A regular session of the Carson City Board of Supervisors was held on Thursday, September 6, 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 Fettic	Supervisor, Ward 2
	Tom Tatro	Supervisor, Ward 3
	Kay Bennett	Supervisor, Ward 4
STAFF PRESENT:	John Berkich	City Manager
	Alan Glover	Clerk-Recorder
	Gary Kulikowski	Internal Auditor
	Jack Fralinger	Health Director
	Steve Kastens	Parks and Recreation Director
	Judie Fisher	Personnel Director
	Charles P. Cockerill	Chief Deputy District Attorney (morning session only)
	Greg Biggin	Assistant Sheriff
	Bob Auer	Deputy District Attorney (afternoon session only)
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 9/6/90 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. 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.

Mayor Teixeira called the meeting to order at 9 a.m. Seventh Day Adventist Pastor Al Tilstra gave the Invocation. Supervisor Bennett led the Pledge of Allegiance. Roll call was taken and a quorum was present.

APPROVAL OF MINUTES - Regular Sessions of July 21 and August 4, 1988, August 2 and 16, 1990, and Special Sessions of July 11, 13, and 14, 1988, and July 28, 1990 (1-0039) - Supervisor Tatro moved to approve the Minutes with a correction to the August 2, 1990 minutes to reflect the appropriate Supervisor who had seconded the motion at the bottom of page 2. Supervisor Swirczek seconded the motion. Motion carried 5-0.

SPECIAL PRESENTATIONS - 1. ACTION ON RESOLUTION OF COMMENDATION AT RETIREMENT FOR FRED SCHAEFER (1-0094) - Following Mayor Teixeira's introduction, Personnel Director Judie Fisher noted Mr. Schaefer's retirement and decision to move to Las Vegas. Mayor Teixeira read and presented to him a plaque commending him. Supervisor Tatro moved to adopt Resolution No. 1990-R-53, RESOLUTION COMMENDING RETIREMENT, and read the Resolution into the record. Supervisor Swirczek seconded the motion. Motion carried 5-0. Mr. Schaeffer expressed his feelings about leaving the City and his retirement plans.

CITIZEN COMMENTS (1-0205) - None.

LIQUOR AND ENTERTAINMENT BOARD MATTERS and PETITIONS AND COMMUNICATIONS - None.

ORDINANCES, RESOLUTIONS AND OTHER ITEMS

2. CLERK-RECORDER (1-0205) - Alan Glover.

A. ACTION ON A RESOLUTION AUTHORIZING THE DESTRUCTION OF RECORDS (1957 THROUGH 1969 ORMSBY ORDINANCES) - These records have been microfilmed. Supervisor Fettic moved to adopt Resolution No. 1990-R-54, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON RANDOM SELECTION OF NUMBER SEQUENCE FOR JURY VENIRE (1-0232) - After an explanation of the procedures, numbers were pulled establishing the following order for selection of numbers in round two: Supervisor Bennett, Mayor Teixeira, Supervisor Swirczek, Supervisor Fettic, and Supervisor Tatro. Selecting in that order, the following numbers were drawn: Zero, Five, Six, Eight, Three, One, Two, Nine, Four, and Seven. No other action was required or taken.

It was felt that the jury venire list would be composed of the voter registration and the tax lists.

C. ACTION ON CERTIFICATION OF THE ABSTRACT OF THE PRIMARY ELECTION VOTE (1-0325) - Mr. Glover read the results for all issues into the record. Supervisor Swirczek moved that the Board of Supervisors certify the Abstract of the Vote from the Primary Election of September 4, 1990. Supervisor Fettic seconded the motion. Motion carried 5-0.

D. ACTION ON THE 1990 BOND ELECTION CANVASS RESOLUTION (1-0533) - Mr. Glover explained the resolution and read the election results. Supervisor Tatro moved to adopt Resolution No. 1990-R-55, A RESOLUTION DESIGNATED BY THE SHORT TITLE "1990 BOND ELECTION CANVASS RESOLUTION"; DECLARING THE RESULTS OF AN ELECTION HELD WITHIN CARSON CITY, IN THE STATE OF NEVADA, ON THE FIRE PROTECTION BOND QUESTION SUBMITTED AT THE BOND ELECTION HELD ON TUESDAY, SEPTEMBER 4, 1990, TO THE QUALIFIED ELECTORS OF THE CITY; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF. Supervisor Bennett seconded the motion. Mr. Glover then noted that the total ballots cast were 10,781 which was a voter turnout of 54.51 percent. No votes were rejected. The motion to adopt Resolution No. 1990-R-55 was voted and carried 5-0.

Discussion ensued on the problem encountered getting sample ballots to the electorate. It was suggested that a notice be placed in the newspaper advising anyone who has not received a sample ballot ten days before the election to come to the office and pick up a copy.

3. SHERIFF - Assistant Sheriff Greg Biggin - ACTION ON A RESOLUTION ESTABLISHING A TRUST BANK ACCOUNT TO ASSIST IN THE ADMINISTRATION OF COURT-MANDATED CIVIL PROCESSES AND ASSOCIATED FEES (1-0772) - Appropriate staff members had signed the original request after the Xerox copies were made. Supervisor Tatro moved to adopt Resolution No. 1990-R-56, A RESOLUTION ESTABLISHING A TRUST BANK ACCOUNT TO ASSIST IN THE ADMINISTRATION OF COURT-MANDATED CIVIL PROCESSES AND ASSOCIATED FEES, as presented with the exception that in Line 20 the words "where possible" be deleted. Supervisor Fettic seconded the motion. Motion carried 5-0.

4. TREASURER - Deputy Treasurer Merlene Alt

A. ACTION ON CARSON CITY TREASURER'S FINANCIAL REPORT FOR THE MONTH OF JULY 1990 (1-0852) - Supervisor Bennett moved to accept the Treasurer's Financial Report for the month of July 1990. Supervisor Fettic seconded the motion. Motion carried 5-0.

B. ACTION ON DIRECTION FOR DELINQUENT PARCEL OF LAND KNOWN AS

APN 8-752-34 (1-0879) - Supervisor Fettic moved to direct the District Attorney to proceed with a resolution declaring that the City take title to a parcel known as 8-752-34 for street purposes and not to go to tax sale pursuant to NRS 361.603. Supervisor Swirczek seconded the motion. Motion carried 5-0.

C. ACTION ON APPROVAL OF REFUNDS AND REMOVAL OF TAXES FROM 1990-91 TAX ROLL DUE TO THE STATE OF NEVADA ACQUISITION OF PROPERTY (VAN PATTEN/GRUNDY) (1-0925) - Supervisor Fettic moved that the Board approve the refund and removal from the tax roll for 1990-91 fiscal year the following property - Parcel 8-052-02, 8-0523-01, 8-0853-02, 8-053-03, for the total amount of $721.15. Supervisor Bennett seconded the motion. Motion carried 5-0.

D. ACTION ON APPROVAL OF REFUNDS AND REMOVAL OF TAXES FROM 1990-91 TAX ROLL DUE TO THE STATE OF NEVADA ACQUISITION OF PROPERTY (LANGSTON) (1-0965) - The reason for the revised bill was explained. Supervisor Bennett moved that the Board approve the refund and removal of taxes from the tax roll for 1990-91 of Parcel No. 8-121-25 due to the State of Nevada acquiring a portion of the property for the 395 Bypass Project along with the loss of revenue in the amount of $522.86. Supervisor Tatro seconded the motion. Motion carried 5-0.

5. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON LEASE RENEWAL FOR CARSON CITY RIFLE AND PISTOL RANGE (1-1011) - If improvements are to be made at the range, the lease must be approved. Supervisor Fettic moved that the Board authorize the Mayor to sign the lease renewal offer for the Carson City Rifle and Pistol Range with the Bureau of Land Management. Supervisor Tatro seconded the motion. Motion carried 5-0.

6. HEALTH DIRECTOR - Jack Fralinger - ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING SECTION 9.06.120 (DUST CONTROL) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (1-1058) - The District Attorney, staff, the Builders Association, Nevada Environmental Protection Authority, and the Air Pollution Board had been actively involved in the process. The information required prior to clearing and the fee, which are based upon the size of the parcel, as well as the fine were discussed at length. The ability to use potable water versus the availability of effluent and the fines were discussed. A Policy and Procedures Manual will be considered by the Board at the next meeting. Mr. Berkich was directed to include in the City's legislative package a provision to retain some of the fine for enforcement. Utility Manager Dorothy Timian-Palmer explained that a meeting would be held with the builders to establish a procedure to use potable water and reasons for discontinuing the use of effluent. The restriction on the period between disturbing the top soil and construction was explained. Supervisor Fettic moved to introduce Bill No. 126, AN ORDINANCE AMENDING SECTION 9.06.120 (DUST CONTROL) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Swirczek seconded the motion. Motion carried 5-0.

7. ADMINISTRATIVE SERVICES DIRECTOR - Mary Walker and Internal Auditor Gary Kulikowski

A. ACTION ON CHECK DISBURSEMENT REGISTER FOR JULY 1990 (1-1707) - Following Mr. Kulikowski's explanation of his review, Supervisor Bennett moved to approve the Check Disbursement Register for July 1990 with the correction as submitted. Supervisor Tatro seconded the motion. Motion carried 5-0.

B. ACTION ON CONCEPT OF PERFORMING A CITY-WIDE STUDY OF REVENUES (1-1755) - Ms. Walker explained at length her reasons for recommending a consultant evaluate the City's fee structure and cost allocation program including services provided for grants. Her comments also noted other items which could be considered in the evaluation. If approved in concept, she would prepare a request for bids for Board consideration. The evaluation would assist with long-term financial planning. Board consensus indicated the feeling that the City had appropriate staff to do this work and should perform the analysis even though staff may take longer to perform the work than a consultant would. Supervisor Bennett stressed her support for the concept. (2-0010) Supervisor Swirczek suggested that Mr. Kulikowski's services be utilized to verify whatever information Ms. Walker and her staff could prepare. He also suggested other cities be contacted to determine their procedures. Ms. Walker pointed out that staff had done this in the past, however, it would lengthen the project and valid information may not be compiled. Supervisor Swirczek directed the Internal Auditor and Ms. Walker to determine what could be done by the next budget year. He also volunteered to assist after December 31.

BREAK: At 10:40 a.m., a five-minute recess was taken. When the meeting reconvened at 10:45 a.m., the entire Board was present constituting a quorum.

8. PURCHASING AGENT - Ron Wilson and Assistant Purchasing Agent John Iratcabal

A. ACTION ON AWARD OF CONTRACT 9091-081 - HIGH CAPACITY ROTARY MOWER (2-0198) - Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and reject all bids pursuant to the Parks Department's request and authorize the Purchasing Agent to modify the specifications to allow tractor equipped mowers and rebid accordingly. Supervisor Fettic seconded the motion. Motion carried 5-0.

B. ACTION ON AWARD OF CONTRACT 8990-176 - SHERIFF'S OFFICE ROOF REPAIR (2-0218) - Mr. Kastens responded to questions concerning the bid amount. The bid meets all asbestos abatement requirements. Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and award this Contract 8990-176, the Sheriff's Office Roof Repair, to NRC Roofing, 5895 Gentry Lane, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of $78,785, funding source Fund No. 101-334. Supervisor Fettic seconded the motion. Motion carried 5-0.

C. ACTION ON CHANGE ORDER NO. 4 ON CONTRACT 8788-41 (REBID) - FUJI PARK EXHIBIT HALL PHASE II (2-0262) - Supervisor Tatro moved to accept the Purchasing Agent's recommendation and approve Change Order No. 4 on Contract No. 8788-41 Rebid for the Fuji Park Exhibit Hall Phase II for an accretion of the contract term of 36 working days, said term shall be adjusted from July 5, 1990 to August 11, 1990 with fiscal impact. Supervisor Fettic seconded the motion. Motion carried 5-0.

D. ACTION ON AWARD OF CONTRACT 8990-177 - ORMSBY PUBLIC LIBRARY ROOF REPAIR (2-0305) - Mr. Kastens explained that the two roof repair projects were over budget by $15,000. The projects would be staggered. Funding for repair of Juvenile Center's roof was discussed. There is asbestos in the library roof. Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and award Contract 8990-177, Ormsby Public Library Roof Repair, to NRC Roofing, 5895 Gentry Lane, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 339, and 624, for a contract amount of $105,451, funding source 101-334. Supervisor Fettic seconded the motion. Motion carried 5-0.

E. ACTION ON AWARD OF CONTRACT 8990-159 - RESTROOM BUILDING CONSTRUCTION (2-0364) - Discussion among the Board and Messrs. Kastens, Iratcabal, and Wilson explained the location of Fuji Park facility, the controversy over the Riverview facility, and reasons for separating the facilities. Supervisor Bennett suggested the repair and upgrade of the present Fuji Park Restroom be included in the rebid. Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and reject all bids received for Contract No. 8990-159, Restroom Building Construction, and authorize the Purchasing Department and the Parks and Recreation Department to proceed with alternate methods to reduce the cost of construction and rebid. Supervisor Bennett seconded the motion. Motion carried 5-0.

F. ACTION ON CHANGE ORDER NO. 1 ON CONTRACT 8990-207 - TIMBERLINE MAINLINE AND PRV STATION UPGRADE (2-061) - Supervisor Fettic moved that the Board accept the Purchasing Assistant's recommendation and approve the Change Order for a decrease in the contract amount of $50.14 to A and K Earthmovers, funding source 420-752. Supervisor Tatro seconded the motion. Motion carried 5-0.

G. ACTION ON CHANGE ORDER NO. 2 ON CONTRACT 8990-207 - TIMBERLINE MAINLINE AND PRV STATION UPGRADE (2-0590) - Utility Manager Dorothy Timian-Palmer explained the request. Supervisor Tatro moved that the Board accept the Purchasing Assistant's recommendation and approve Change Order No. 2 on Contract 8990-207, Timberline Mainline and PRV Station Upgrade, for an increase in the contract amount of $7,205.79 to A and K Earthmovers of Fallon, Nevada, funding source 420-752. Supervisor Fettic seconded the motion. Motion carried 5-0.

H. ACTION ON REQUEST FOR FINAL PAYMENT ON CONTRACT 8990-207 - TIMBERLINE MAINLINE AND PRV STATION UPGRADE (2-0652) - Supervisor Fettic moved to accept the Purchasing Assistant's recommendation and approve the Request for Final Payment for $10,955.65 to A and K Earthmovers, funding source 420-752. Supervisor Swirczek seconded the motion. Motion carried 5-0.

I. REVIEW AND ACTION ON THE AWARD OF CONTRACT NO. 8990-208 TENNIS COURT - CENTENNIAL PARK AND ROSS GOLD PARK (2-0677) - Mr. Kastens explained the type of surface and that the specifications had been developed with the help of Chuck Selover, a Nevada Department of Transportation Engineer and Soil Tester. The upgrade of Court 1, Mr. Bertagnolli's work on the golf course, and the rejected exception to the bid were discussed. (2-0771) Tennis Club President Gail Thomssen supported the recommendation and urged steps be taken to speed up the construction process. Supervisor Tatro moved that the Board accept the Purchasing Assistant's recommendation and award Contract 8990-208, Tennis Courts at Centennial Park and Ross Gold Park, to T.E. Bertagnolli and Associates in Carson City as the lowest responsive and responsible bidder pursuant to the requirements of NRS 332, 338, 339, and 624, for a Contract amount of $167,709.50, funding source 550-000. Supervisor Bennett seconded the motion. Motion carried 5-0.

J. REVIEW AND ACTION ON CONTRACT NO. 8990-117 - SOUTH EDMONDS PARK CONSTRUCTION - CHANGE ORDER NO. 2 (2-0802) - Supervisor Fettic moved that the Board approve Change Order No. 2 as presented by the Purchasing Assistant to Angelo Pecorilla for the South Edmonds Park Construction which includes a net decrease in the amount of $1,003.34. Supervisor Tatro seconded the motion. Motion carried 5-0.

K. ACTION ON REQUEST FOR FINAL PAYMENT ON CONTRACT NO. 8990-117 - SOUTH EDMONDS PARK CONSTRUCTION (2-0841) - Soccer would be played on the fields next fall. Concern was expressed about the surface of the baseball fields. Supervisor Tatro moved that the Board accept the Purchasing Assistant's recommendation and approve the Request for Final Payment on Contract 8990-117 in the amount of $52,998.86 to Angello Pecorilla, Carson City, Nevada, funding source 550-000. Supervisor Bennett seconded the motion. Motion carried 5-0.

Supervisor Bennett requested a status report on the uncompleted Board approved park projects, which was discussed.

9. PUBLIC WORKS DIRECTOR - Dan O'Brien and Utility Manager Dorothy Timian-Palmer

BREAK: At 11:15 a.m., a five-minute recess was taken. When the meeting reconvened at 11:20 a.m., a quorum was present.

E. OTHER UTILITY DIVISION MATTERS

iv. ACTION ON THE LONG WATER RIGHTS LEASE EXTENSION AND OPTION AGREEMENT (2-1010) - Mr. O'Brien explained the original water rights appraisal and the value given to these water rights. Ms. Timian-Palmer explained, with the use of an overhead projector, the water rights for the Valley, the amount owned and usable by Carson City, the stream flow, the ability to recharge the groundwater table, and how the City could use the Long rights. She felt that a conservative estimate indicated that the Long Water Rights would help the City address the water demands of year 2000. With conservation measures, it may be the year 2007. Comments stressed that the City was maximizing its resources and may not need any water from surrounding counties, i.e., Douglas County. The City would continue to control its growth rate. (2-2412) Bruce Scott's comments supported Ms. Timian-Palmer's position on the stream flow and explained the groundwater recharge rate. He urged the Board to approve the agreement. He felt the overall costs incurred in treating the surface water would be less than using the groundwater. He noted the legal problems inherent with the use of the Carson River and other benefits incurred with the desire to obtain more surface water rights in Eagle Valley. The process to "bank water" was explained. Drought concerns were noted. No protests had been filed against the Long water right permits. Mr. O'Brien then explained the feeling that the City should begin to pay more for the Ash Canyon water rights.

(3-0075) Discussion ensued on the terms of the agreement among the Board, Mr. Cockerill, Mr. O'Brien, Long's Attorney Jac Shaw, and Ms. Timian-Palmer. (3-0618) Finance Director Mary Walker reviewed the financing program. The Federal arbitrage requirements were explained including its effect on the timetable for selling bonds if the Hospital proceeds with a lease purchase program presently under discussion. Discussion among the Board and staff ensued on the financing program. It was felt that a rate increase would not be required to meet the bond payments. Staff was cognizant of the need to avoid the arbitrage penalty and would make every effort to remain under the limits.

(3-0934) Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the Long Water Rights Lease Extension and Option Agreement for the amount of $2,800,000. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Fettic - Yes; Tatro - Yes; Bennett - Yes; Swirczek - Yes; and Mayor Teixeira - Yes. Motion carried 5-0.

(3-0965) Mr. Shaw commended the Board and staff on the professional manner in which negotiations had been handled.

10. CLERK-RECORDER - Alan Glover - ACTION ON 1990 GENERAL OBLIGATION BOND COMMISSION NOTICE RESOLUTION (3-1081) - Supervisor Fettic moved to adopt Resolution No. 1990-R-57, A RESOLUTION CONCERNING THE FINANCING OF A WATER PROJECT; DIRECTING THE CLERK TO NOTIFY THE CARSON CITY GENERAL OBLIGATION BOND COMMISSION OF THE CITY'S PROPOSAL TO BORROW MONEY AND TO ISSUE GENERAL OBLIGATION BONDS TO EVIDENCE SUCH BORROWING; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE THEREOF. Supervisor Swirczek seconded the motion. Motion was voted by roll call with the following result: Swirczek - Yes; Fettic - Yes; Tatro - Yes; Bennett - Yes; and Mayor Teixeira - Yes. Motion carried 5-0.

Supervisor Swirczek commended staff on its program to establish long range planning.

BREAK: At 12:55 p.m., a lunch recess was taken. When the meeting reconvened at 1:30 p.m., Supervisors Tatro and Bennett were absent, however, a quorum was present.

11. COMMUNITY DEVELOPMENT DEPARTMENT DIRECTOR - Walt Sullivan

A. PLANNING COMMISSION REFERRAL - ACTION ON CONSENT MATTER - SPECIAL USE PERMIT U-89/90-29 - REQUEST FROM D. LEID, A BERNHARD, L. LEVY (CARSON CITY INN) TO ALLOW UNLIMITED GAMING, TO ALLOW ADDITIONAL BUILDING HEIGHT, AND TO ALLOW A PARKING REDUCTION ON PROPERTY ZONED RETAIL COMMERCIAL LOCATED WEST OF THE CARSON AND SONOMA STREETS INTERSECTION (APNs 9-111-06, 14, 15, AND 18) - PLANNING COMMISSION APPROVED 5-0-1-1

B. GROWTH MANAGEMENT MATTER - ACTION ON SPECIAL USE PERMIT U-89/90-29 - REQUEST FROM D. LEID, A. BERNHARD, L. LEVY (CARSON CITY INN) REGARDING WATER USAGE EXCEEDING 7,500 GALLONS PER DAY (3-1155) - During Mr. Sullivan's introduction, Supervisors Tatro and Bennett arrived. (A quorum was present as noted earlier.) Ms. Timian-Palmer read a memo explaining her support for the proposal provided conservation measures are mandated throughout the building. Deputy Public Works Director Tim Homann explained the need to evaluate the traffic and storm drain plans. If a traffic signal is required, the developer must pay the full cost for it and its installation. The conservation water measures were to be part of the special use permit requirements, however, an ordinance would be considered by the Board for all future projects. The conditions were discussed at length between the Board and staff. The City was requiring the traffic signal even though the traffic study did not support the need at this time. The City does not currently have an ordinance which would allow reimbursement of any portion of the signal when surrounding development occurs. Discussion included the need to extend Sonoma and the desire to camouflage the air conditioners. (3-2189) Architect Pete Welday commended staff on the assistance he had received while working on the project and used blueprints and drawings of the facility to explain the project in detail. Discussion included the estimated construction cost, room size, the desire to be reimbursed a portion of the cost for the signal, the projected Curry Street traffic volume, the water conservation measures, the number of parking spaces required for the facility, construction date, the incomplete financial package, and the hookup fees. Supervisor Fettic moved that the Board uphold the Planning Commission's recommendation on U-89/90-29, a Special Use Permit, from Messrs. Leid, Levy, and Bernhard to allow unlimited gaming, to allow additional building height and to allow a parking reduction on property zoned retail commercial located west of intersection of Carson and Sonoma Streets, APN 9-111-06, 14, 15, and 18. Supervisor Swirczek seconded the motion. Additional discussion occurred on the building height. Supervisor Fettic amended his motion to include subject to the conditions and findings in the staff report. Supervisor Swirczek continued his second. Motion was voted and carried 5-0.

Following a request for a second motion, Supervisor Tatro moved to approve the granting of a building permit to Carson City Inn and eliminating its conditioning upon the estimated water usage being in excess of 7500 gallons of water a day. Supervisor Swirczek seconded the motion. Motion carried 5-0.

C. OTHER MATTERS - ACTION ON CARSON CITY HISTORIC DISTRICT PROPOSAL TO MAKE ADDITIONS TO DISTRICT AND STATUS OF CERTIFIED LOCAL GOVERNMENT GRANT (4-0349) - Principal Planner Rob Joiner explained the grant requirements and responded to Board questions concerning the reasons for expanding the Historic District boundaries to include eleven State properties, three City properties, and six private properties. Grant uses, constraints that would be placed upon the property owners, "spot zoning" for the district, and reasons for including only those properties that are currently on the National Register to the district were also discussed. Supervisor Bennett moved that the Board direct staff to initiate contact with the landowners of National Register properties for the purpose of inclusion in the Carson City Historic District. Supervisor Tatro seconded the motion. Clarification noted the results would be brought back to the Board for further consideration before inclusion. The motion to direct staff to initiate the process was voted and carried 5-0.

BREAK: At 2:55 p.m., a five-minute recess was taken. When the meeting reconvened at 3 p.m., the entire Board was present.

9. PUBLIC WORKS DIRECTOR - Dan O'Brien, Utility Manager Dorothy Timian-Palmer, and RTC Engineer Harvey Brotzman

A. ACTION ON DEVELOPMENT AGREEMENT RELEASE AND CANCELLATION FOR SHELL OIL COMPANY (APN 1-156-01) LOCATED AT 1600 NORTH CARSON STREET (4-0823) - Supervisor Fettic moved that the Board approve the Development Agreement Release and Cancellation between Carson City and Shell Oil Company regarding construction of street improvements and authorize the Mayor to sign said release. Supervisor Swirczek seconded the motion. Motion carried 5-0.

B. REGIONAL TRANSPORTATION COMMISSION MATTER - ACTION ON AWARD OF CONTRACT 9091-107 - LOMPA LANE IMPROVEMENTS (4-0865) - Discussion ensued among the Board and staff concerning the desire to keep the trees, the speed limit, the need to widen the street to four lanes, and the construction period. Supervisor Fettic moved that the Board accept the Purchasing Agent's recommendation to award Contract 9091-107, Lompa Lane Improvements to Bidder No. 4, Granite Construction Company, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for the contract amount of $505,495. Supervisor Swirczek seconded the motion. Motion carried 5-0.

C. UTILITY DIVISION MATTERS

i. ACTION ON CHANGE ORDER NO. 1 TO CONTRACT 1988-009 AND FINAL PAYMENT ON LAKEVIEW WATER TANK (4-1011) - Supervisor Fettic moved that the Board approve and authorize the Mayor to sign Change Order No. 1, a deduction in the amount of $13,194.80 to Contract No. 1988-009, Lakeview Water Tank. Supervisor Swirczek seconded the motion. Motion carried 5-0.

Supervisor Fettic then moved that the Board approve and authorize final payment in the amount of $15,567.52 to Contract 1988-009, Lakeview Water Tank, to Resource Development of Sparks, Nevada. Supervisor Tatro seconded the motion. Motion carried 5-0.

ii. ACTION ON CHANGE ORDER NO. 1 TO CONTRACT 1990-001 (PROJECT 9091-95) - CARSON VALLEY PRODUCTION WELL NO. 43 (4-1105) - Supervisor Tatro moved that the Board approve and authorize the Mayor to sign Change Order Number 1 to the Carson Valley Production Well No. 43, Contract No. 1990-001 (Project No. 9091-95), with a fiscal impact of $23,620, funding source 420-751, Well No. 38 redrill. Supervisor Fettic seconded the motion. Motion carried 5-0.

D. ORDINANCE - FIRST READING (4-1190)

i. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 12.01.030 REGARDING SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES - Supervisor Fettic moved to introduce on first reading Bill No. 127, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 12.01.030 REGARDING SCHEDULE OF WATER CONNECTION CHARGES, LATERAL AND METER BOX SETS, AND METER SET FEES. Supervisor Bennett seconded the motion. Clarification noted the reduction in fees was directly related to the cost incurred. Motion carried 5-0.

ii. ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE CHAPTER 12.06.210 REGARDING AUTOMOTIVE WASH PAD SIZING REQUIREMENTS (4-1255) - Supervisor Bennett moved to introduce on first reading Bill No. 128, AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 12.06.210 REGARDING SEWERAGE USE -- DISCHARGE OF RAINWATER OR UNCONTAMINATED WATER PROHIBITED.

E. OTHER UTILITY DIVISION MATTERS (4-1395)

i. ACTION ON LINE EXTENSION AGREEMENT BETWEEN SIERRA PACIFIC POWER COMPANY AND CARSON CITY - Following discussion of the cost and line route, Supervisor Fettic moved that the Board approve and authorize the Mayor to sign the Line Extension Agreement Sierra Pacific Power Company Contract Number 90-7325-5 between Carson City and Sierra Pacific Power providing electrical service to Carson Valley Production Source Well No. 43 located on Bennett Drive. Supervisor Bennett seconded the motion. Motion carried 5-0.

ii. ACTION ON AN EASEMENT BY AND BETWEEN THE STATE OF NEVADA AND CARSON CITY (4-1459) - Supervisor Tatro moved to approve and authorize the Mayor to sign the Easement Agreement by and between the State of Nevada and Carson City. Supervisor Fettic seconded the motion. Motion carried 5-0.

iii. ACTION ON U.S.G.S. AND CARSON CITY JOINT FUNDING AGREEMENT FOR WATER RESOURCE MONITORING (4-1510) - Supervisor Bennett moved that the Board approve and authorize the Mayor to sign the August 1, 1990 through September 30, 1990 Joint Funding Agreement between Carson City and the United States Geological Survey for Water Resource Monitoring in the amount of $2,100. Supervisor Tatro seconded the motion. Discussion clarified the cost. Motion to approve the Agreement was voted and carried 5-0.

Supervisor Bennett then moved that the Board approve and accept the modification to the October 1, 1990 through September 30, 1991 Joint Funding Agreement for water resource monitoring approved by the Board of Supervisors on July 19, 1990 in the amount of $3,950. Supervisor Swirczek seconded the motion. Motion carried 5-0.

12. INTERNAL AUDITOR - Gary Kulikowski - PERFORMANCE AUDIT RELATIVE TO THE BUILDING PERMIT APPROVAL AND INSPECTION PROCESS (4-1654) - Mr. Kulikowski began to review his report, however, Board consensus indicated the feeling that adequate time was needed to evaluate the report and discuss both the proposed changes as well as those already established as a result of the study. Therefore, Supervisor Bennett moved to continue the matter to the next Board meeting and to set a morning time for the matter. Supervisor Fettic seconded the motion. Mr. Kulikowski invited the Board to stop by his office and discuss any concerns. Mayor Teixeira directed everyone to save the report in the interest of conserving paper and staff effort duplicating it. Motion carried 5-0.

13. CARSON CITY CONVENTION AND VISITORS' BUREAU - ORDINANCE - SECOND READING - ACTION ON BILL NO. 125 - AN ORDINANCE AMENDING SECTIONS 4.08.080 (IMPOSITION OF TAX), 4.08.090 (LICENSE REQUIRED), 4.08.100 (EXEMPTIONS), 4.08.110 (COLLECTIONS), 4.08.120 (DISPLAY OF NOTICE), 4.08.130 (PAYMENT OF TAX), 4.08.140 (BOOKS), 4.08.160 (ASSIGNMENT), 4.08.170 (LIENS), AND 4.08.180 (PENALTY FOR DELINQUENT PAYMENT) OF THE CARSON CITY MUNICIPAL CODE TO REFLECT CURRENT PRACTICES FOR THE COLLECTION OF ROOM RENTAL AND OTHER MATTERS PROPERLY RELATED THERETO (4-2310) - The effective date was noted. Supervisor Fettic moved to adopt on second reading Ordinance No. 1990-25, AN ORDINANCE AMENDING SECTIONS 4.08.080 (IMPOSITION OF TAX), 4.08.090 (LICENSE REQUIRED), 4.08.100 (EXEMPTIONS), 4.08.110 (COLLECTIONS), 4.08.120 (DISPLAY OF NOTICE), 4.08.130 (PAYMENT OF TAX), 4.08.140 (BOOKS), 4.08.160 (ASSIGNMENT), 4.08.170 (LIENS), AND 4.08.180 (PENALTY FOR DELINQUENT PAYMENT) OF THE CARSON CITY MUNICIPAL CODE TO REFLECT CURRENT PRACTICES FOR THE COLLECTION OF ROOM RENTAL TAX AND OTHER MATTERS PROPERLY RELATED THERETO, to become effective October 1, 1990. Supervisor Tatro seconded the motion. Motion carried 5-0.

14. AIRPORT AUTHORITY BOARD - ACTION ON RECOMMENDATION OF MIKE PAVLAKIS AS AN AIRPORT AUTHORITY MEMBER-AT-LARGE (4-2396) - Following Mr. Berkich's introduction, Supervisor Bennett expressed her support for the Authority's selection and moved to approve the appointment of Mr. Mike Pavlakis as the Carson City Airport Authority Member-at-Large. Supervisor Fettic seconded the motion. Motion carried 4-1 with Member Tatro voting Naye due to his feeling that the Board's Resolution requiring interviews had been overlooked. Clarification noted that the Authority was a separate entity and had conducted the interviews.

CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (4-2532) - None.

15. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS (4-2535)

A. ACTION ON A RESOLUTION SUPPORTING REPAIRS FOR THE MINT BUILDING AT THE NEVADA STATE MUSEUM - Following Mr. Berkich's introduction, Supervisor Fettic moved that the Board adopt Resolution No. 1990-R-58, A RESOLUTION SUPPORTING REPAIRS FOR THE MINT BUILDING AT THE NEVADA STATE MUSEUM. Supervisor Tatro seconded the motion. Motion carried 5-0.

APPOINTMENT OF ALTERNATE CARSON CITY REPRESENTATIVES (4-2568) - None.

CITIZEN COMMENTS - None.

15. B. MAYOR TEIXEIRA - Noted passage of the Fire Station Question.

C. SUPERVISOR SWIRCZEK - None.

D. SUPERVISOR FETTIC (4-2658) - Reported on the last Subconservancy meeting and a request which will be considered at the next meeting for a detoxification center at Stewart.

E. SUPERVISOR TATRO (4-2785) - Reported on the Kiwanis efforts to clean up the Carson River and explained his reasons for feeling that the Board members should not be on any Committees/Commissions not mandated by the Statutes.

F. SUPERVISOR BENNETT (4-2935) - Expressed her feeling that the election results were a clear mandate from the electorate concerning its desire to have her remain as a Supervisor. Reported on a committee's efforts to establish a City recycling program.

BREAK: Mayor Teixeira then recessed the meeting until 6 p.m. When Mayor Teixeira reconvened the meeting at 6 p.m., the entire Board was present constituting a quorum. Staff members present included City Manager Berkich, Clerk-Recorder Glover, Community Development Director Sullivan, Deputy District Attorney Auer, and Recording Secretary McLaughlin. (5-0001)

16. DISCUSSION AND ACTION ON THE RESOLUTION OF SUPPORT FOR THE V AND T RAILROAD PROJECT - Following Mayor Teixeira's introduction, which included reading Resolution 1990-R-20 of Conceptual Support into the record, Maryanne Bennett stated her opposition to the project by questioning page 8 of the project assessment study, specifically statements 1 and 4. May Ruth French read her statement of opposition into the record. She felt the project should be denied as the study was unrealistic, that questions concerning its construction, operation, financing, safety, maintenance, and ownership had not been answered clearly or truthfully, that legislation had been requested without advising the public, and that the steering committee was biased. Mayor Teixeira explained that Mr. Sheerin had broadened his bill draft. (5-0995) Donald Miller felt that the residents on the west side did not want the project. (5-1038) Allen B. Cooksey expressed his opposition to a fixed track railroad tourist attraction and the use of taxes to support the project. If the project was to proceed, he urged rubberized tires be utilized. Supervisor Fettic noted that the steering committee was considering alternatives to the rail system. (5-1220) Hal Minshew noted that the State supported closure of several streets and utilization of crossing gates if the rail line is installed. The State had also indicated that the proposed railroad had not considered public safety issues. (5-1295) James A. Brown expressed his desire to vote on a straw poll concerning the proposal, however, questioned the ownership, who would be fiscally liable for the project, whether Rotary International or the Railway Museum had sanctioned the proposal, and who would benefit from the profits generated by the project. (5-1355) Elaine Anderson expressed her concern about the utilization of Curry Street as it would remove parking spaces needed by her clientele. Additional public comment was solicited but none made.

(5-1407) Mayor Teixeira then acknowledged the Rotary efforts to create a positive proposal to improve the downtown area. The City had not made any commitment to fund or own the project. He then requested a motion withdrawing conceptual support for the project. Supervisor Swirczek expounded on his reasons for feeling that he would have originally supported the concept, however, today he did not feel that he could support the concept based upon some misconceptions behind the Convention and Visitors Bureau conceptual approval and funding. The misconception had been created by a letter which had been written to U.S. Senator Harry Reid seeking supporting in obtaining the Forest Service site which made no reference to the fact that the Bureau's approval was in "concept" only. Based upon this letter, Senator Reid had written to the Forest Service requesting expedition of its relocation. He felt the NDOT's request for a diagnostic review of the physical realities of having a fixed railway in the area should be conducted before relocation and funding occurs. Supervisor Fettic noted that the Supervisors appoint individuals to the Bureau, however, doe snot control its activities. Board responsibilities were noted. He supported having the steering committee proceed to analyze the feasibility of the project including the alternatives to a fixed rail line. While he supported the straw poll proposal, he felt that the committee would have to work hard to provide answers by November 4th. He encouraged the public to attend the committee meetings. He would continue to support the project in concept until that has occurred. Supervisor Swirczek agreed that he could support the concept, however, in view of the funding commitment, would not. (5-1995) Supervisor Bennett felt that the subject being discussed was whether the Board's original Resolution of Conceptual Support should be withdrawn. She supported continuing the conceptual support due to the potential benefits the City would receive from the project. She urged the Board and the public to allow the Committee to proceed with its work. Supervisor Tatro supported continuation of the Board's conceptual support as indicated in Resolution No. 1990-R-20 as no funding had been committed.

Supervisor Fettic moved that the Board reaffirm Resolution No. 1990-R-20, A RESOLUTION OF CONCEPTUAL SUPPORT FOR THE CARSON CITY ROTARY FOUNDATION VIRGINIA AND TRUCKEE RAILROAD PROJECT. Supervisor Bennett seconded the motion. Supervisor Fettic then noted that the Board would press hard for the steering committee to consider the comments made earlier in opposition to the project in an attempt to respond to the concerns. Supervisor Swirczek referred to a Sunday Nevada <u>Appeal</u> article which indicated the Board supported the project and requested it note that the Board had only conceptually approved the project. He also noted that until some of the questions are answered, the Board could not determine ownership. The motion to continue conceptually supporting the project was voted by roll call with the following result: Fettic - Yes; Tatro - Yes; Bennett - Yes; Swirczek - Yes, under the provision that he was voting on the concept only and that those answers will be forthcoming and nothing more; Mayor Teixeira - Yes. Motion carried 5-0.

17. DISCUSSION AND ACTION ON A STRAW BALLOT QUESTION ON THE V AND T RAILROAD PROJECT IN THE UPCOMING GENERAL ELECTION AND THE NECESSARY PERSONNEL AND FUNDING TO CONDUCT SUCH A STRAW BALLOT (5-2198) - Mayor Teixeira explained his request for direction from the District Attorney's and Attorney General's offices concerning placing a straw ballot question on the General Ballot due to the time constraints spelled out in the Statutes. Mr. Glover then explained that a straw poll could be conducted in an area adjacent to but not inside the polling places with individuals who are not working the election. The Clerk's Office could not count these ballots. The Clerk's Office could supply names of individuals who could conduct the poll and ballot boxes. It would be difficult to prevent fraud or voting more than one time. He suggested that a minimum of two workers be utilized. The poll would not be binding. He felt that it would cost at least $1,000. Mayor Teixeira stressed the need to correctly word the question and urged support for a poll. Supervisor Fettic pointed out the need for the question to be drafted in an unbiased manner. He did not feel that the steering committee should do it.

(5-2616) Del Frost supporting having a poll and suggested that some fraud could be eliminated by using the ballot stubs to identify individuals who should be allowed to vote. When the individual votes, it could be marked. Mr. Glover noted that it could not legally be required. Mr. Frost felt that, "If the individual did not have a ticket, he could not receive his laundry." He then expressed his feeling that the Clerk-Recorder should phrase the question and that it should address: ownership and liability, supplementing the operation and maintenance from tax funds if necessary, be on a fixed rail as compared to the rubber tire trolley concept, and whether the City should give up the parking spaces on Curry Street, if necessary, to make the project a success. Supervisor Swirczek suggested that the question be whether any public funds be utilized for the operation or construction of the project including room taxes.

(5-2801) Roy Filkin explained the steering committee's number one goal as being to establish whether the railroad could be fiscally viable. The next meeting on this issue would be held on Tuesday, September 11, at the library. Until this question is answered, he felt it was premature to conduct a straw poll. The Committee would bring its finding to the Board and at that time a decision on the poll could be considered.

In response to Supervisor Fettic's question, Mr. Glover declined the request to write the question(s). Supervisor Fettic then explained his reasons for feeling that the public should have an opportunity to consider the matter now. Mr. Filkin then restated his position to be that if the committee determines on Tuesday that the project is not viable, the poll would not be necessary. Supervisor Bennett expressed her feeling that a poll was necessary but questioned whether it should be done before adequate time has been granted for a comprehensive review. (6-0015) She felt a special poll could be conducted after the review is completed. This would remove the project from the current political arena. She urged the Board to allow the committee an opportunity to function. Supervisor Swirczek felt that a need for a business plan was necessary but that a joint safety and diagnostic analysis of the project should also be considered. He urged filling haste all the gaps as soon as possible in view of the legislative intervention outlined for the project.

(6-0170) Dorothy O. Ripe suggested the District Attorney's office draft the question(s) for the poll. Mayor Teixeira expressed his feeling that the City Manager's office could be directed to have the questions prepared and brought to the Board for a determination of the ultimate question(s). He, too, felt that adequate information was needed before that point is reached.

(6-0225) Maryanne Bennett then questioned the turnout for the Primary and expressed her feeling that a special election for a straw poll would be even less. She did not feel that the ballot question would be difficult to prepare.

(6-0251) Rotary President Paul Lumos expressed his feeling that the public should be involved in making a decision concerning whether the project should be constructed, however, felt the straw poll at this time was premature. Noting the numerous questions which the steering committee would have to answer, he urged the Board to allow the committee time to solve them before having a poll. The V and T Project had been removed from the Rotary's public service agenda due to its becoming a political football. The Rotary Foundation's original intent had been to help restore the downtown area. The Foundation urged the politicians to carry on with the project to its conclusion. At that time, the Foundation would again evaluate its position on the project. Mayor Teixeira expressed his desire to see the project carried forward.

Supervisor Fettic moved that the Board of Supervisors approve holding a straw ballot on the V and T Railroad Project during the General Election on November 6, 1990, provide the necessary funds to see that through, and to direct the City Manager to prepare an appropriate question or questions for said straw vote. Supervisor Swirczek seconded the motion. Motion was voted by roll call with the following result: Tatro - Yes; Bennett - No, due to her feeling that to have a straw vote before the people at this particular time is premature, doe snot allow the steering committee appropriate time to work through some of the basic questions that have been put before it, circumvents the process that has been duly established by the Board, and further puts the Board in a reactive situation rather than a pro-active situation, that the Board is now in a position where it must react to the political concerns of others rather than for the true best interest of the City on a proposal which could have merit; Swirczek - Yes, due to the very nature of public funds, it is a political decision, which should be made clear; Fettic - Yes, even though some people feel that the project is doomed to failure in the straw vote, which was not his feeling, as there had been a public survey taken last spring which indicated overwhelming support for the concept, as he felt it was premature to assume that the project would not pass, and he had worded the motion to allow for either a question or questions as is determined necessary and would allow whatever activity arises; Mayor Teixeira - Yes. Motion carried 4-1. Mayor Teixeira then commended the audience on its participation.

Supervisor Fettic moved to adjourn. Supervisor Swirczek seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 7:40 p.m.

The Minutes of the September 6, 1990 Carson City Board of Supervisors meeting

ARE SO APPROVED ON October 4, 1990.

__/s/_______________________________________
MARV TEIXEIRA, Mayor

ATTEST:

__/s/_________________________________
ALAN GLOVER, Clerk-Recorder