

CARSON CITY BOARD OF SUPERVISORS
Minutes of the August 2, 1990 Meeting
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A regular session of the Carson City Board of Supervisors was held on Thursday, August 2, 1990, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

PRESENT: Marv Teixeira Mayor
Ron Swirczek Supervisor, Ward 1
Tom Fetic Supervisor, Ward 2
Tom Tatro Supervisor, Ward 3
Kay Bennett Supervisor, Ward 4

STAFF: John Berkich City Manager
Alan Glover Clerk-Recorder
Paul McGrath Sheriff
Ted P. Thornton Treasurer
Charles P. Cockerill Chief Deputy District Attorney
(Until 9:45 a.m.)
Bob Auer Deputy District Attorney
(After 9:45 a.m.)
Katherine McLaughlin Recording Secretary
(B.O.S. 8/2/90 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.

Mayor Teixeira called the meeting to order at 9 a.m. Roll call was taken and a quorum was present. Rev. Mark Demel of the Bethlehem Lutheran Church gave the Invocation. Sheriff Paul McGrath led the Pledge of Allegiance.

APPROVAL OF MINUTES - May 19, June 2 and 16, 1988, and July 7, 1990, Regular Sessions and June 20, 1988, Special Session (1-0041) - Supervisor Bennett moved to approve the Minutes as presented. Supervisor Tatro seconded the motion. Motion carried 5-0.

CITIZEN COMMENTS (1-0055) - Phil Martin expressed his feeling that, while the management staff had changed the City's financial position, the public had not been aware of the policy granting Management Leave. His requests for information on this policy have been to no avail. He could support Management Leave if the parity study indicates it is a normal benefit.

LIQUOR AND ENTERTAINMENT BOARD MATTERS (1-0189) - Mayor Teixeira recessed the Board of Supervisors session and immediately reconvened the session as the Liquor and Entertainment Board. A quorum was present including Sheriff McGrath.

1. TREASURER - Ted P. Thornton

A. ACTION ON APPROVAL OF A LIQUOR LICENSE FOR TACY AND LARRY WILLENS, DOING BUSINESS AS THE CHATTER BOX (FORMERLY THE BATTERS BOX), LOCATED AT 301 NORTH CARSON STREET (1-0195) - Larry Willens responded to Board questions on the identification requirements for anyone under 25, the operation, and his experience as a bartender. Member Fetic moved to approve the Liquor License for Tacy and Larry Willens, doing business as The Chatter Box, located at 301 North Carson Street, Carson City. Member McGrath seconded the motion. Motion carried 6-0.

B. ACTION ON APPROVAL OF A LIQUOR LICENSE FOR RONALD EDWARD

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CORDA, DOING BUSINESS AS RON CORDA'S CHEVRON/FOODMART LOCATED AT 1102 NORTH CARSON STREET (1-0265) - Ron Corda explained that the station would reopen tomorrow, that he and his clerks would require identification for all individuals under 40, and his business operation. Member Fetic moved to approve the Liquor License for Ronald Edward Corda, doing business as Ron Corda's Chevron/Foodmart, located at 1102 North Carson Street. Member McGrath seconded the motion. Motion carried 6-0.

Discussion ensued among the Board and Mr. Thornton on the number of Liquor Licenses in the City, the difference between California and Nevada licensing procedures, and resulting costs.

There being no other matters for discussion as the Liquor and Entertainment Board, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as noted.

REDEVELOPMENT AUTHORITY MATTERS - None.

PETITIONS AND COMMUNICATIONS - None.

RESOLUTIONS

2. TREASURER (1-0425)

A. ACTION ON TREASURER'S MONTHLY REPORT FOR THE MONTH OF JUNE 1990 - Supervisor Swirczek moved to accept the Treasurer's Monthly Report for the month of June 1990. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON ORDER FOR SALE OF DELINQUENT PROPERTIES WHERE CARSON CITY HAS TAKEN DEEDS (1-0441) - Discussion noted there had been seven properties removed from the list due to bankruptcy proceedings. Another property is involved in some legal problems created by the street abutting it. The District Attorney's Office is working on this matter. The two remaining properties were three years delinquent. One was a townhouse. Neither may go to sale. Supervisor Swirczek moved to authorize the Treasurer to proceed with the sale of delinquent properties as stated in the order regarding Parcel No. 4-333-30 and Parcel No. 10-311-27, total amount of delinquency \$2,431.96. Supervisor Fetic seconded the motion. Motion carried 5-0.

3. CLERK-RECORDER (1-0504) - Alan Glover.

A. ACTION ON ESTABLISHING WAGES FOR ELECTION WORKERS - The number of hours worked and reasons for paying by the day were noted. The budget process had not addressed the request for an increase. The need for an increase and to augment the budget, Washoe County's scale, year of the last increase, the reasons for paying by the day rather than hourly, and the need to retain good workers were discussed. It was determined that the Board could consider the Resolution at the next meeting. Supervisor Tatro moved that the Board direct the District Attorney's Office to draft a Resolution setting the Election Day Workers wages at \$75 per day for Chairman and Deputies and \$60 per day for Workers. Supervisor Fetic seconded the motion. Motion carried 3-2 with Supervisor Swirczek and Mayor Teixeira voting Naye. Supervisor Swirczek explained his vote as being based on his feeling that the matter should have been addressed during the budget process. Mr. Glover noted that the Resolution had been included with his budget, however, the Board failed to address the issue.

B. ACTION TO AUTHORIZE STORAGE OF CITY RECORDS WITH BENDER RECORDS SERVICES (1-0775) - Mr. Glover explained the services, costs, and reasons for needing to move the records presently stored at the Civic Auditorium and other facilities. Discussion supported the

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need to retain this historic data. Reasons for not having this item in the budget request were noted. Supervisor Fetic moved that the Board authorize the Clerk to store City records with Bender Records Services for an amount of one time service charge of \$2,844 and subsequent monthly storage charge of \$120 and 250 record cartons at \$87.50 for a total monthly storage charge of \$207.50, that access charges be \$1.25 per removal, \$1.25 per return, and access to volumes be \$5.00 per removal and \$5.00 per return, subject to the approval and signature of the Purchasing Department, and that the funding source is the Contingency Fund. Supervisor Swirczek seconded the motion. Motion carried 5-0.

C. ACTION ON RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS - 7-84/6-85 TREASURER'S RECEIPTS AND 7-82/6-83 VENDOR FILES; AND, D. ACTION ON RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS - 1/84/12-84 AND 1-85/12-85 BOARD OF SUPERVISORS' MINUTES AND BACKUP (1-1063) - Supervisor Fetic moved to adopt Resolution No. 1990-R-44, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS. Supervisor Swirczek seconded the motion. Motion carried unanimously.

Supervisor Fetic then moved to adopt Resolution No. 1990-R-45, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS. Supervisor Tatro seconded the motion. Motion carried 5-0.

4. DISTRICT ATTORNEY - Deputy District Attorney Charles P. Cockerill and Administrative Services Director Mary Walker.

A. ACTION ON 1989-90 AGREEMENT BETWEEN CARSON CITY AND CARSON CITY FIRE FIGHTERS' ASSOCIATION (1-1131) - Ms. Walker explained the financial impact. Supervisor Tatro moved that the Board approve and authorize the Mayor to sign the 1989-90 agreement between Carson City and the Carson City Fire Fighters Association. Supervisor Bennett seconded the motion. Fire Fighters Association President David Park requested the motion be amended to direct staff to issue the checks within 30 days in view of the length of time the contract had taken. Ms. Walker felt it would be addressed within 30 days. The motion to approve the Agreement and authorize the Mayor to sign same was voted and carried 5-0.

B. ACTION ON PEDESTRIAN CROSSING AT GOLF COURSE CLUBHOUSE/ADDED SAFETY MEASURES/SPEED BUMPS AND SIGNAGE (1-1255) - City Manager Berkich explained the reasons for removing the item from the Agenda.

5. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON NAMING THE COMMUNITY CENTER AUDITORIUM (1-1275) - Ads soliciting names had been placed in the Nevada Appeal. The Commission's recommendation was explained. Comments were solicited but none made. Supervisor Bennett moved to approve the naming of the Community Center Auditorium in honor of Robert "Bob" Boldrick. Supervisor Tatro seconded the motion. Motion carried 5-0.

6. ADMINISTRATIVE SERVICES DIRECTOR - Mary Walker - ACTION ON APPOINTMENT OF CIVIL RIGHTS OFFICER FOR CARSON CITY (1-1385) - Discussion included reasons for appointing the Personnel Manager. Supervisor Bennett moved to appoint the Personnel Manager as the Civil Rights Officer. Supervisor Tatro seconded the motion. Motion carried 5-0.

7. PERSONNEL MANAGER - Judie Fisher - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING SECTION 2.04.400 (PUBLIC OFFICERS) OF THE CARSON CITY MUNICIPAL CODE BY ADDING DEPUTY LIBRARY DIRECTOR, PUBLIC SERVICE AND CHANGING THE FOLLOWING TITLES: ADMINISTRATIVE ASSISTANT -- CITY MANAGER'S OFFICE TO ADMINISTRATIVE ASSISTANT; ADMINISTRATIVE ASSISTANT -- PUBLIC WORKS DEPARTMENT TO ADMINISTRATIVE ASSISTANT; ANIMAL SERVICES

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DIRECTOR TO ANIMAL REGULATIONS DIRECTOR; DEPUTY DISTRICT ATTORNEY TO DEPUTY DISTRICT ATTORNEY I, II, AND III; DEPUTY DISTRICT ATTORNEY TO SUPERVISING DISTRICT ATTORNEY; FINANCE AND ADMINISTRATION DIRECTOR/CONTROLLER TO ADMINISTRATIVE SERVICES DIRECTOR/CONTROLLER; SENIOR CENTER DIRECTOR TO SENIOR CITIZENS CENTER DIRECTOR; DEPUTY PUBLIC WORKS DIRECTOR TO CITY ENGINEER; DEPUTY LIBRARY DIRECTOR TO DEPUTY LIBRARY DIRECTOR, ADMINISTRATION (1-1490) - Mr. Berkich requested Animal Services Director be removed from the list. Supervisor Tatro moved to introduce on first reading Bill No. 123, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE 2.04.400 (PUBLIC OFFICERS) OF THE CARSON CITY MUNICIPAL CODE BY ADDING AND CHANGING JOB TITLES OF VARIOUS CITY EMPLOYEES AS SUGGESTED IN THE ANDERSON STUDY and that Animal Services Director be eliminated from the change. Supervisor Feticc seconded the motion. Motion carried 5-0.

8. FIRE CHIEF - Deputy Fire Chief Ted Berrum and Fire Marshal Larry McPhail - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING SECTION 14.04.010 OF THE CARSON CITY MUNICIPAL CODE ADOPTING THE 1988 UNIFORM FIRE CODE, AMENDING VARIOUS OTHER SECTIONS OF CHAPTER 14.04, PROVIDING CERTAIN AMENDMENTS TO THE FIRE CODE, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1565) - Discussion ensued on the adopt of the Uniform Building Code in 1989, storage requirements for flammable materials, above ground fuel facilities, the term "assembly occupancy", responsibility for painting and maintaining red curbs, and storage of dumpsters and compactors inside buildings. Supervisor Swirczek moved to introduce on first reading Bill No. 124, AN ORDINANCE AMENDING SECTION 14.04.010 OF THE CARSON CITY MUNICIPAL CODE ADOPTING THE 1988 UNIFORM FIRE CODE, AMENDING VARIOUS OTHER SECTIONS OF CHAPTER 14.04, PROVIDING CERTAIN AMENDMENTS TO THE FIRE CODE, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Feticc seconded the motion. Motion carried 5-0.

BREAK: At 10 a.m., a ten-minute recess was called. When the meeting reconvened, the entire Board was present constituting a quorum.

9. PURCHASING AGENT - Ron Wilson

A. ACTION ON THE AWARD OF CONTRACT 8990-217 - ANN STREET AND INDUSTRIAL STREET WATERLINE UPGRADE (1-1982) - Discussion noted that the estimate was \$49,800. Supervisor Swirczek moved that the Board accept the Purchasing Assistant's recommendation and award Contract 8990-217, Ann Street and Industrial Street Waterline Upgrade, to Bidder No. 2, Al's Plumbing, 1400 South Carson Street, Carson City, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS 332, 338, 339, and 624 for a contract amount of \$36,450, funding source 420-751. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON THE AWARD OF CONTRACT 9091-79 - 185 CFM PORTABLE AIR COMPRESSOR (1-2047) - Utility Manager Dorothy Timian-Palmer explained the need for two compressors. Supervisor Tatro moved to accept the Purchasing Assistant's recommendation and award Contract 9091-79 to Bidder No. 4, Northern Nevada Equipment Co., 2400 Temple Way, Reno, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332 for a contract amount of \$19,186, funding source 410, 720, 420, and 751. Supervisor Feticc seconded the motion. Motion carried 5-0.

C. ACTION ON CONTRACT 8990-131 - REQUEST TO DECLARE VEHICLES AS SURPLUS FOR DISPOSAL (1-2135) - A 1984 Plymouth was removed from the list. The auction was scheduled for Saturday, August 18, at 9 a.m. at the Corporate Yard. Viewing would be held at 8 a.m. the same day. Supervisor Tatro moved that the Board declare the vehicles on the attached (see Exhibit A) listing

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as modified by the Purchasing Agent as surplus and authorize the Purchasing Agent to dispose of said vehicles at auction. Supervisor Swirczek seconded the motion. Motion carried 5-0.

D. ACTION ON THE AWARD OF CONTRACT 8990-209 - UTILITY BILLING SOFTWARE (1-2208) - Mr. Wilson introduced Automation Services Director Pam Case and commended Project Leader/Systems Analyst Brett Windle for his assistance on the contract. Ms. Case explained the location of the local service representative, the process leading to the bids, interviews, on-site demonstration, the unanimous recommendation of the project team, the projected training and conversion period, the ability of this software to integrate with software procured in the future, the language used, and again commended Mr. Windle. Supervisor Fetic moved to award Contract 8990-209 to Bidder No. 5, HTE Incorporated, 1 Dupont Center, Suite 2000, New Orange Avenue, Orlando, Florida, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, for a not-to-exceed contract amount of \$50,000, funding source is 520-571 and 410-721. Supervisor Bennett seconded the motion. Upon clarification of the funding source, Supervisor Fetic amended his motion to reflect funding source 420-721. Supervisor Bennett continued her second. Motion carried 5-0.

E. ACTION ON CONTRACT 9091-94 - REQUEST FOR CONTRACT APPROVAL ON 9332 DISK UPGRADE (1-2595) - Ms. Case responded to questions on the funding, the capacity and the need for the upgrade. Supervisor Swirczek moved that the Board declare Contract 9091-94, 9332 Disk Upgrade, not adaptive to competitive bidding for the following reasons: No. 3 - Additions to and repairs and maintenance of equipment may be more efficiently added to, repaired, or maintained by a certain person; No. 4 - Training the personnel or any inventory of replacement parts maintained by the local government is compatible with existing equipment; and, No. 7 - It is software for equipment under Nevada Revised Statutes 332, Local Government Purchasing Act, and Carson City Resolution No. 1983-R-36. Supervisor Fetic seconded the motion. Motion carried 5-0.

Supervisor Swirczek moved that the Board approve and authorize the Purchasing Agent to issue a purchase order to IBM for \$23,400 for the Disk Upgrade, funding source is 260 - Capital Acquisition. Supervisor Fetic seconded the motion. Following clarification, Supervisor Swirczek amended the motion funding to be "to not exceed." Supervisor Fetic continued his second. Motion carried 5-0.

F. ACTION ON CONTRACT 8990-160 - REQUEST FOR FINAL PAYMENT OF BEVERLY DRIVE IMPROVEMENTS (1-2918) - Supervisor Tatro moved to accept the Purchasing Agent's recommendation to accept the request for final payment in the amount of \$12,070.76 on Contract 8990-160, Beverly Drive Improvements, funding source 250-250 RTC. Supervisor Bennett seconded the motion. Motion carried 5-0.

10. PUBLIC WORKS DIRECTOR - Deputy Public Works Director Tim Homann and Utility Manager Dorothy Timian-Palmer.

A. ORDINANCES - SECOND READING

i. ACTION ON BILL NO. 121 - AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR CARSON CARBURETOR LOCATED AT 3488 CENTENNIAL PARK DRIVE (1-2975) - Supervisor Fetic moved to adopt on second reading Ordinance No. 1990-19, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CARSON CARBURETOR REGARDING ASSESSOR'S PARCEL NO. 8-384-35 LOCATED AT 3488 CENTENNIAL PARK DRIVE, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

ii. ACTION ON BILL NO. 122 - AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR PARC DE MAISON LOCATED AT 1700 COLORADO STREET (1-3030) -

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Supervisor Tatro moved to adopt on second reading Ordinance No. 1990-20, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND PARC DE MAISON REGARDING ASSESSOR'S PARCEL NO. 10-061-76 LOCATED AT 1700 COLORADO STREET, CARSON CITY, NEVADA. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. OTHER MATTERS (2-0002)

i. ACTION ON ACCEPTANCE OF FINAL MAP FOR WELLINGTON CRESCENT SUBDIVISION - Mr. Homann explained the State Water Engineer's approval, the Planning Commission recommendation, staff's review, and the list of Conditions placed on the map, the reduced number of lots, revisions to the northwest corner of the map, and the drainage plan. Bruce Scott of Resource Concepts explained the slope, the feeling that it would take at least two years or longer to build out the 57 unit project. The dust control plan had been filed with and approved by the Health Department. Supervisor Fetic moved that the Board accept the Wellington Crescent Improvement Plans, approve the Final Subdivision Map, and authorize the Mayor to sign said final plat. Supervisor Tatro seconded the motion. Motion carried 5-0.

ii. ACTION REGARDING RESOLUTION ESTABLISHING TIMED PARKING ZONE ON KING STREET, DIVISION STREET, MUSSER STREET, AND NEVADA STREET ABUTTING PARCELS 3-214-01, 3-214-02, AND 3-214-03 WITHIN WHICH THE PARKING OF VEHICLES SHALL BE CONTROLLED AND REGULATED (2-0335) - Supervisor Swirczek moved to adopt Resolution No. 1990-R-46, RESOLUTION ESTABLISHING TIMED PARKING ZONES ON KING STREET, DIVISION STREET, MUSSER STREET, AND NEVADA STREET WITHIN WHICH THE PARKING OF VEHICLES SHALL BE CONTROLLED AND REGULATED. Supervisor Fetic seconded the motion. Motion carried 5-0.

BREAK: A five-minute recess was taken at 10:55 a.m. When the meeting reconvened at 11 a.m., a quorum was present.

iii. PROJECT STATUS REPORT ON WASTEWATER TREATMENT PLANT FACILITIES (2-0410) - Ms. Timian-Palmer introduced John Carolla Engineers Representative Dennis Wood. Mr. Wood used an overhead projector and explained the status of the project, funding for the facilities, and capacity summary. (A printed copy of the report was given to the Board and Clerk.) Discussion noted the ability to use the treated water for irrigation purposes. The dam will be brought to the Board after additional testing is completed. Mr. Wood felt that the odor problem will be reduced during another phase of the project. No formal action was taken or required on this status report.

iv. ACTION ON ENGINEERING TASK ORDER 14, LETTER OF REQUEST 24, CHLORINE CONTACT BASIN EVALUATION FOR CARSON CITY WASTEWATER TREATMENT AND DISPOSAL FACILITIES (2-0664) - If the coliform is not maintained at 2.2, the City will be required to maintain a 400 foot buffer between the golf course and residences. If 2.2 is maintained, the effluent can be used for park irrigation. The funding would study the feasibility of the proposal. Discussion noted that the State EPA had not yet established its criteria for maximum coliform content. Criteria which may be required if a minimum below 2.2 is established was explained by Mr. Wood. The use of effluent does not consider the BBI content. Supervisor Tatro moved that the Board of Supervisors approve the Letter of Request No. 24 under General Engineering Task Order 14 with the Wastewater Facilities Joint Venture Association of Engineers in an amount not to exceed \$6,990, with the funding source to be Sewer Fund 510. Supervisor Fetic seconded the motion. Motion carried 5-0.

v. ACTION ON LINE EXTENSION AGREEMENT BETWEEN CARSON CITY AND SIERRA PACIFIC POWER COMPANY (2-0881) - Supervisor Swirczek moved to approve and authorize the Mayor to sign the Electric Service Contract No. 90-3731-5 between Carson City and Sierra

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Pacific Power in an amount not to exceed \$43,966, funding source 420. Supervisor Tatro seconded the motion. Motion carried 5-0.

vi. DISCUSSION AND ACTION ON FUNDING, THROUGH CARSON CITY SUBCONSERVANCY DISTRICT, THE STOREY COUNTY PORTION OF THE MARLETTE-HOBART RECONNAISSANCE STUDY OF THREATENED AND ENDANGERED SPECIES (2-0932) - The Board's original direction was outlined. Lyon County will fund its portion of the study, however, Storey County does not have the funds for its share. Storey County had verbally agreed to repay this amount. Discussion noted that if the City wished to proceed with the project on its own, it would have to do the entire study and pay all the costs. Supervisor Feticc requested a written agreement be obtained. Supervisor Feticc moved to approve the funding for the Storey County portion, in the amount of \$3,293.67, for the Marlette-Hobart Reconnaissance Study of Threatened and Endangered Species, which is now jointly funded by the two counties of Lyon and Carson City. Supervisor Swirczek seconded the motion. Motion carried 5-0.

11. COMMUNITY DEVELOPMENT DIRECTOR (2-1045) - Walt Sullivan

A. PLANNING COMMISSION REFERRALS - APPEAL AND REVIEW MATTERS

iii. ACTION ON VARIANCE 89/90-10 - APPLICATION FROM DANNY P. AND KAREN E. RASNER TO VARY FROM THE STREET SIDE FENCE SETBACK REQUIREMENTS ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED AT 1055 VALLEY VIEW DRIVE (APN 9-144-02) - PLANNING COMMISSION APPROVED 4-3 - Mr. Sullivan's introduction provided a history on how the fence was originally discovered, the stop work order, the continuations and delays in bringing the matter to the Board, the Planning Commission's recommendation, and staff's recommendation. Discussion ensued on the policy to refer matters back to the Planning Commission if new information is discovered after the Planning Commission hears an issue. Mr. Sullivan did not feel that there was a flaw in the noticing as indicated in the opponents' documents. Due to a feeling that this was not the issue, the Board proceeded to hear the matter.

(2-1285) Karen and Danny Rasner responded to Board questions on the noticing, the location of the septic tank, their lack of knowledge about needing a permit to build the fence, their allegation that the street encroached onto their property, date the original stop work order was given, and the amount of work accomplished prior to the first contact by Community Development. Mr. Sullivan explained that the official stop work order had been sent by certified mail, however, no one had signed and accepted it. So it was returned to his office. Mr. Rasner acknowledged that he is a contractor. Legal counsel indicated the hardship was not in the noticing but rather created by the location of the septic tank. Mr. Sullivan explained his reasons for feeling that the bulk of the fence was built after March 1st and distributed some photographs to the Board.

(2-1667) Health Director Jack Fralinger responded to questions on the Bode requirements for a septic tank, leach line, and well distances. After reviewing a map of the two properties, he felt that the only location for the septic tank was at its location. Vehicular traffic should be prohibited from crossing/parking on a leach line. There may be other properties within that area with septic tanks close to the street.

(2-1977) Mr. Homann explained the street width, which had been "pioneered", his inability to locate the property corners adjacent to Mr. Rasner's, and his feeling that the gutter--edge of the roadway--was within 2-1/2 feet of the fence. This could mean that the right-of-way encroaches on the Rasners' property by approximately six inches.

(2-2025) John de la Vaux rebutted all of the Rasners' statements by using a map with radius markings to show that the septic tank and leach line could have been placed in other areas. He did not feel that Mr.

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Rasner's ignorance of the law should be a valid reason to allow the fence nor that a valid hardship existed.

(2-2459) M. Douglas Miller expressed his feeling that contractors should know the law, urged the Board to uphold the law, and deny the variance. He felt the fence was in the old railroad right-of-way and, combined with its height, was a hazard.

(2-2611) Sharon Burnett expressed her feeling that contractors should know the law and noted the various petitioners who reside in the neighborhood and were aware of the variance requirements. She had notified the City of the fence in February. She questioned why Community Development had taken so long to respond. She felt that it does not harm septic tanks to have vehicular traffic over them and the Rasners continuously drive heavy vehicles over their tank and leach line. She did not feel that there was a valid hardship. To her knowledge, none of the neighbors had discussed the fence with the Rasners. She, too, noted the elevation of the fence which she felt created an eight foot fence and was a sight obscuring hazard. She had repeatedly spoken to Sandy and Denise at the Planning Department about the ongoing work on the fence.

(2-2890) Mr. de la Vaux expounded on his reasons for feeling that if the variance is granted, he and his neighbors would also construct fences in the setback. He felt the "alley fence" was destroying the beauty of the neighborhood. If the problem was to protect the septic tank, then Mr. Rasner should place a reinforced cement slab with access hatches over it. Posts or an open rail fence could be strung along the leach line to protect it. He felt the 13 protestors should have precedence over the Applicant.

(2-3024) Ms. Rasner responded by reading the memo from Public Works indicating the Department did not have a problem with the Variance if a 50-foot distance from the front property line is maintained. She did not feel that there was a visual problem on Valley View. She felt it was better to locate the septic tank 150 feet from the well than the 100 feet required in the Code.

(3-0019) Clarification by staff indicated the Code would allow a three foot fence without the setback. The six foot fence would, however, require a 20 foot setback. The street grade did not have any bearing on the height of the fence. Board consideration and ruling on a similar fence in the Riverview Subdivision was noted.

(3-0080) Mr. de la Vaux again elaborated on his feeling that the septic tank could have been located in another area.

Discussion among the Board and staff elaborated on the Code requirements for three foot fences, the alternative to relocating the six foot fence, and septic/leach line Code requirements. Supervisor Fettic then explained his feeling that a three foot fence would also protect the septic tank and moved that the Board reverse the findings of the Planning Commission concerning V-89/90-10 and deny the variance application of Danny and Karen Rasner to vary 17 feet back into the required 20 foot street sideyard setback on property zoned single family one-acre located at 1055 Valley View Drive, APN 9-144-02, and to support that there is no hardship as the hardship identified by Mr. Rasner has to do with the septic tank and that a three foot fence would protect it as much as a six foot fence would. Supervisor Tatro indicated his feeling that the City could have been part of the reason for the creating the hardship due to the Code requirements on the placement of the septic system, the delay in notifying the Applicant of the stop work order, the Applicant's statement that he had completed the fence to its present state prior to receipt of the violation notice, the lack of knowledge about the proper location of and width of the right-of-way. Therefore, he felt that the hardship had not been entirely self-imposed. Supervisor Fettic responded by stating he was not casting aspersions on Mr. Rasner and reasons for feeling that a three foot fence would protect the tank as well as a six foot. Supervisor Swirczek felt that the motion addressed the hardship and met the Code requirements. Supervisor Tatro felt that the Planning Commission should be upheld and that part of the hardship was the cost of the fence.

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(3-0339) Mr. de la Vaux explained that his right-of-way was "signed" so the street location could be determined.

The motion to reverse the Planning Commission recommendation and deny the variance was voted by roll call with the following result: Bennett - Yes; Swirczek - Yes; Tatro - No; Feticc - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

i. ACTION ON SPECIAL USE PERMIT 89/90-34 - APPLICATION FROM THE KINGDOM HALL OF JEHOVAH'S WITNESSES TO ALLOW A CHURCH ON PROPERTY ZONED SINGLE FAMILY 6000 (SF6000) LOCATED ON THE NORTHEAST CORNER OF ROOP STREET AND GRAVES LANE (APN 8-121-56 AND 57) - PLANNING COMMISSION APPROVED 6-0-1 (3-0365) - Mr. Sullivan requested a seventh condition be added to the permit. The Airport Authority supported this navigation easement condition. Supervisor Tatro moved to uphold the Planning Commission recommendation to approve the Special Use Permit U-89/90-34 for the Kingdom Hall of the Jehovah's Witnesses to allow a Church on property zoned Single Family 6000 located on the northeast corner of Roop Street and Graves Lane, Assessor's Parcel No. 8-121-56 and 57, with the added Condition Number 7. Supervisor Feticc seconded the motion. Motion carried 5-0.

ii. ACTION ON VARIANCE 89/90-12 - APPLICATION FROM NEVADA VENTURES TO VARY FROM REAR AND SIDE YARDS SETBACK REQUIREMENTS ON PROPERTY ZONED TOURIST COMMERCIAL (TC) LOCATED AT 808 EAST GRAVES LANE (APN 8-121-53) - PLANNING COMMISSION DENIED 6-0-1 (3-0430) - Following Mr. Sullivan's introduction, Applicant's Representative Joan Wright requested the matter be returned to the Planning Commission in view of the new information which had materialized. Supervisor Tatro moved to send Variance Request 89/90-12 back to the Planning Commission. Supervisor Feticc seconded the motion. Motion carried 5-0.

B. ORDINANCES - SECOND READING (3-0485)

i. ACTION ON BILL NO. 119 - AN ORDINANCE AMENDING SECTION 18.02.040, ADDING 18.02.045, AMENDING 18.02.051, 18.02.058, 18.05.061, 18.05.062, 18.05.064, 18.05.081, AND 18.05.083 OF THE CARSON CITY MUNICIPAL CODE AUTHORIZING THE REGIONAL PLANNING COMMISSION TO MAKE FINAL DECISIONS ON SPECIAL USE PERMITS AND VARIANCES, PROVIDING APPEAL PROCEDURES THEREFORE, AND OTHER MATTERS PROPERLY RELATED THERETO - Supervisor Feticc moved to adopt on second reading Ordinance No. 1990-21, AN ORDINANCE AMENDING SECTIONS 18.02.040, 18.02.051, 18.02.058, 18.05.061, 18.05.062, 18.05.064, 18.05.065, 18.05.081, 18.05.083, 18.05.085, AND ADDING 18.02.045 OF THE CARSON CITY MUNICIPAL CODE AUTHORIZING THE REGIONAL PLANNING COMMISSION TO MAKE FINAL DECISIONS ON SPECIAL USE PERMITS, VARIANCES AND APPEALS OF ADMINISTRATIVE DECISIONS, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Tatro seconded the motion. Motion carried 5-0.

ii. ACTION ON BILL NO. 120 - AN ORDINANCE AMENDING TITLE 18 OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 18.94 (PROVISIONS REGULATING BED AND BREAKFAST INNS), AMENDING CARSON CITY MUNICIPAL CODE DEFINITIONS BY ADDING THERETO, AND OTHER MATTERS PROPERLY RELATED THERETO (3-0518) - Supervisor Swirczek moved to adopt on second reading Ordinance No. 1990-22, AN ORDINANCE AMENDING TITLE 18 OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 18.94 (PROVISIONS REGULATING BED AND BREAKFAST INNS), AMENDING CARSON CITY MUNICIPAL CODE DEFINITIONS BY ADDING THERETO AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Feticc seconded the motion. Motion carried 5-0.

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Discussion noted that these Ordinances would be effective on second publication which was felt to be August 13.

C. OTHER MATTERS - ACTION ON REQUEST TO RECRUIT FOR PLANS EXAMINER (3-0560) - Discussion ensued among Mr. Berkich, Mr. Sullivan, Personnel Manager Judie Fisher, Deputy Community Development Director -- Building and Safety Karen Goddard, and the Board concerning the problems encountered recruiting a qualified Plans Examiner at the pay range indicated for a Grade 30. The Ralph Anderson parity study supported the salary increase. Western Nevada Association of Builders Executive Officer Sandy Ellis expressed the Association's support for the increased salary due to the six week delay in getting plans checked. Steps taken to meet the increased workload were noted. Alternatives were discussed including maintaining the Grade 30 but increasing the step level to meet the Grade 33 pay. It was felt that to change the grade would piecemeal the Anderson parity study once again. Concern was expressed that to hire at the top of a range would attract even fewer individuals as it would leave them no place to go. Due to the need to compute the pay scale for Grade 33 and the step which would equate to that amount on the Grade 30 range, the matter was continued to later in the meeting.

BREAK: A five-minute recess was taken at 12:45 p.m. When the meeting reconvened, the entire Board was present.

12. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (3-0932)

C. SUPERVISOR FETTIC - DISCUSSION AND POSSIBLE ACTION REGARDING DUST PROBLEMS ON BODIE DRIVE - Outlined the problem. Health Director Jack Fralinger explained his action to have the dirt moved next week. Moving the dirt will cause additional dust problems. Progress is being made on the dust ordinance and it should be before the Board in September. It would also include stockpiling dirt. Discussion also noted the dirt stockpiled in Mills Park would be used in it. No action was taken.

11. C. OTHER MATTERS - ACTION ON REQUEST TO RECRUIT FOR PLANS EXAMINER - CONTINUED (3-1115) - Mayor Teixeira expounded on his reasons for feeling that Builders should be able to take their plans to a private firm as an alternative relief position. A status report on the short and long-range plans for this position will be presented at the next meeting. The Anderson study recommended Grade 33 be utilized for this position. Grade 30 tops at \$30,402. Discussion stressed the Board's desire to stay with the Grade 30 even if the position is hired at the top of the range until the study is implemented. Piecemealing the Anderson study was not supported. Supervisor Fettic moved that the Board of Supervisor approve Community Development Department recruitment plan to bring on a Plans Examiner in the Grade 30 designation up to Step 15. Supervisor Bennett seconded the motion. Motion carried 5-0.

Discussion ensued on the need to have the District Attorney's office consider the proposal to have a private firm analyze the plans and a need to provide a status report on the position alternatives and recruiting process.

C. SUPERVISOR FETTIC (3-1568) - Following discussion the Board supported Supervisors Fettic and Bennett's position that they would not be voting members of the V&T Steering Committee due to the direction provided during the July 28 Goals and Objectives Session.

B. SUPERVISOR SWIRCZEK (3-1613) - Explained the direction provided during the Subconservancy District meeting on SB1254.

D. SUPERVISOR TATRO (3-1768) - None.

E. SUPERVISOR BENNETT (3-1770) - The political involvement of TRPA in matters which

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were felt to be the responsibility of local governments was explained. Unless this attitude changes, it may again become necessary for the Nevada TRPA contingency to withhold funding.

A. MAYOR TEIXEIRA (3-2088) - The Capitol Complex Committee Chairperson is Bob Sader. The Committee still supports the proposal to acquire the Courthouse and Fire Station. The Courthouse appraisal was \$740 to \$860,000. Funding has been requested at the \$860,000 level. Building projects include a new SIIS facility to be located behind the present DMV building and a new Employment Security facility to be located at Little Lane and Stewart. A commitment has been made to locate the Fire Station at Fifth and Stewart. Discussion noted that the Board would be asked to support Question 1 at the next Board meeting.

Supervisor Fetic moved to adjourn. Supervisor Swirczek seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 1:40 p.m.

A tape recording of these proceedings is on file in the Clerk-Recorder's Office. This tape is available for review and inspection during the normal business hours.

The Minutes of the August 2, 1990 Carson City Board of Supervisors meeting

ARE SO APPROVED ON September 6, 1990.

_____/s/_____
MARV TEIXEIRA, Mayor

ATTEST:

_____/s/_____
ALAN GLOVER, Clerk-Recorder