

# CARSON CITY BOARD OF SUPERVISORS

## Minutes of the July 15, 2010 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, July 15, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Mayor Robert Crowell  
Supervisor Robin Williamson, Ward 1  
Supervisor Shelly Aldean, Ward 2  
Supervisor Pete Livermore, Ward 3  
Supervisor Molly Walt, Ward 4

**STAFF:** Larry Werner, City Manager  
Neil Rombardo, District Attorney  
Kathleen King, Recording Secretary

**NOTE:** A recording of these proceedings, the Board's agenda materials, and any written comments or documentation provided to the Clerk during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

#### **1 - 4. CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE**

(8:30:04) - Mayor Crowell called the meeting to order at 8:30 a.m. Roll was called; a quorum was present. United Methodist Church Retired Pastor Bill McCord reminded everyone that "60 years ago, the 5<sup>th</sup> Marines entered into the Pusan perimeter and stopped the advance of the North Korean army. South Korea is in existence today because ... of the 1<sup>st</sup>, 7<sup>th</sup>, and 5<sup>th</sup> Marines." The Board members, City staff, and citizens present applauded. Pastor McCord provided the invocation. Mayor Crowell called on a citizen to lead the Pledge of Allegiance.

**5. ACTION ON APPROVAL OF MINUTES - June 17, 2010 (8:32:20)** - Supervisor Aldean reviewed suggested revisions, and **moved to approve the minutes, as amended. Supervisor Williamson seconded the motion. Motion carried 5-0.**

**6. ADOPTION OF AGENDA (8:34:10)** - Mayor Crowell entertained modifications to the agenda and, when none were forthcoming, deemed the agenda adopted. (9:38:58) At Mr. Werner's suggestion, Mayor Crowell modified the agenda to address item 19, the Planning Commission interviews, following item 17.

**7. PUBLIC COMMENTS AND DISCUSSION (8:34:28)** - Mayor Crowell entertained public comment; however, none was forthcoming.

**8. CONSENT AGENDA (8:34:49)** - Mayor Crowell entertained requests to hear items separate from the consent agenda. When none were forthcoming, he entertained a motion. **Supervisor Livermore moved approval of the consent agenda, consisting of 13 items: 8-1, Assessor; 8-2, Parks and Recreation with item (A) Resolution No. 2010-R-39, item (B) Resolution 2010-R-40, item (C) adoption of Resolution 2010-R-41; Purchasing and Contracts with four items (A), (B), (C), and (D); item 8-4, City Manager, with special recognition to the reappointment of Dan Greytak to the Carson River Advisory Committee; item 8-5, Finance, (A) and (B); and item 8-6, Clerk-Recorder, as advertised and published. Supervisor Aldean seconded the motion. Motion carried 5-0.**

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**8-1. ASSESSOR - ACTION TO APPROVE THE REMOVAL AND REFUND OF A PORTION OF THE TAXES FROM PARCEL NUMBERS 010-071-26, 010-071-27, AND 010-021-47 (CARSON RIVER ROAD PROPERTY) FROM THE 2009 / 2010 REAL PROPERTY TAX ROLL, PURSUANT TO NRS 361.060, IN THE AMOUNT OF \$176.29**

**8-2. PARKS AND RECREATION DEPARTMENT**

**8-2(A) ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN INTERLOCAL CONTRACT NO. 2010-13, ADDRESSING FUNDING FROM THE CARSON WATER SUBCONSERVANCY DISTRICT TO CARSON CITY FOR A CARSON RIVER VEHICLE AND TRASH REMOVAL PROJECT**

**8-2(B) ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN A 2010 ADDENDUM TO INTERLOCAL CONTRACT NO. 2008-4, ADDRESSING FUNDING FROM THE CARSON WATER SUBCONSERVANCY DISTRICT TO CARSON CITY FOR THE CARSON RIVER PARK PHASE 2 PROJECT**

**8-2(C) ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN A 2010 ADDENDUM TO INTERLOCAL CONTRACT NO. 2008-5, ADDRESSING FUNDING FROM THE CARSON WATER SUBCONSERVANCY DISTRICT TO CARSON CITY FOR WETLANDS ENHANCEMENT PHASE 1 (FULSTONE WETLANDS) PROJECT**

**8-3. PURCHASING AND CONTRACTS DIVISION**

**8-3(A) ACTION TO ACCEPT PUBLIC WORKS RECOMMENDATION TO APPROVE AMENDMENT NO. 1 TO CONTRACT NO. 0910-129 WITH CAROLLO ENGINEERING, TITLED "ENGINEERING SERVICES FOR THE WASTEWATER RECLAMATION PLANT - PHASE 1 - NORTH LIFT PUMP STATION IMPROVEMENTS" TO EXPAND THE SCOPE OF WORK AND INCREASE THE CONTRACT AMOUNT FOR A NOT-TO-EXCEED AMOUNT OF \$123,554.00 TO BE FUNDED FROM THE SEWER CAPITAL FUND ACCOUNT WWTP NORTH LIFT STATION UPGRADE, AS PROVIDED IN FY 2009 / 2010 AND FY 2010 / 2011**

**8-3(B) ACTION TO DETERMINE THAT CONTRACT NO. 1011-065 IS A CONTRACT FOR THE SERVICES OF A PROFESSIONAL ENGINEER, THAT THE SELECTION WAS MADE ON THE BASIS OF THE COMPETENCE AND QUALIFICATIONS OF THE ENGINEER FOR THE TYPE OF SERVICES TO BE PERFORMED AND NOT ON THE BASIS OF COMPETITIVE FEES; AND, THEREFORE, NOT SUITABLE FOR PUBLIC BIDDING, PURSUANT TO NRS 625.530; AND TO APPROVE CONTRACT NO. 1011-065 WITH BHC CONSULTANTS, LLC TO PROVIDE PROFESSIONAL SERVICES FOR ENVIRONMENTAL PERMIT ASSISTANCE THROUGH JUNE 30, 2011, FOR A NOT-TO-EXCEED COST OF \$187,500.00 TO BE FUNDED FROM VARIOUS WATER, WASTEWATER, STORMWATER, AND LANDFILL FUND ACCOUNTS, AS PROVIDED IN FY 2010 / 2011**

**8-3(C) ACTION TO DETERMINE THAT F AND P CONSTRUCTION, INC IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER, PURSUANT TO NRS CHAPTER 338 AND TO AWARD CONTRACT NO. 0910-217, CARSON CITY WATERFALL FIRE**

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**WATERSHED IMPROVEMENTS - PHASE 2 TO F AND P CONSTRUCTION, INC. FOR A BID AMOUNT OF \$188,642.00, PLUS A CONTINGENCY AMOUNT NOT TO EXCEED \$8,978.00, TO BE FUNDED FROM THE CAPITAL OUTLAY / NRCS, AS PROVIDED IN FY 2010 / 2011**

**8-3(D) ACTION TO AUTHORIZE PUBLIC WORKS TO UTILIZE BID / RFP 7662 FOR THE PURCHASE OF FLEET VEHICLES THROUGH JONES-WEST FORD WHICH BID / RFP WAS APPROVED BY THE STATE OF NEVADA AND WHICH IS EXEMPT FROM COMPETITIVE BIDDING, PURSUANT TO NRS 332.115(1)(m) AND NRS 332.195, PROVIDING CARSON CITY'S APPROVED FUNDING AND PURCHASING PROCEDURES ARE FOLLOWED (FILE NO. 1011-074)**

**8-4. CITY MANAGER**

**8-4(A) ACTION TO APPOINT ONE MEMBER TO THE CARSON RIVER ADVISORY COMMITTEE FOR A THREE-YEAR TERM EXPIRING JULY 2013**

**8-4(B) REVIEW OF THE QUARTERLY SUMMARY FOR ALL ACTIVE GRANTS MADE TO CARSON CITY AS WELL AS A LISTING OF ALL PENDING GRANTS**

**8-5. FINANCE DEPARTMENT**

**8-5(A) ACTION TO APPROVE THE APPLICATION TO REMOVE UNCOLLECTIBLE ACCOUNTS RECEIVABLE FROM THE RECORDS OF THE LANDFILL DIVISION OF THE GENERAL FUND IN THE AMOUNT OF \$33,857.81 OUT OF THE ESTIMATED BILLINGS THROUGH JUNE 30, 2010 OF APPROXIMATELY \$2,600,000**

**8-5(B) ACTION TO APPROVE THE APPLICATION TO REMOVE THE UNCOLLECTIBLE ACCOUNTS RECEIVABLE SPECIFIED IN THE APPLICATION FROM THE RECORDS OF THE AMBULANCE FUND FOR A TOTAL AMOUNT OF \$573,619.43 IN UNCOLLECTIBLE ACCOUNTS RECEIVABLE**

**8-6. CLERK - RECORDER - NACO BALLOT QUESTION, COMMITTEE TO PREPARE ARGUMENTS**

**ORDINANCES, RESOLUTIONS, AND OTHER ITEMS**

**9. ANY ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME (8:36:28) - None.**

**10. CITY MANAGER - PRESENTATION OF THE ANNUAL ACTIVITIES REPORT FOR THE OPERATION OF PUBLIC, EDUCATIONAL GOVERNMENT ACCESS PROGRAMMING BY THE BREWERY ARTS CENTER (8:36:35) - Mayor Crowell introduced this item, and Mr. Werner advised that Brewery Arts Center Executive Director John Procaccini was scheduled to provide the presentation. Following a brief discussion, Mayor Crowell agreed to proceed with item 11 in anticipation of Mr. Procaccini's arrival. (9:38:33) Mayor Crowell deferred item 10 to a future meeting.**

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#### **11. PUBLIC WORKS DEPARTMENT - ACTION TO ADOPT A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO SIGN AN INTERLOCAL AGREEMENT, BY AND BETWEEN CARSON CITY AND DOUGLAS COUNTY RELATING TO WATER SERVICE**

(8:37:26) - Mayor Crowell introduced this item, and Public Works Department Director Andrew Burnham reviewed the agenda materials. In response to a question, he explained that, as part of the commercial development, Douglas County provided a line down Vista Grande to Carson City. "It doesn't serve [Douglas County] to any large degree." Mr. Burnham acknowledged that Carson City will have the capability of pumping water into Douglas County in emergency situations. He acknowledged the mutual benefit, and explained that Carson City's need is to avoid costs to provide fire flows to that region. He further acknowledged that the additional cost has been factored into the overall project cost. "It avoids about \$2 million in costs for us to provide fire flow to this area in the future. It's a distinct advantage to the City."

In response to a question, Mr. Burnham advised of a "couple properties" in Douglas County for which condemnation proceedings were initiated for the regional intertie project. He advised of the possibility of expanding a small easement near Edmonds Drive. In response to a question, Mr. Burnham provided explanation relative to the stage 1 water alerts and battery charging for the wells. In response to a further question relative to the interconnection with Douglas and Lyon Counties, he advised that Carson City receives approximately one million gallons per day from the Dayton Water System. In response to a further question, Mr. Burnham advised that the Parks Department has been very cooperative relative to the water supply. Supervisor Williamson noted the sixth anniversary of the Waterfall Fire, and the appropriateness of the subject item in terms of improving Carson City's water system.

In response to a question, Parks and Recreation Department Director Roger Moellendorf advised of "lots of national research" demonstrating the high salinity levels in reclaimed water. He acknowledged associated irrigation difficulties, and explained the best solution over time is to gradually replace the species of trees in the parks with trees which are more tolerant to the high nitrates and salinity. In response to a further question, he advised that the salinity doesn't seem to affect turf as negatively.

Mayor Crowell entertained public comment and, when none was forthcoming, a motion. Supervisor Aldean noted a correction to the proposed resolution, and **moved to adopt Resolution No. 2010-R-42, a resolution approving and authorizing the Mayor to sign an interlocal agreement, by and between Carson City and Douglas County Relating to Water Service, subject to the one clerical change to the resolution, as noted on the record. Supervisor Williamson seconded the motion. Motion carried 5-0.**

**12. RECESS BOARD OF SUPERVISORS** (8:52:44) - Mayor Crowell recessed the Board of Supervisors.

#### **REDEVELOPMENT AUTHORITY**

**13. CALL TO ORDER AND ROLL CALL** (9:03:17) - Chairperson Robin Williamson called the Redevelopment Authority to order at 9:03 a.m. A quorum was present.

**14. ACTION ON APPROVAL OF MINUTES - June 17, 2010** (9:03:25) - Member Crowell moved to approve the minutes. Member Livermore seconded the motion. Motion carried 5-0.

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**15. OFFICE OF BUSINESS DEVELOPMENT - ACTION TO ADOPT A RESOLUTION TO INDEFINITELY SUSPEND THE CURRENT REDEVELOPMENT INCENTIVE PROGRAM THAT PROVIDES INDIVIDUAL GRANTS FOR SMALL, PRIVATE REDEVELOPMENT PROJECTS (9:03:57)** - Business Development Manager Joe McCarthy introduced this item, provided background information on the redevelopment incentive program, and reviewed the agenda materials.

Chairperson Williamson entertained Redevelopment Authority member questions or comments and, when none were forthcoming, public comments. (9:08:09) Carson City Chamber of Commerce Executive Director Ronni Hannaman expressed support for the proposed resolution. "... we do believe that this will even or level the playing field ..."

(9:08:59) Jon Yaple expressed opposition to the proposed resolution, as "an individual businessman that's directly affected by this." He advised of having purchased 315 South Carson Street earlier this year. "Part of the negotiation for the purchase price was based on the fact that there might be some redevelopment, there probably was some redevelopment money available for the property." Mr. Yaple described the location of the property, and advised "it's been empty and blighted for five or six years." He further advised of having visited the Office of Business Development after having purchased the property and "went through the process ..." He discussed plans to allocate approximately \$100,000 toward property improvement, "and the plan was to get the inside going and then redo the front with the redevelopment money." He described the method by which he cobbled finances together for the property purchase and improvement, and suggested the possibility of suspending the incentive program as of October 1<sup>st</sup>. He discussed plans for his law office as well as a karate and dance studio. He reiterated that purchase of the property was based on "thinking that ... these monies were available and that [he] was going to qualify." He advised of having "talked to Joe early on ..." He suggested that "there should have been a directive for Mr. McCarthy to contact people who are interested in this ... so that they have a chance to apply, get in under the deadline ..." He expressed the opinion "it sort of just came out of nowhere." He reiterated the request for the effective date of the resolution to be October 1<sup>st</sup>.

In response to a question, Ms. Hannaman advised that the Chamber of Commerce's support for the proposed resolution was through the Executive Committee. In response to a further question, she reiterated the proposed resolution "does level the playing field." She advised of having received "many comments from members saying that everything seems to be concentrated in one area."

Member Crowell discussed concerns relative to the language of the last "WHEREAS" paragraph in the proposed resolution, and proposed revisions to the same. Discussion followed and, in response to a question, Mr. McCarthy advised of sufficient redevelopment incentive program funding if Mr. Yaple's application was approved. In response to a comment, Chairperson Williamson advised that the proposed resolution represents the Redevelopment Authority's first consideration. She provided background information on Vice Chairperson Aldean's suggestion, at a previous meeting, to consider more broad infrastructure improvements with the limited redevelopment incentive funding.

In response to a question, Mr. McCarthy advised of having provided Mr. Yaple no assurances relative to redevelopment incentive funding. He explained that the Office of Business Development staff is as "accommodating as possible to everybody who walks in the door." He advised that Mr. Yaple had provided him a tour of his property and, at that time, he provided Mr. Yaple with application information and materials. Vice Chairperson Aldean noted the many infrastructure projects in light of the reduced

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redevelopment funding. She expressed the opinion that infrastructure improvements will do more to provide a desirable economic climate in the downtown area than any number of small incentive awards. She expressed sympathy with Mr. Yapple's position.

In response to a question, Mr. McCarthy advised that the Redevelopment Authority Citizens Committee ("RACC") will continue, and discussed projects for their review. Vice Chairperson Aldean noted that the proposed resolution will not suspend special events incentives. In response to a question, Mr. McCarthy advised that the resolution establishing the RACC needs to be amended to clarify their various roles. In response to a further question, he advised that a moratorium on accepting incentive funding applications was established following the Redevelopment Authority's direction to agendaize the resolution. In response to a further question, he advised that the last application period closed July 1, 2010. In response to a question, Mr. Rombardo advised that, as applications are submitted and reviewed on a quarterly basis, "this quarter has subsided and, therefore, you can't do it within this quarter." He provided alternatives, and Chairperson Williamson reviewed the application process. Discussion followed, and Member Livermore suggested allowing applications to be submitted for the next thirty days. Chairperson Williamson thanked Mr. Yapple for his attendance and participation, and for purchasing and improving the property.

Chairperson Williamson entertained additional public comment. (9:31:32) In reference to Vice Chairperson Aldean's comments, Jim Bagwell expressed the opinion that the Redevelopment Authority has created an environment "where a lot of people look at what they're going to do in this City and make their decision based on whether they may or may not get something, some kind of help from the City." He expressed concern that this does not "create the kind of business environment that you or I want in this City." He expressed the opinion that infrastructure improvements are a more appropriate way to allocate redevelopment funding. He expressed opposition to allocating redevelopment incentive funding for "inside the building or the face of the building or anything that's actually private property."

(9:33:03) Ward 1 Supervisor candidate Karen Abowd discussed the importance of requiring property and landscape maintenance as part of the redevelopment incentive funding allocation.

Chairperson Williamson entertained additional public comment and, when none was forthcoming, a motion. At Vice Chairperson Aldean's request, Member Crowell reviewed suggested revisions to the last "WHEREAS" paragraph. Discussion followed, and Vice Chairperson Aldean suggested the following revision: "WHEREAS, Carson City recognizes that small, business-specific financial subsidies are administratively inefficient." **Vice Chairperson Aldean moved to adopt Resolution No. 2010-RA-R-3 to suspend indefinitely the current redevelopment incentive program that provides individual grants for small, private redevelopment projects, subject to the amendment to the resolution as noted on the record. Member Crowell seconded the motion.** In response to a question, Vice Chairperson Aldean was unwilling to extend the effective date of the resolution in order to accommodate additional redevelopment incentive funding applications. She advised of having been discussing the subject possibility for a period of time, and expressed the opinion there will never be a perfect time for implementation. Chairperson Williamson entertained additional Redevelopment Authority discussion and public discussion. When none was forthcoming, she called for a vote on the pending motion. **Motion carried 5-0.**

**16. ACTION TO ADJOURN REDEVELOPMENT AUTHORITY** (9:37:53) - Chairperson Williamson adjourned the Redevelopment Authority at 9:37 a.m. and returned the gavel to Mayor Crowell.

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**17. RECONVENE BOARD OF SUPERVISORS (9:38:20)** - Mayor Crowell reconvened the Board of Supervisors at 9:38 a.m.

**18. PUBLIC WORKS DEPARTMENT, PLANNING AND ZONING DIVISION - DISCUSSION AND UPDATE REGARDING THE IMPLEMENTATION OF THE SMALL WIND ENERGY CONVERSION SYSTEM ORDINANCE ADOPTED BY CARSON CITY APPROXIMATELY ONE YEAR AGO (ZCA-08-127) (10:53:56)** - Mayor Crowell introduced this item. Planning Division Director Lee Plemel reviewed the agenda materials in conjunction with displayed slides. In response to a question, Mr. Plemel advised that both Washoe and Douglas Counties have wind ordinances. In reference to testimony at a previous meeting, expressing opposition to restricting wind turbines to one per residential lot, Supervisor Williamson inquired as to the status. Mr. Plemel expressed the opinion “there’s a lot of ways to do it.” At the time the ordinance was passed, limiting wind energy conversion systems to one per residential lot was a way of addressing aesthetic issues. In response to a question regarding the potential for noise complaints, Mr. Plemel suggested the possibility of conducting field tests for decibel readings.

Mayor Crowell invited Tim Howard to the podium, and inquired as to the manufacturer of his wind energy conversion system, the energy production, and net metering. (11:06:02) Mr. Howard advised of having recently installed his wind energy conversion system, and discussed associated difficulties due to a defective model. He responded to questions regarding the height of the system, noise, and his investment. He acknowledged that sales tax abatement would likely increase the incentive. He further acknowledged that his installation did not require a special use permit. Mayor Crowell thanked Mr. Howard for his attendance and participation.

Mayor Crowell entertained public comment; however, none was forthcoming. Mr. Plemel advised that the Planning Division will agendize another presentation in a year.

**19. CITY MANAGER - ACTION TO APPOINT THREE MEMBERS TO THE PLANNING COMMISSION FOR FOUR-YEAR TERMS ENDING JUNE 2014 (9:39:29)** - Mayor Crowell introduced this item. (9:41:10) In response to questions, Daniel Heath discussed his interest in serving as a Planning Commissioner, described his experience as a right-of-way agent, his interest in community planning, and advised of his business degree.

Supervisor Williamson welcomed Mr. Heath to Carson City. In response to a question, Mr. Heath advised of having previously lived in Riverside County, California. Supervisor Williamson provided an overview of the Envision Carson City comprehensive master plan update. In response to a question, Mr. Heath expressed appreciation for the community’s open space and the “lifestyle that has been created here ...” He expressed understanding for “zero growth.”

Supervisor Aldean reviewed the Planning Commission’s purview over special use permit applications, master plan amendment applications, zoning change applications, etc. She inquired as to the impacts Mr. Heath would consider in evaluating such applications. Mr. Heath discussed the importance of considering infrastructure, “the economic situation,” the desires of the area residents and, “in light of the general plan, ... the theoretical image, the vision for the City ...” In consideration of expectations created through zoning, Mr. Heath agreed that the Planning Commission should be responsible for considering the impact of changes in zoning on adjacent properties. He suggested also considering the current use and understanding that “neighborhoods do go through transitions.”

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Supervisor Livermore thanked Mr. Heath for his application. In response to a question, Mr. Heath advised of not having previously attended a Planning Commission meeting. In response to a question relative to the existing Code provisions in light of the current economy, Mr. Heath was uncertain as to whether he “would take a hard line.” He would base his opinions on reasonableness and consideration of various factors affecting economic growth. “But ... I don’t want to give away the ship either.” He expressed support for retaining the existing plan and vision “as well as limit[ing] the possibility of creating excessive growth that’s just uncontrolled.”

Supervisor Walt inquired as to Mr. Heath’s vision for Carson City. Mr. Heath expressed support for the freeway bypass alleviating some of the traffic flow from downtown. He clarified the significance of a sufficient amount of traffic to support downtown businesses. He expressed an interest in redeveloping blighted areas to provide more opportunities for the citizens and the tourists, more citizen participation, and more activities. In response to a further question, he expressed satisfaction with the current land uses. He didn’t see a need for more housing or mixed use “at this point in time.” He noted the “fairly high” vacancy rate, and expressed the opinion there is no need for additional development. In response to a further question, he expressed the opinion that commission attendance “is crucial.”

In response to a question, Mr. Heath requested the Board’s consideration and looked forward to contributing to the community. Mayor Crowell advised that the Board of Supervisors places a great deal of trust in their advisory committees, and requested Mr. Heath to take seriously the potential appointment.

(9:56:10) In response to a question, Mark Kimbrough discussed his interest in reappointment. In response to a question regarding smart growth methods, he advised of having advocated for the bicycle friendly community application. He expressed appreciation for the availability of open spaces and corridors which accommodate walk-ability and bike-ability. He acknowledged having been involved in the 2006 Envision Carson City comprehensive master plan update. He noted that “everything was wonderful in 2006. The economy was moving and money was there and there was a strong community vision of what it should look like downtown.” Mr. Kimbrough expressed the hope that “we can still go back that way again.”

In response to a question, Mr. Kimbrough expressed difficulty in communicating a vision for Carson City. “Right now, I just want to see Carson City start moving again.” He expressed support for the comprehensive master plan update process, and concern over the lagging economy. In response to a further question, he advised that “infill was always a hope ... in a lot of the new planning ... to bring people back into the City again.” In response to a further question, he discussed the importance of commissioner attendance.

Supervisor Livermore thanked Mr. Kimbrough for his commission and community service. Mr. Kimbrough acknowledged he currently serves as commission chair. In response to a question, he discussed difficulties associated with determining the community’s comfort level relative to green energy. He acknowledged the importance of additional public discussion, and suggested that Carson City install various forms of clean energy generators on public land and invite public comment. Discussion followed.

In response to a question relative to the Silver State Charter High School development previously proposed adjacent to the Carson City Airport, Mr. Kimbrough expressed concern over the casino owner’s expansion opportunities. He acknowledged the importance of the commission’s consideration of property entitlements.

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Supervisor Williamson provided background information on her work with Mr. Kimbrough as members of the Carson River Advisory Committee. She expressed appreciation for Mr. Kimbrough's "hard work and common sense approach." She inquired as to what constitutes a good public meeting. Mr. Kimbrough expressed appreciation for the Board of Supervisors' advisory committees "so there's a chance for people to air their opinions and ideas ..." He expressed the opinion that Carson City public meetings are well structured to ensure every citizen is provided an opportunity to speak. He expressed the further opinion that enhancing the public meeting process further "would be very unwieldy."

Mayor Crowell thanked Mr. Kimbrough for his continued interest, and discussed the Board of Supervisors' value of the commission's process. He requested Mr. Kimbrough to convey the Board's appreciation to the other commissioners. Mr. Kimbrough expressed appreciation for Planning Division Director Lee Plemel, Principal Planner Jennifer Pruitt, and Planning Division staff.

(10:18:10) Jim Shirk expressed appreciation for the opportunity to interview. He thanked Mr. Plemel for meeting with him to discuss the Planning Division and Commission's roles. He acknowledged Mr. Plemel's service to the community. Mr. Shirk discussed his experience and background as a builder, contractor, and developer. He expressed understanding for growth, and discussed the importance of balance in consideration of community services, and clean energy sources. He expressed the opinion, "We need to be thinking and planning for the year 2025." He discussed the importance of the community's comprehensive master plan, sufficient meeting preparation, and upholding "the establishing policy of this Board." He committed to considering "all sides," to contributing, to being informed and focused on long-term community goals.

In response to a question, Mr. Shirk advised of having recently checked on the status of the 9/11 memorabilia but had not heard back. Supervisor Aldean reviewed the Planning Commission's purview over special use permit applications, zoning change applications, master plan amendments, etc. In response to a question, Mr. Shirk advised that he would consider Board-approved policies. "If they fall within the policies which you have previously approved, then [he] would look at each individual project and see how it would benefit the community itself. As long as it's structured in the policies that have been set, as a Planning Commission, I think you have to give the nod of approval." In response to a question relative to private property entitlements, Mr. Shirk discussed the importance of receiving input from impacted property owners. He expressed the opinion that consideration should always be given to what best serves the community rather than individual interests.

Supervisor Livermore thanked Mr. Shirk for his application. In response to a question, Mr. Shirk discussed the importance City government moving forward in the direction of "green energy." "We can't ask property owners to do it if we're not doing it."

Supervisor Williamson provided an overview of the Envision Carson City comprehensive master plan update. In response to a question, Mr. Shirk expressed the opinion that the "governing body is the master plan. ... if we wanted to implement different philosophies or directions, we'd have to be changing the master plan ... Those policies are established by [the Board of Supervisors.]" He stated, "Every citizen has a right to develop an empty lot as long as its within the parameters set forth and the policies of the community."

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In response to a question, Mr. Shirk discussed the importance of the Planning Commission carrying out the community's vision, "not [his] personal vision." He expressed support for the "small town feel of this community," and discussed the importance of balanced growth. He expressed the opinion that the master plan "dictates everything." In response to a further question, he discussed the importance of the entire commission making decisions.

Mayor Crowell discussed the value the Board places on the recommendations of the advisory committees. Mr. Shirk agreed.

Mayor Crowell advised that one of the three available positions was to fill an unexpired term for a period of two years. A brief discussion ensued. Mayor Crowell noted Edwin James' application, and that he was unable to participate in the interview process. The Board members discussed the applicants' experience and qualifications. **Supervisor Williamson moved to reappoint Mark Kimbrough for a four-year term. Supervisor Walt seconded the motion. Motion carried 5-0.**

Mayor Crowell entertained a motion. **Supervisor Aldean moved to appoint Jim Shirk to the Carson City Planning Commission for a four-year term, ending June 2014. Supervisor Walt seconded the motion. Motion carried 5-0. Supervisor Walt moved to appoint Daniel Heath to a two-year term, ending June 2012. Supervisor Williamson seconded the motion. Motion carried 5-0.** The Board members congratulated the appointees, and Mayor Crowell recessed the meeting at 10:43 a.m.

#### **20. BOARD OF SUPERVISORS NON-ACTION ITEMS:**

**INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS** - None.

**CORRESPONDENCE TO THE BOARD OF SUPERVISORS** - None.

**STATUS REPORTS AND COMMENTS FROM BOARD MEMBERS (11:22:12)** - Supervisor Williamson advised of Storey County Commissioner John Flanagan's passing earlier in the week. She commended his community service and expressed appreciation for his friendship. Supervisor Livermore advised that Mayor Crowell threw the first pitch of the Little League Tournament on Wednesday, July 7<sup>th</sup>. He encouraged public participation in the tournament. Supervisor Walt advised that discussion of the room tax increase would be agendaized for the Convention and Visitors Bureau lodging facilities meeting on Tuesday, July 20<sup>th</sup>.

**STAFF COMMENTS AND STATUS REPORTS** - None.

**RECESS BOARD OF SUPERVISORS (11:25:25)** - Mayor Crowell recessed the Board of Supervisors meeting at 11:25 a.m.

#### **JOINT MEETING WITH THE CARSON CITY CHARTER REVIEW COMMITTEE**

**21. CALL TO ORDER AND ROLL CALL - CHARTER REVIEW COMMITTEE (1:29:37)** - Mayor Crowell reconvened the Board of Supervisors at 1:30 p.m. All the Board members were present, constituting a quorum. Chairperson DePauw called the Charter Review Committee to order. Roll was called; a quorum of the committee was not present.

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**22. CHARTER REVIEW COMMITTEE - STATUS REPORT AND BRIEFING ON THE WORK OF THE CHARTER REVIEW COMMITTEE (1:31:05)** - Mayor Crowell thanked Chairperson DePauw and the Charter Review Committee. Mayor Crowell provided background information on the charter review process presented to the State Legislature by himself and Mr. Werner. Chairperson DePauw thanked “all the elected officials who placed such wonderful members on the [committee] this year.” She thanked City staff for their assistance, and expressed appreciation for the information published by the City Manager’s Office, both on the City’s website and in the *Nevada Appeal*.

Chairperson DePauw provided an overview of this year’s charter review process, and referred to the table of committee actions included in the agenda materials. Mayor Crowell entertained questions or comments. Supervisor Aldean advised of having previously served on the Charter Review Committee with both Chairperson DePauw and Member Parsons. In response to a question, Member Parsons provided background information on the recommendation to have Carson City in one assembly district. Relative to the Sierra Nevada Association of Realtors recommendation to prohibit utilizing escrows to impose certain restrictions, Supervisor Aldean acknowledged the potential threat. She explained that “in the Tahoe Basin they are attempting to use point of sale with respect to the completion of best management practices on properties. They’re also now attempting to use it as a way of retrofitting wood burning stoves.” She clarified that local government has not used the point of sale, but regional governments have. In response to a question, Mr. Werner provided clarification relative to the Board of Supervisors’ purview over bike paths and pedestrian improvement walkways. In response to a further question, he provided clarification of the Board of Supervisors’ purview over the committee’s recommendations. Discussion followed.

In response to a question, Member Lincoln provided background information on the Sierra Nevada Association of Realtors’ recommendation to prohibit utilizing escrows to impose certain restrictions on the sale of property. He expressed concern over escrows being held up because of “escrow companies, for the real estate sales people to be the policemen for local ordinances. Because if something’s bad, it’s bad for everybody; ... not just bad for a seller of a home.” In response to a question, Mr. Werner advised that the Board should avoid passing an ordinance requiring a certain action during escrow. “You would have to pass an ordinance that would require the kinds of concerns that Steve’s concerned about; that staff would have to implement, because we don’t have the authority to do anything on the close of escrow now.” Supervisor Aldean noted the Sierra Nevada Association of Realtors’ request constituted pre-emptive action. Discussion followed, and Mayor Crowell agreed that the City shouldn’t be enforcing zoning or other ordinances through private transactions at escrow. He expressed understanding for the concern.

Supervisor Williamson provided background information on research being conducted into charter cities by legislators, and commended the committee.

Supervisor Livermore expressed support for the recommendation to impanel a grand jury every four years, and discussion followed. Mr. Werner provided historic information on grand juries in Carson City and adjacent counties, including associated costs. At Supervisor Livermore’s request, Chairperson DePauw provided an overview of the committee’s discussion regarding the recommendation to impanel a grand jury on a regular basis. She discussed her support of the recommendation, and provided the example of a previous grand jury issue relative to residential construction tax allocation. Mayor Crowell provided an overview of the statutory provisions pertinent to impaneling a grand jury. Supervisor Aldean discussed the

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resources available through the City, its elected officials, and appointed representatives. She suggested “the problem is people get angry but they don’t engage.” She expressed philosophical understanding for the recommendation, but suggested there are simpler, less expensive ways for citizens to get answers.

Mayor Crowell agreed with considering the issue of redistricting. Discussion took place regarding the recommendation to amend the charter relative to noise abatement. Mayor Crowell entertained public comment. (2:02:38) Steve Waclo expressed appreciation to the Board of Supervisors for guiding the City through these difficult times. He read a prepared statement into the record, copies of which were provided to the recording secretary. He advised of having reviewed CCMC 10.30.010(3) relative to motorcycles; and read the definition of “muffler” into the record. He reviewed the Code provisions associated with a muffler, and expressed the belief that “one of the most egregious offenders [is] inconsiderate operators of very noisy motorcycles.” He suggested the District Attorney and the Sheriff may wish to review the Code provisions, and that “enforcement is the next step.” He discussed steps taken by the American Motorcyclists Association to craft proposed ordinances, and described requirements in Denver, Colorado for EPA-approved exhaust systems. Discussion took place regarding the Denver ordinance. Mr. Waclo acknowledged the recommendation to enforce CCMC 10.30.120. Additional discussion took place regarding prohibiting the use of engine brakes.

Based on the discussion at the Charter Review Committee meeting, Mr. Werner advised of having met with Sheriff Furlong and Code Enforcement Division staff. In reference to the Code section relative to excessive noise and the statutory prohibition against disturbance of the peace, he advised “we have a lot of ability to actually enforce.” He suggested that once the specific issues are determined, “we might be able to do a lot more enforcement ... without ... having to rewrite ordinances.” He advised that language has recently been added to special events permits relative to noise. He reiterated that the mechanisms are in place to make addressing the issues more of a priority. Supervisor Williamson discussed the importance of enforcement, and Mr. Werner strongly suggested not imposing a decibel level.

In response to a question, Chairperson DePauw noted there were no recommendations for charter amendments. She requested the Board to review the committee’s actions.

Mayor Crowell entertained additional public comment. (2:18:35) Donna Curtis introduced herself for the record. She discussed benefits of a regularly impaneled grand jury. She discussed her request for mandatory garbage service, and noted Vice Chairperson Adler’s suggestion, during committee discussion, to allow residents to opt out. She acknowledged that mandatory recycling should be considered as well. Chairperson DePauw discussed illegal dumping in the Carson River area. Supervisor Livermore advised of having extensively discussed this matter with Ms. Curtis, and noted the various reasons residents may not wish to use garbage service. He expressed opposition to mandatory garbage service. In response to a question, Mr. Werner advised that approximately 60 percent of Carson City residents use the garbage service, and acknowledged that costs per person would theoretically be reduced with mandatory garbage service. Supervisor Aldean suggested considering the fiscal impacts of mandatory garbage service. In reference to the recent presentation by Recology, Mr. Werner suggested waiting until additional costs are known. Discussion followed. Mayor Crowell entertained additional discussion; however, none was forthcoming.

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**23. ACTION TO ADJOURN THE CARSON CITY CHARTER REVIEW COMMITTEE** (2:28:26) - As a quorum of the committee was not present, the meeting adjourned by mutual consent at 2:28 p.m.

**24. ACTION TO ADJOURN THE BOARD OF SUPERVISORS** (2:28:38) - Supervisor Livermore moved to adjourn the Board of Supervisors at 2:28 p.m. Supervisor Aldean seconded the motion. Motion carried 5-0.

The Minutes of the July 15, 2010 Carson City Board of Supervisors meeting are so approved this 19<sup>th</sup> day of August, 2010.

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ROBERT L. CROWELL, Mayor

ATTEST:

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ALAN GLOVER, Clerk - Recorder