for completing the process by the Planning Commission and the Board. It was felt that the Board did not have a deadline. Supervisor Plank noted the Board's previous consideration of a project on Roventini and his reasons for feeling that if the developer wishes to revise the project, it should start over. Discussion then explained the appeal process which allows the residents to object to the Commission's action. Supervisor Livermore explained his position regarding the impact the project would have on the surrounding one acre rural area. He preferred to have the parcel down zoned. His support for the Commission's decision was noted. Mr. Cavilla then indicated a desire to withdraw the request for a continuance and to move forward with a presentation.

BREAK: A ten minute recess was declared at 2:20 p.m. The entire Board was present when Mayor Masayko reconvened the session at 2:30 p.m., constituting a quorum.

Mr. Cavilla then requested the opponents make their presentation first and that Mr. Palmer be allowed to respond to their issues and present the project. The previous opponents restated their opposition to the project.

(2-1755) Mr. Palmer then described the project and reasons for suggesting it as a transition between the multi-family apartments on the west and the one acre rural residences to the south and east which is suggested in the Master Plan. The freeway and its impact on the area was also cited to support the project. The proposal to break the roof line was explained as an attempt to reduce the visual impact on the neighbors. The traffic impact will be 1.5 percent at peak hours. The Board was given a copy of the letter requesting a continuance of the original Planning Commission meeting on the item due to a desire to have a neighborhood meeting. A copy of the letter was given to the Board. (None to the Clerk.) Only a representative from the church attended the meeting. This individual had purportedly expressed an intent to submit a letter of support, however, the letter had not been received to date. The project could be phased rather easily if so desired. Discussion noted Mr. Harris is the owner and developer of the apartments to the west. Supervisor Plank agreed that the design is a transition to those apartments, however, does not fit with the remaining area. Mr. Palmer responded by explaining the changes which are occurring along Highway 395/Carson Street as a result of commercial growth. The site was felt to be the next logical piece for transition. Supervisor Plank explained his original reluctance to approve the apartment complex to the west and feeling that the time is not right for this change. Supervisor Livermore explained his feeling that the project was an encroachment on the rural environment and that the line should be held at Oak Street. Mr. Palmer explained that zoning is changed at the back of the lots or the middle of a block rather than along specific

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streets. Supervisor Bennett commended Mr. Palmer and the architect on their previous projects. Her problem with the project was the density and its timing. Mr. Palmer responded by explaining the zoning of the lot and the area surrounding it. The project is considered medium density. Phasing will allow the density to mature. Clarification indicated that the project is 18 units on a 1.8 acre site.

Mr. Cavilla expressed his feeling that the denial would in essence force the property owner to hold the property for an unknown period. The current zoning allows only one unit per acre. Medium density zoning allows four to ten units per acre which is the requested 18 units. He agreed that they could have presented pictures of a four unit development which would comply with the lower density but the request would have been for the same zoning. After the zoning is changed, the 18 units could have been constructed. Discussion indicated that MDR is not MFA which may have allowed development of single family 7,000 square foot lots. Mr. Cavilla then expressed his feeling that the project would have little impact on the residents living to the east of the project. Traffic will use Snyder and go west.

Mr. Harris displayed a photograph of his apartments to the west and explained his feeling that he was complying with the master plan. Departments supporting the project were noted. Photographs of residences surrounding his project were displayed. His apartment complex was an improvement over those homes. He agreed that there had been problems with the tenants, however, this has been addressed. Although the apartment complex had complied with the parking code requirements, he felt that it had been inadequate and had provided four parking spaces per unit at the proposed project. Supervisor Williamson agreed that the project is nice and that a good architect had been retained. She then explained her feeling that the area had already done its part to provide affordable housing. Other areas should share this responsibility. She agreed that there is a need for affordable housing. The Board's responsibility is to do what is best for the community and not maximize one individual's profits. Mr. Harris reiterated the zoning uses surrounding the property and that the project would be a transition from the multi-family units to the west. Supervisor Plank reiterated his feeling that the project is wrong for the area at this time. The transition to the east does not fit but would with the uses to the west. Once the freeway is constructed, the timing may be the right for the project. He wished the project was proposed for another area of the community as it is quality project. He also felt that the photographs were selective.

Messrs. Godec, S. Corral, and Menshaw and Ms. Baker responded to Mr. Harris' comments about the rural residences located in the vicinity by explaining their property values and improvements which they had recently made to their properties. They felt that the project would depress their values and that they would have voiced their opposition to the other apartments if they had been notified. Mr. Harris had purportedly only recently purchased the property and had allegedly intended to acquire this property when the apartments were approved.

Mr. Sullivan indicated the staff report spoke for itself and recommended denial. Mr. Guzman then highlighted the report.

(1-2595) Supervisor Plank moved that the Board of Supervisors deny a request from Mark Palmer, Palmer and Lauder Engineers, Inc., property owners: Randall and Donna Harris, for a change of land use from Single Family One Acre (SF1A) to Multi-Family Apartment (MFA) on a 1.8 acre site located at Oak Street and Snyder Avenue, Assessor's Parcel Number 9-197-01, based on the findings contained in the staff report; fiscal impact is nothing. Supervisor Bennett seconded the motion. Mayor Masayko indicated the motion would deny the land use change and uphold the Planning Commission's recommendation. Motion was voted by roll call with the following result: Livermore - Yes, because I can tell you my residence is one single family acre from a converted one single family 7,000 square foot lot, which is no where near the density that the proposed project is, but I can tell you that since the homes have been built there, and this may not sound like it is a big issue, the number of cats that run over my acre from the neighbors that that density grants, I can imagine what 18 units and the cats and pets that that will bring, that is my comment; Williamson - Aye; Plank - Yes; Bennett - Aye; and Mayor Masayko - Yes, also, and I will say that I have two issues out here, one, Mr. Harris, Mr. Palmer, timing is virtually everything, and the character of this land, I have no doubt is going to change once the freeway is built, again, I will say to you that perhaps five to seven years is a long time in the eyes of those residents; to your comment that the owner has no choice on the medium residential, I do believe that you do, and I believe that it is on the record that you do; this

density is just too much on the high side and too abrupt, I think that all of us, even the residents, may or may not consider some alternatives, but that is up to you; I vote with the majority to uphold the Planning Commission's denial. Motion carried 5-0.

BREAK: A seven minute recess was declared at 3:15 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 3:22 p.m., constituting a quorum.

B. ORDINANCE - SECOND READING - ACTION ON A-98/99-2 - AN ORDINANCE AMENDING TITLE 18 OF THE CARSON CITY MUNICIPAL CODE (ZONING) BY AMENDING CHAPTER 18.02 (GENERAL PROVISIONS), SECTION 18.02.010 (INTERPRETATION AND APPLICATION) BY DELETING LANGUAGE REFERRING TO SPECIAL USE PERMITS AND ADDING LANGUAGE CLARIFYING THE SPECIAL USE PERMIT REQUIREMENTS; SECTION 18.02.062 (APPLICATION REQUIREMENTS) BY DELETING THE REQUIREMENT THAT A SPECIAL USE MUST NOT BE LISTED AS A PRIMARY OR CONDITIONAL USE IN ANY OTHER USE DISTRICT; CHAPTER 18.06 (INDIVIDUAL USE DISTRICT PROVISIONS); SECTION 18.06.340 (PUBLIC <P>) BY DEFINING THE PURPOSE OF THE PUBLIC DISTRICT AND EXPANDING THE USE TO ALLOW MORE PUBLIC AND PRIVATE USES; SECTION 18.06.341 (CONDITIONAL USES) BY ADDING PUBLIC UTILITY BUILDINGS, STRUCTURES OR APPURTENANCES, AND OTHER MATTERS PROPERLY RELATED THERETO (2-2675) - Senior Planner Guzman, Lumos and Associates Planner Carol Dotson, Sierra Pacific Civil Engineer Jim Lehan, Deputy District Attorney Melanie Bruketta, Ada Roelke, Bob Brogan, Craig Steele, Albert Le Balch - Before Mr. Sullivan's introduction, Mayor Masayko disclosed his previous employment with Sierra Pacific and his ownership of some of its stock. The project is not one he had been involved with beyond a very, very short briefing. He did not feel that he was more knowledgeable about the project than anyone else. As part of his retirement benefits, he currently receives a pension which he believed to be part of a contract between himself and Sierra Pacific. He does not have any professional involvement with the firm or any of its subsidiaries. He had consulted with Chief Deputy District Attorney Lipparelli regarding the Code of Ethics. He did not believe that he had a pecuniary or business interest in the firm nor did he feel that his interest in the business was any greater than any other shareholder or the general public of Carson City. Therefore, he would participate in the discussion.

Mr. Sullivan's introduction included telephone comments he had had with Andy Burnham. During his introduction Mr. Guzman distributed some letters and information to the Board and Clerk. (A copy is in the file.) Mr. Sullivan also indicated that Mr. Guzman had given the Board copies of the Code and the proposed ordinance. (A copy was not given to the Clerk.) Mr. Sullivan explained Ms. Lazor's telephone call and corrected the record regarding Mr. Burnham's comments which indicated that utility substations are allowed throughout the City by special use permit. This is a proposal that staff is working on and is not in the current Code. Mr. Guzman then highlighted the staff report and explained the proposed ordinance revisions by using inverted triangles and diagrams of selected uses by district. (A copy is included in the file.) His comments also corrected the designated "P" zone to include all public sites. It is not an open space district. Mr. Sullivan revised Section III Subsection 1 to read: "To accommodate a wide range of uses on publicly owned lands, including public and private, institutional and accessory uses,....". Supervisor Bennett explained her reasons for suggesting the change but felt that private should not be included. Mayor Masayko felt that she should present the revision later in the discussion if still desired. Mr. Guzman continued his explanation which included the notification requirements to mobile home parks. Staff had complied with this requirement. Mr. Sullivan then explained that an argument could have been presented that the substation is an ancillary use of the primary use of the site as there is a powerline is there now. Staff's position requiring a special use permit was explained as being due to the expansion of the current non-conforming use. He also noted an issue of federal sovereignty. Reasons for requesting the code revision were noted. Notification requirements were reiterated. Discussion explained the reasons for using the term "utility substation" and the Code definition for "electrical substation", the letter used to notify individuals about the proposal, the procedure establishing the list of individuals wanting copies of the agendas, and Mr. Burnham's letter regarding Los Angeles' substation permitting requirements as well as Reno; Scottsdale, Arizona; and Henderson. Mayor Masayko then explained that the testimony should be restricted to the topic and not discuss a specific

project.

(3-0039) Ms. Dotson explained her support for the revision as it would allow a wide range of public facilities on publicly owned land and would be beneficial to the community by providing for its health, safety, and cultural needs. This will allow for better planning of community services. A comparison of uses allowed in other communities was explained. Mr. Lehan indicated Sierra Pacific's support for the amendments, the need to meet the City's growing demand for more service, firm's efforts to locate a site for another substation, and the reasons the Arrowhead site had been selected. Mayor Masayko indicated that the merits of the site would not be debated. Mr. Lehan continued his explanation of the benefits of the proposed site and that staff had denied an application for that site due to the Code. The amendments will allow such an application for a special use permit to be submitted and increase the number of sites which could be considered for similar projects in the future. He also explained that Sierra Pacific is a privately held utility. The amendment is for public utility facilities. Mayor Masayko indicated that public utility is a generic term meaning someone who provides utilities services to the public. This would allow a privately held utility company to be considered. Supervisor Plank pointed out that the utilities which serve the community are both privately owned and owned by the City. Other communities were cited as examples to indicated that all types of public utilities were being discussed. Ms. Bruketta explained the advice she had given staff which was to consider what other communities' ordinances contain. This issue could be a point of argument in the future and may be something the Board wishes to address. Mr. Guzman advised that research indicated this is the term used. Mayor Masayko pointed out the impact deregulation may have on this usage. He suggested consideration of the following terminology: "public utility (whether publicly or privately owned as long as the business is providing public utility services)".

(3-0196) Ms. Roelke felt that the entire issue had been raised by Sierra Pacific's proposal to build a substation on Arrowhead Drive on property zoned Public. The application had been withdrawn when the Code indicated this could not happen. If the ordinance is revised, a new application will be submitted. The location is inappropriate for a substation. She felt that the shareholders' interest were being placed above the residents' and that there had been comments indicating the substation could be placed at Goni for \$150,000 more. Mayor Masayko reminded her that her comments should be expressed if and when the ordinance is adopted and a new application is submitted. She urged the Board to deny the proposal.

Mr. Brogan opposed the proposal due to the potential problems it could create for the airport by encroachment.

Mr. Steele read his prepared statement into the record. It explained his previous experience as a Planning Commissioner, the history of the proposal, the lack of ability to voice opposition at previous meetings regarding this concept, the lack of review provided by other City commissions/committees, the need for a special use permit, the notification provided in 1986 for the decision allowing a substation in open space, whether open space should be developed, encroachment into the airport clear zone, and the types of development which would be allowed under the revision. He requested a policy be established on how open space and airport clear zones are to be developed at appropriately noticed, open, and agendized meetings. Mayor Masayko reminded Mr. Steele that no decisions are made outside the public forum. Mr. Steele then referenced his February 28th letter allegedly extraordinary steps taken by staff to expedite the process and their deficiencies. (A copy is in the file.) Purportedly staff had already completed a staff report approving a special use permit. His concern about his inability to obtain a copy of this report until the date the Planning Commission was to consider the issue was also noted. He had not been allowed to make any comments at that hearing. This violates the Open Meeting Law. He urged the Board to return the ordinance to the Planning Commission for additional consideration. The ordinance is flawed as it lacks the term "substation" and a definition for it. Staff's position and the ordinance will realign the pyramid by placing a public zone at the top. This will eliminate the ability of the open space area to resemble conservation reserve areas and may cause it to become an industrial area. He then referenced the staff report and errors or inconsistencies which he felt it contained. A child care and group care facilities should look like a home and not a substation. Staff should only be allowed to make recommendations to the Planning Commission and not determine the type of action to be taken. All references in the staff report indicating that staff would make these decisions should be revised. He recommended that 18.06.340(2) include structures. He did not support the contention that utility substations are similar in intensity to municipal well facilities due to their different

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construction and maintenance requirements. He questioned how the quality of life would be enhanced by a substation, the studies which Sierra Pacific had conducted to determine the impact, how the revisions would provide better planning of public services for the community and its promotion of land use compatibility with the airport. He reiterated his request that properly noticed, agendaized and open meetings on these issues be conducted.

(3-0701) Mr. Le Balch gave the Board and Clerk a copy of his comments. (A copy is included in the file.) He displayed a map illustrating all of the public zones in the community. The ordinance will purportedly allow all of those sites to be used for substations. Communities which control the locations were cited. He suggested that the substation be located at the Corporate Yard. The impact on his property value, his neighborhood's aesthetics, and the neighborhood's health were used to support his recommendation that the proposal be returned to the Commission for reconsideration and inclusion of the BLM urban interface master plan which prohibits major expansion of mining and utility right-of-way uses. State laws regarding electrical substations had also been overlooked as they are projects of regional significance and must be found by the Planning Commission to be in conformance with its adopted regional plan. Mayor Masayko felt that this is Washoe County's requirement. Mr. Le Balch then suggested that City's open space be divided into four classifications which were airport, parks, public administration, and public facilities. Substations should be placed in the public facilities area which may keep it from interfering with the public enjoyment of the other areas.

(1-0816) Rick Beaudette presented a petition to the Board. (The petition was given to Mr. Guzman.)

Mr. Sullivan responded to the comments by indicating that the Special Use Permit process had not received any testimony indicating that property values were decreased by the process. Health, safety and welfare issues are considered under the special use permit process. He expressed a desire to research the Statutes regarding Mr. Le Balch's comments regarding regional significance. He supported Mr. Le Balch's comments concerning establishing four public zones had merit. Board's direction concerning returning the issue to the Commission and noticing other advisory committee/commissions. Staff had noticed several other committees/commissions, however, had not agendaized it for their review and action. Supervisor Bennett has asked staff to do so.

Mr. Guzman explained the reasons the staff report on the special use permit application had been prepared but was not considered by the Commission. Portions of this staff report may at some future date be used if Sierra Pacific does in fact resubmit an application. After the report was prepared staff determined that the ordinance did not permit the use and the application was withdrawn. Justification for using the special use permit process was provided. He felt that the planning issues could be mitigated as the process allows.

Discussion between the Board and staff noted that Title 18 had been in the Code for many years. During Mr. Sullivan's tenure as Community Development Director there had been discussions on occasion concerning the uses which are allowed in public zones. He was unsure whether this discussion had included "substation" and the reasons "substation" had not been listed. Mr. Guzman explained his discussion with Senior Planner Danforth regarding these issues. She was also unsure of the reasons substations had not been listed but felt that it had merely been left out. Staff had felt that it was allowed under the Special Use Permit process. Mr. Le Balch had pointed out that it is not there.

Delores Bowman's letter was noted. Supervisor Williamson also noted letters from Mr. Le Balch, Mr. Steele, Mr. and Mrs. Bowman, Mrs. Dishman, Mr. and Mrs. Rudd, and Mrs. Hirsch. She then explained the questions she had asked regarding other committees/commissions' recommendations related to the change. She agreed that public zones had been a catchall for parcels which did not fit under any other classification. She suggested that staff be more definite about what public lands should be called particularly in light of the Open Space Advisory Committee's concern that any land it acquires remain open space. This may have been the purpose behind the Board's 1986 approach of open space. Community surveys indicate that any land designated open space should remain open space with as little latitude as possible. She urged staff to review other communities' ordinances and revise our ordinance accordingly. If the intent is to allow substations on public lands, then the ordinance should say so rather than contain an obscure reference.

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Supervisor Plank reminded the Board that language restrictions may hamstring the Commission and staff when future uses are considered. He supported generalized language and trusting the Commission and Board to use common sense in their application. Ample time and notice of public hearings should continue to be given.

Supervisor Bennett then explained her method of evaluating policy issues. In this particular case, a special interest had brought the revision forward. The process which had been used was, in her opinion, fundamentally flawed. Therefore, before she would consider the proposal it should be reviewed by all of the various committees/commissions who will be impacted by it. She also supported Mr. Le Balch's suggestion on the different types of land uses within the public zone. Justification for this approach was described. She also suggested consideration be given to a "utility corridor" which would provide an appropriate location for substations, telephone lines, etc. She also supported Mr. Steele's request that additional time be taken to provide for a more detailed review. She vocalized her appreciation for the public's time and efforts to point out these needs. She also felt that there were alternatives which Sierra Pacific could pursue. She expressed her concern about the amount of pressure which had been put upon staff to present the proposal. Supervisor Bennett then moved that the Board of Supervisors postpone further deliberations on the proposed recommended changes to Section 18 and then withdrew the motion and requested a brief recess to consult with staff.

BREAK: An eight minute recess was declared at 5:10 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 5:18 p.m., constituting a quorum

(3-1212) Supervisor Bennett moved that the Board of Supervisors deny, on first reading, Item A-98/99-2 and refer this issue back to the Planning Commission for further consideration of the appropriate uses and category of uses in the public, P, zoning district, and furthermore, direct staff to agendaize this public zoning item for all the appropriate commissions, committees, boards and other stakeholders for their input and recommendations back to the Planning Commission and this Board for adoption. Supervisor Williamson seconded the motion. Supervisor Livermore indicated his support for the motion as it is very important for the community and the future stakeholders of our quality of life here. We have had citizens point out what they perceive to be flaws in the ordinance and the regulations which we were being asked to consummate. As responsible, good leaders we should take the opportunity to allow us, as part of the community ourselves, to decide what our future wishes may be regarding this issue of public zoning. Based on this direction, he indicated he would support the effort. He recognized that Community Development, the Planning Commission, and other boards are all a very committed and well dedicated group of people and if we take the time and be reasonable about what we are doing, they will return with the best ordinance or solution that we can have. Supervisor Plank indicated his assumption that the Community Development staff will be involved with each of the presentations to the various people identified in the motion for review of the process and hoped that staff would caution them as well as the public on the dangers of being overly specific in denying the opportunity for people with good sense to make some judgements in respect to dealing with whatever ordinance comes back for approval at a future date. Mr. Sullivan expressed his intent to take a copy of the video tape from the meeting to the various committees/commissions meetings. Mayor Masayko expressed his feeling that the process should be reasonable and know that, going into the process, they are creating a public policy determining a reasonable and predictable process and a set of reasonable rules and regulations to meet the future and present needs of the community subject to, as Supervisor Plank had indicated, a determination by reasonable people and with the public input all done in public that will result in a decision of the public body based on the issues at hand and, again, not on an esoteric approach which says, "gee, if we find a way not to address this" as opposed to finding a way that says, "gee, we do need to be able to address this" and write a decision that is based on the facts, given the morals and necessity of the type of activities in the urban life that basically represents the feelings of the community balanced against the needs of the community. This process or approach has to result in something in which all of the stakeholders have at least a level playing field. He would hate to see that we are still working on the ordinance at this time next year just because someone still has a couple of issues with which they are not comfortable. He was willing to support the process which says yes, we will get the public input and do whatever is necessary but we also need to recognize that we have to provide equal access to the process for everyone which includes the individuals, who by no fault of their own, need to do a job for Carson City's future, Carson City's future building, and Carson City's very important services including electrical, gas, utility, retention basins, or landfills, all of them. Mr. Sullivan felt that if he took the motion and video to the

various groups and commissions they would have a good idea of what was being asked from the Board's direction. Mayor Masayko requested that it be a high priority and not be a tactic which would delay the process until it becomes a burden upon the applicants. This process needs to move along very smartly and make some decisions. This is only the first step in a decision. A special use permit is required and that process must also come forward and receive a lot of the same minute details and debate. In order to make an ordinance which can stand the test of time you really can't focus on doing it for this one project today. It must be broad and focus on the needs of the community far into the future, which we may not even be able to see today, but the checks and balances need to be in place. The motion to deny the request and return the item to the various committees/commissions was voted and carried 5-0.

C. ACTION ON P-98/99-1 - A REQUEST BY RON KIPP ON BEHALF OF SUMMIT SECURITY HOUSING (PROPERTY OWNER: J.S. DEVCO) AND 46 PROPERTY OWNERS WITHIN THE PLANNED UNIT DEVELOPMENT, TO AMEND AND APPROVE A PLANNED UNIT DEVELOPMENT IN ORDER TO DEVELOP A 222 PARCEL MOBILEHOME 6,000-PLANNED UNIT DEVELOPMENT (MH6000-PUD), PLUS INCORPORATING 52 EXISTING PARCELS DEVELOPED AS PART OF THE ORIGINAL QUAIL RUN PLANNED UNIT DEVELOPMENT, ON APPROXIMATELY 37 ACRES OF LAND PRESENTLY ZONED MOBILEHOME PARK-PLANNED UNIT DEVELOPMENT (MHP-PUD), AND A CHANGE OF LAND USE DESIGNATION TO MOBILEHOME 6000-PLANNED UNIT DEVELOPMENT (MH6000-PUD), LOCATED AT 1350 FAIRVIEW DRIVE, NORTHWEST CORNER OF SALIMAN ROAD AND FAIRVIEW DRIVE, APN'S 9-769-03; 9-752-07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 28; 9-753-01, 02, 03, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 24, 25, 26, 27, 28, 29, 30, 31; 9-754-01, 02, 03, 04, 05, 06, 07, 28, 29, 30, 31, 32, 33; 9-756-16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 27; 9-757-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 18, 19, 20, 21, 22, 23, 24, 26; 9-758-01, 02, 03, 04, 05, 06, 07, 08 AND 25; AND OTHER MATTERS PROPERLY RELATED THERETO - Senior Planner Guzman, Ron Kipp - Mr. Sullivan's introduction indicated that the change of land use ordinance would be considered at the next meeting and described the map revision process required to complete the change of land use.

Mr. Kipp described the revised PUD project and reasons for the change of land use. The new zoning will allow stick built homes to be constructed on the remaining lots. Efforts to work with Cignet, an adjacent property, and the mitigation procedures that were developed were explained. A stipulation made to the Planning Commission will require the developer to attempt to resolve any future sound problems regarding this area. Mr. Kipp expressed his preference to construct a sound proof wall rather than a six foot unnecessary wall. Efforts and reasons for mitigating the Governor's Field lighting problem were described. The development agreement includes both of these issues. Condition 24 requires that Mr. Cavilla's wording be in the CC&Rs and purchase agreements delineating the adjacent zoning and their hours of operation--24-hours a day, seven days a week. Reasons for this were noted. His personal investigation of the Huck operation and its noise impact was explained. He did not feel that either the current noise level or that caused by additional loading docks would impact his project. There is no proposal at this time to prohibit truck traffic on Fairview. Truck traffic is considered offensive when the drivers use "Jake brakes". There is no need to use "Jake brakes" in this area. Written approval of the change of zoning had been received from all of the mobile home park PUD owners. Issues which these people had raised and the mitigation procedures were described. Discussion between the Board and Mr. Kipp explained the mobile home park which had previously been on the site; additional procedures which the Board will consider after the zoning change is implemented; amended Condition 24 to require the buyers to initial the related clause in the CC&Rs; speed restrictions within the project; the sewer utility improvements; the purchase agreement and CC&Rs inclusion of notifications regarding Governor's Field hours, noise and light; the fencing and lack of gates along Governor's Field; the project's phasing and construction date for the Saliman Road improvements; the freeway's potential impact on Saliman Road; the Linear Park improvements; Saliman Road landscaping including the City's request to eliminate landscaping in its center island; fencing along the north side of the project; the buffer at the southwest/west side of the project and the proposed RV parking area; his commitment to install a sound wall if mitigation efforts prove unsuccessful and a future noise problem occurs; (3-1979) reasons the RV parking area could not be extended further north; the owners' current parking areas and garages; reasons sidewalks are not

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included in the project; the onsite parking; the project's age restriction; and the plan to have a homeowners' association. Discussion then reiterated the comments regarding Condition 24 and (3-2155) the development agreement stipulation regarding the sound mitigation plan for the west side of the property. (3-1967) Mr. Kipp agreed to work with the adjacent property owner along the west to create a landscaped buffer in the utility corridor. He also indicated that there are overhead powerlines in this area which will impact the type of landscaping used. (3-2030) Supervisor Bennett encouraged Mr. Kipp to strengthen the CC&Rs and its enforcement of the onsite parking by visitors and the age restriction. (3-2100) Supervisor Plank pointed out the need for RTC to address the interim traffic pattern for freeway traffic heading south once it reaches Highway 50. Staff should be able to develop a method which would encourage the conventional routes, such as Roop, Stewart, 395, etc. (3-2159) Mr. Kipp's stipulated that "in the unlikely event that noise adjacent to the west boundary should again become a problem as one which cannot be resolved, he would apply for a variance or a special use permit to do something beyond the normal six foot fencing along that side". Board comments complimented Mr. Kipp on the project. Supervisor Bennett suggested that space be provided for public transit including access/egress. Mr. Kipp explained the entrances and stacking areas which he felt may handle this service. Due to the lack of public attendance, public comments were not given.

(3-2230) Supervisor Plank moved that the Board of Supervisors approve P-98/99-1, a request by Ron Kipp on behalf of Summit Security Housing; property owner: J. S. Devco, and 46 property owners within the planned unit development, to amend and approve a Planned Unit Development in order to develop a 222 parcel Mobilehome 6,000-Planned Unit Development, MH6000-PUD, plus incorporating 52 existing parcels developed as part of the original Quail Run Planned Unit Development, on approximately 37 acres of land presently zoned Mobilehome Park-Planned Unit Development, MHP-PUD, with the development agreement that if in the unlikely event that the noise adjacent on the west boundary should again become a problem and one that cannot be resolved, they will apply for a variance or a special use permit to do something beyond the normal six foot fencing along that side. Supervisor Livermore seconded the motion. Motion carried 5-0.

There being no other matters for consideration, Supervisors Williamson and Livermore moved to adjourn. Supervisor Plank and Mayor Masayko seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 6:15 p.m.

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A R E S O A P P R O V E D

ON _____ May 6 _____, 1999.

_____/s/_____

Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder