

CARSON CITY BOARD OF SUPERVISORS  
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A regular meeting of the Carson City Board of Supervisors was held on Thursday, April 5, 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
	Paul McGrath	Sheriff
	Ted P. Thornton	Treasurer
	Judy Fisher	Personnel Director
	Charles P. Cockerill	Chief Deputy District Attorney
	Katherine McLaughlin	Recording Secretary
	(B.O.S. 4/5/90 Tape 1-0001)	

Mayor Teixeira called the meeting to order at 9 a.m. Rev. Roy Parker of the Evangelistic Ministries gave the Invocation. City Manager John Berkich lead the Pledge of Allegiance. Roll call was taken and a quorum was present as indicated.

APPROVAL OF MINUTES (1-0041) - 3/15/90, 3/3/88, and 4/21/88 Regular Sessions; 3/17/88, 3/27/90, and a second 3/17/90, Special Sessions - Following Clerk-Recorder Alan Glover's introduction, Supervisor Bennett explained that she had only received the 3/3/88 Minutes and her opposition to the request to approve Minutes from 1988. Discussion ensued on the number of meetings and staffing levels of surrounding Counties, as well as procedures which should be followed in approving the 1988 Minutes. Supervisor Swirczek moved to approve the Minutes of March 3, 1988, as presented. Supervisor Fettic seconded the motion. Motion carried unanimously.

SPECIAL PRESENTATIONS (1-0185)

1. MAYOR AND PERSONNEL MANAGER

A. ACTION ON RESOLUTION OF COMMENDATION FOR FRANCIS CONNER - Following Personnel Director Judy Fisher's introduction, Mayor Teixeira read the Certificate of Commendation into the record. Supervisor Fettic then read the Resolution of Commendation into the record and moved to adopt Resolution 1990-R-14, A RESOLUTION COMMENDING RETIREMENT. Supervisor Swirczek seconded the motion. Motion carried 5-0.

B. ACTION ON RESOLUTION OF COMMENDATION FOR NORMA "TINY" PERONDI (1-0262) - Following Ms. Fisher's introduction, Mayor Teixeira read the Certificate of Commendation into the record. Supervisor Bennett read the Resolution of Commendation into the record and moved to adopt Resolution 1990-R-15, A RESOLUTION COMMENDING RETIREMENT. Supervisor Tatro seconded the motion. Motion carried 5-0.

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C. ACTION ON RESOLUTION OF COMMENDATION FOR DARREL CAUCH (1-0295) - Pulled.

2. MAYOR - ACKNOWLEDGEMENT OF "COMMUNITY DEVELOPMENT BLOCK GRANT WEEK" APRIL 7 - 14, 1990 (1-0301) - Mayor Teixeira explained the Proclamation. Supervisor Bennett noted that the Grant work on Curry Street would be completed as soon as possible.

3. ANGELA SCHMIDT OF YOUNG VOLUNTEERS OF NEVADA - GENERAL DISCUSSION - "QUESTIONS FROM YOUTH" (1-0321) - Pulled.

CITIZEN COMMENTS - None.

LIQUOR AND ENTERTAINMENT BOARD MATTERS Mayor Teixeira recessed the Board of Supervisors Session and immediately reconvened the hearing as the Liquor and Entertainment Board. A quorum was present including Sheriff McGrath.

4. TREASURER

A. ACTION ON ENTERTAINMENT PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR FIFTH ANNUAL RSVP SPRING FUN FAIR (1-0335)

B. ACTION ON APPROVAL OF SHORT-TERM BUSINESS PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR FIFTH ANNUAL RSVP SPRING FUN FAIR}

C. ACTION ON APPROVAL OF SHORT-TERM BUSINESS PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR ANNUAL NEVADA DAY COMMITTEE

D. ACTION ON ENTERTAINMENT PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR ANNUAL NEVADA DAY CELEBRATION AND CARNIVAL - Continued until Ms. Ayres arrived.

E. ACTION ON APPROVAL OF A LIQUOR LICENSE FOR GERALD P. MASSAD FOR HIS BUSINESS THE CRACKER BOX LOCATED AT 402 EAST WILLIAMS STREET (1-0351) - Gerald Massad responded to Board questions concerning his request for a Liquor License. Discussion noted his tenure in the area, the positive Sheriff's investigative report, and his previous bartending experience. Member McGrath moved to approve the Liquor License for Gerald Massad, doing business as The Cracker Box located at 402 East Williams Street. Member Swirczek seconded the motion. Motion carried 6-0.

5. SHERIFF - ORAL QUARTERLY REPORT ON THE PERFORMANCE OF CHEERS, FOOD AND SPIRITS (1-0419) - Member McGrath noted that there had been no incidents reported to the Sheriff's Department. He could not report on any health checks made by the Health Department.

Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present as noted.

RESOLUTIONS

6. SUPERVISOR TATRO - DISCUSSION AND ACTION ON A RESOLUTION ESTABLISHING BOARD OF SUPERVISORS POLICY FOR MAKING APPOINTMENTS TO BOARDS AND COMMISSIONS (1-0459) - Supervisor Tatro explained his request, read the proposed Resolution into the record, and moved to adopt Resolution 1990-R-16, A RESOLUTION ESTABLISHING A CARSON CITY BOARD OF SUPERVISORS'

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PROCEDURE FOR MAKING APPOINTMENTS TO NON-ELECTIVE CARSON CITY BOARDS AND COMMISSION ESTABLISHED BY RESOLUTION, ORDINANCE OR THE NEVADA REVISED STATUTES. Deputy District Attorney Charles Cockerill explained the procedure which would be established by the Resolution. Supervisor Swirczek seconded the motion and his reasons for feeling a written procedure was needed. Discussion noted that this had been the unwritten procedure and that the Board would need to be cognizant of the type of people and qualifications necessary for each Commission/Committee when making its selection. (1-0695) Richard Waiton expressed his feeling that the Resolution was need and should be adopted. Mayor Teixeira noted that the Board would be required to interview each of the applicants. The motion to adopt Resolution 1990-R-16 was voted and carried unanimously.

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

4. A. ACTION ON ENTERTAINMENT PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR FIFTH ANNUAL RSVP SPRING FUN FAIR (1-0775)
  - B. ACTION ON APPROVAL OF SHORT-TERM BUSINESS PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR FIFTH ANNUAL RSVP SPRING FUN FAIR}
  - C. ACTION ON APPROVAL OF SHORT-TERM BUSINESS PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR ANNUAL NEVADA DAY COMMITTEE
  - D. ACTION ON ENTERTAINMENT PERMIT FOR THE RETIRED SENIOR VOLUNTEER PROGRAM (RSVP) FOR THEIR ANNUAL NEVADA DAY CELEBRATION AND CARNIVAL -
- Following Treasurer Thornton's introduction, RSVP Executive Director Janice Ayres explained her request. Member Fettic moved that the Board approve the Entertainment Permit for Fifth Annual RSVP Spring Fun Fair and waive the application fee of \$100 and the permit fee of \$100. Member Swirczek seconded the motion. Motion carried 6-0.

Member Swirczek moved to approve the Short-Term Business Permit for the Fifth Annual RSVP Spring Fun Fair. Clarification noted the request to waive the \$50 per day fee. Member Swirczek continued his motion to include the waiver of the \$50 per day permit fee. Member Bennett seconded the motion. Discussion ensued on the request to waive the requirement that Royal West Amusement owner Reed Williams be present. Business License Clerk Pam Robinson explained Board direction on this request in the past, however, the Board had stipulated that it may require his presence in the future. Therefore, Board direction was being requested at this time so that proper notice could be given to Mr. Williams and the fees which could be waived. Member Swirczek then amended his motion to include waiving the requirement that Mr. Williams be present. Member Bennett continued her second. Motion carried 6-0.

Following Mr. Thornton's introduction of Item C. Member Bennett moved to approve the Short-Term Business Permit for the Nevada Day Celebration. Member Swirczek seconded the motion. Member Bennett continued her motion to include a waiver of the \$50 permit. Member Swirczek continued his second. Motion carried 6-0.

Following Mr. Thornton's introduction, Member Bennett moved that the Board approve the Entertainment Permit for the RSVP Annual Nevada Day Celebration

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and Carnival and waive the \$100 fee for the application fee and \$200 for the permit fee, total impact is \$300. Member Tatro seconded the motion. Motion carried 6-0.

Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. A quorum was present.

7. DISTRICT ATTORNEY - DISCUSSION AND ACTION ON RETAINER AGREEMENT WITH GEORGE ALLISON FOR CHIRILA VERSUS WATERS AND MCGRATH (1-0987) - Mr. Cockerill explained the request and lawsuit which was filed on March 26, 1990. Supervisor Fettic moved that the Board approve the retainer agreement with George Allison, Esquire, to represent Carson City, Noel Waters, and Paul McGrath in the case Chirila versus Carson City at a cost of \$90 per hour for work done on the case. Supervisor Bennett seconded the motion. Funding Source is the insurance fund. Motion carried 5-0.

8. SHERIFF (1-1142)

A. ACTION ON AUTHORIZATION TO EMPLOY TWO (2) NARCOTICS OFFICERS - Following Sheriff McGrath's introduction and explanation of the funding, discussion noted the reduced grant funding available for juvenile programs and the possibility of using some of the seizure funds to meet these shortages. Supervisor Fettic moved to adopt Resolution 1990-R-18, A RESOLUTION AUTHORIZING THE CARSON CITY SHERIFF'S DEPARTMENT TO EMPLOY TWO DEPUTY SHERIFFS FOR ASSIGNMENT WITH THE TRI-AGENCY NARCOTICS ENFORCEMENT TEAM (TRINET). Supervisor Swirczek seconded the motion. Motion carried 5-0.

B. ACTION ON AUTHORIZATION FOR NARCOTIC INTERDICTION TEAM (1-1335) - Following Sheriff McGrath's introduction and explanation of the funding, Supervisor Swirczek moved that the Board approve the employment of two Interdiction Officers for drug suppression on the streets and highways of Carson City, fiscal impact \$25,000, funding source - General Fund which would require the Sheriff to increase his salary account by \$25,000. Supervisor Tatro seconded the motion. Motion carried 5-0. Supervisor Swirczek then moved to adopt Resolution 1990-R-19, A RESOLUTION AUTHORIZING THE CARSON CITY SHERIFF'S DEPARTMENT TO EMPLOY TWO DEPUTY SHERIFFS FOR ASSIGNMENT WITH THE CARSON CITY INTERDICTION (CAIT), fiscal impact is \$25,000, funding source is General Fund which would be an increase in the salary category for \$25,000. Supervisor Tatro seconded the motion. Motion carried 5-0.

C. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AMENDING TITLE 9 OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 9.13 (CREATING THE OFFICE OF CORONER; DEFINING THE DUTIES OF THE OFFICE; PROVIDING THE APPOINTMENT OF THE SHERIFF AS CORONER; PROVIDING FOR THE ADMINISTRATION OF THE OFFICE), ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF, AND OTHER MATTERS PROPERLY RELATING THERETO (1-1433) - Following Sheriff McGrath's introduction, Supervisor Tatro moved to introduce Bill 109, AN ORDINANCE AMENDING TITLE 9 OF THE CARSON CITY MUNICIPAL CODE BY ADDING CHAPTER 9.13 (CREATING THE OFFICE OF CARSON CITY CORONER; DEFINING THE DUTIES OF THE OFFICE; PROVIDING FOR THE APPOINTMENT OF THE SHERIFF AS CORONER; PROVIDING FOR THE ADMINISTRATION OF THE OFFICE), ESTABLISHING PENALTIES FOR VIOLATIONS

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THEREOF, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Bennett seconded the motion. Motion carried 5-0.

Discussion ensued on staffing for various drug enforcement programs in the area.

9. CLERK-RECORDER - ACTION ON PROPOSED GENERAL OBLIGATION (LIMITED TAX) PARK BONDS (1-1-1635) - Following Mr. Glover and Mr. Thornton's explanation of the request, Mayor Teixeira explained his request that the Parks and Recreation Commission and the Convention and Visitors Bureau indicate their feelings in writing on this proposal. Supervisor Bennett moved to adopt Resolution No. 1990-R-17, A RESOLUTION CONCERNING THE FINANCING OF A PARK 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 HEREOF. Supervisor Swirczek seconded the motion. Motion was voted by roll call with the following result: Yes - Bennett, Swirczek, Tatro, Feticc, and Mayor Teixeira. No - None. Motion carried 5-0.

10. FIRE DEPARTMENT - ACTION ON APPROVAL TO EXTEND AMBULANCE CONTRACT UNTIL JULY 1, 1990 (1-1835) - Acting Fire Chief Ted Berrum introduced Emergency Management Services Manager Bob Macias and explained the request to extend the Ambulance Contract to July 1, 1990. The Hospital Board had indicated that there would be no funds for this activity in the next fiscal year's budget. Mr. Macias distributed copies of the five year plan to the Board and Clerk. A new ambulance should arrive within 60 days. The contract extension can be terminated before July 1. Supervisor Feticc moved to approve the extension of the Ambulance Contract until July 1, 1990. Supervisor Bennett seconded the motion. Motion carried 5-0.

11. TREASURER (1-1968)

A. ACTION ON BUSINESS LICENSE REINSTATEMENTS - Following Mr. Thornton's introduction, Supervisor Swirczek moved to approve the Business License reinstatements for AAA Windshield Repair by Novus, Eagle Coach Leasing, Electrolux Corporation, Golden West Motel, J And J Vacuum and Sewing Center, Medlab Service, Mountain Enterprises, Murray Appraisal Company, Realty 500/Robinson Street Properties, Realty 500/Robinson Street Properties, Sierra Group, Inc., Silver State Termite and Pest Control, St. Johns Services, Inc., U. S. Land Partners, Inc., United Air Tool, Inc., and W and M Enterprises, Inc. Supervisor Feticc seconded the motion. Motion carried 5-0.

B. ACTION ON APPROVAL OF REFUNDS AND REMOVAL OF TAXES FROM 1989-90 TAX ROLL DUE TO THE STATE OF NEVADA ACQUISITION (1-2075) - Following Mr. Thornton's introduction, Supervisor Bennett moved to approve the refund and removal of taxes from the tax roll Parcel 8-754-15 in the amount of \$294.77 due to the State of Nevada acquisition of the property for the 395 By-Pass Project, for a loss of revenue in the amount of \$294.77. Supervisor Tatro seconded the motion. Motion carried 5-0.

C. ACTION ON TREASURER'S FINANCIAL REPORT FOR THE MONTH OF FEBRUARY 1990 (1-2125) - Following Mr. Thornton's introduction, Supervisor Bennett

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moved to accept the Treasurer's Financial Report as submitted for the Month of February 1990. Supervisor Swirczek seconded the motion. Motion carried unanimously.

CITIZEN COMMENTS (1-2161) - None.

BREAK: At 10:10 a.m. a ten minute recess was taken. When the meeting reconvened at 10:20 a.m. a quorum was present.

12. PARKS AND RECREATION DIRECTOR (1-2171)

A. REVIEW AND ACTION ON MASTER PLAN CHANGE FOR MILLS PARK TO INCLUDE NEVADA STATE FIREFIGHTER MEMORIAL - Following Parks and Recreation Director Steve Kastens' introduction, Supervisor Bennett expressed her support for the proposal. Supervisor Tatro moved to approve the Mills Park Master Plan change to include Nevada State Firefighters Memorial. Supervisor Swirczek seconded the motion. Motion carried 5-0.

b. ACTION ON VACANCY ON PARKS AND RECREATION COMMISSION (1-2236) - Discussion ensued among the Board and Linda Navarro concerning whether both applicants should be interviewed before making an appointment and the Resolution on such interviews which had been adopted earlier in the meeting. Mayor Teixeira passed the gavel to Mayor Pro-Tem Swirczek and moved to reappoint Linda Navarro to the Parks and Recreation Commission to a second term. This motion died due to a lack of a second. Mayor Pro-Tem Swirczek returned the gavel to Mayor Teixeira and moved to appoint Linda Navarro to serve on the Parks and Recreation Commission. Supervisor Feticc seconded the motion. Discussion ensued with Ms. Navarro concerning her perception of the Commission's role and the future of the City. Supervisor Feticc explained his second to the motion at the last meeting to appoint Mr. Bawden to this Commission. The motion to reappoint Ms. Navarro was voted by roll call with the following result: Yes - Tatro, Bennett, Feticc, Swirczek, and Mayor Teixeira. No - None. Motion carried 5-0.

13. PURCHASING AGENT (1-2815)

A. REVIEW AND ACTION ON CHANGE ORDER NO. 6 OF CONTRACT NO. 8889-77, CARSON CITY AQUATIC FACILITY - Purchasing Agent Wilson explained the request. Supervisor Feticc moved that the Board approve Change Order No. 6 to Contract No. 8889-77, Carson City Aquatic Facility, funding source 560 Park Bond Fund, which is a decrease of \$900. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. REVIEW AND ACTION ON CHANGE ORDER NO. 7 OF CONTRACT NO. 8889-77, CARSON CITY AQUATIC FACILITY (1-2881) - Following Mr. Wilson's introduction, Nevada Builders' Representative Gary Moore stated his concurrence with Mr. Wilson's recommendation. Supervisor Feticc moved that the Board approve Change Order No. 7 to Contract No. 8889-77, Carson City Aquatic Facility. Following discussion of the financial impact, Supervisor Feticc amended the motion to include for an increased expenditure of \$1513.25 from the 560 Park Bond Fund. Supervisor Swirczek seconded the motion. Motion carried unanimously.

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C. REVIEW AND ACTION ON REQUEST FOR FINAL PAYMENT ON CONTRACT NO. 8889-77, CARSON CITY AQUATIC FACILITY (2-0020) - Mr. Wilson explained the penalty assessed against a subcontractor. Mr. Moore supported his recommendation. Mr. Wilson expressed his feeling that Mr. Moore and his firm had been more than cooperative in working on the project and that the City had not been damaged due to the delay in completing the project. Mr. Moore and Nevada Builders would be responsible for any deficiencies or warranty work. Clarification noted that the \$1513 penalty was being withheld from the final payment. Supervisor Swirczek moved that the Board approve the Purchasing Agent's recommendation and retain only that amount directly associated with the City's costs from the penalty held during this contract, which totaled \$1,513.25, and release the balance of the penalty plus the required ten percent retention to the Contractor for a final payment of \$260,340.93, funding source 560 Park Bond Fund. Supervisor Bennett seconded the motion. Motion carried 5-0.

D. REVIEW AND ACTION ON CHANGE ORDERS NO. 2 AND 3 OF CONTRACT NO. 8889-205, SENIOR CITIZEN CENTER (2-0150) - Following Assistant Purchasing Agent John Iratcabal's introduction, Supervisor Bennett explained her support and commended the project review technician. Supervisor Bennett moved that the Board approve Change Orders 2 and 3 as presented by the Purchasing Assistant to Francovich and Company, Inc. for the Carson City Citizens Center which includes a net increase of \$737.53, funding source is Question 4 Funds. Supervisor Swirczek seconded the motion. Motion carried unanimously.

E. REVIEW AND ACTION ON CHANGE ORDER NO. 1 OF CONTRACT NO. 8889-220, SENIOR CITIZEN CENTER - KITCHEN EQUIPMENT (2-0241) - Following Mr. Iratcabal's introduction, Supervisor Bennett moved that the Board approve Change Order No. 1 as presented by the Purchasing Assistant to Francovich and Company, Inc., for the Carson City Citizens Center that includes a net increase in the amount of \$1,339, funding source is Question 4 monies, construction costs associated with items of change. Supervisor Tatro seconded the motion. Motion carried unanimously.

F. REVIEW AND ACTION ON CONTRACT NO. 8990-111 (RE-BID) COMMUNITY CENTER ROOF REPAIR (2-0281) - Following Mr. Wilson's introduction, discussion ensued with Mr. Kastens on the construction period, carpeting the Center, and the convention planned at the Center. NCR Roofing owner Floyd Nickols explained his bid and feeling that the asbestos was not as hard to work with as EPA had indicated. Discussion ensued with staff concerning the reasons for requiring the Contractor to follow EPA restrictions due to the liability concerns. Mr. Wilson explained the bonding requirements for abatement of the asbestos which may be a problem for the future. Ceiling tiles may be addressed along with the carpet. There will be a City inspector on the job due to the magnitude of this project in addition to the State roof inspector. Supervisor Tatro moved that the Board of Supervisors accept the Purchasing Agent's recommendation and award this contract to NRC Roofing, Inc., 5895 Gentry Lane, Carson City, Nevada 89701, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a total contract amount of \$222,993, funding source 101-550, Building Major Repair and Improvement Account, which Mr. Kastens felt was 556. Supervisor Fetic seconded the motion. Mayor

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Teixeira explained that the City would be seeking financial assistance from the Nevada State Interim Financing Committee due to the impact of this project. Motion carried unanimously.

G. REVIEW AND ACTION ON CONTRACT NO. 8990-134, EAGLE VALLEY GOLF COURSE CLUBHOUSE EXPANSION (2-0678) - Following Mr. Iratcabal's introduction, he commended Mr. John Baker on his efforts to expand the clubhouse. John Baker explained his role on the project and optimism due to the bids and amount of work left to be completed. Mayor Teixeira commended Mr. Baker on his efforts to expand the clubhouse. Golf Pro Tom Duncan acknowledged the inconvenience the construction would cause, however, felt that the work should be done at this time. Supervisor Feticc moved that the Board accept the Purchasing Assistant's recommendation and award this contract to Bidder No. 3, Grashuis Builders, Reno, Nevada, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$351,337, funding source 440-551. Supervisor Bennett seconded the motion. Mr. Duncan explained that the funding source was the Golf Course Enterprise Account. The motion carried unanimously.

H. REVIEW AND ACTION FOR FINALIST AS RESPECTS RFP NO. 8990-151 AND APPROVAL OF SUBSEQUENT CONTRACT NO. 8990-187 SITE EVALUATION FOR CONSTRUCTION AND RECONSTRUCTION OF STREETS AND ROADWAYS (2-0995) - Following Mr. Wilson's introduction, Supervisor Swirczek moved that the Board approve the Review Committee's recommendation for Harding Lawson Associates as the selected finalist pursuant to RFP No. 8990-151. Supervisor Feticc seconded the motion. Motion carried 5-0.

Supervisor Swirczek then moved that the Board accept the Review Committee's recommendation subsequent to the selection process in RFP No. 8990-151 and authorize the Mayor to execute Agreement 8990-187 with Harding Lawson Associates. Supervisor Feticc seconded the motion. Motion carried unanimously.

I. REVIEW AND ACTION ON CONTRACT NO. 8990-160 BEVERLY DRIVE IMPROVEMENTS (2-1047) - Following Mr. Wilson's introduction, Public Works Director Dan O'Brien explained the bid spread and responded to the Board's questions on the items to be included in the project. Supervisor Bennett urged the Board to consider funding improvements to the cemetery entrance. Supervisor Tatro moved that the Board accept the Purchasing Agent's recommendation and award the contract to Eagle Valley Construction, 5894 Sheep Drive, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$102,340.26, funding source RTC Funds and Water Utility Funds. Supervisor Feticc seconded the motion. Motion carried unanimously. The preconstruction conference is scheduled for 10 a.m. on Friday, April 6, in Room 4 at Northgate. Mr. O'Brien then explained the location of the sidewalk and that in-house staff had done the design work for this project.

J. REVIEW AND ACTION ON CONTRACT NO. 8990-165, EAGLE VALLEY WEST GOLF COURSE CART PATHS (2-1215) - Following Mr. Iratcabal's introduction, he and Mr. Duncan discussed with the Board the reasons for the delay in constructing the cart paths and potential impact this would have on several



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tournaments. Supervisor Fetic moved that the Board accept the Purchasing Assistant's recommendation and award this contract to Bidder No. 2, T. E. Bertagnolli and Associates, 7400 Brunswick Canyon Road, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$144,000. Supervisor Bennett seconded the motion. Motion carried 5-0.

K. REVIEW AND ACTION ON CONTRACT NO. 8990-169 EAGLE VALLEY GOLF COURSE GREENS MOWER (2-1403) - Following Mr. Wilson's introduction, Golf Course Superintendent Tom Kunkle explained the reasons for purchasing this type of mower. Supervisor Tatro moved to award Contract No. 8990-169 for the Eagle Valley Golf Course Greens Mower to Duke Equipment and Irrigation, Rancho Cordova, California, as the lowest responsive and responsible bidder pursuant to NRS 332 for a grand total price of \$14,682.43 FOB Carson City, Nevada, with the funding source being Golf Course 440. Supervisor Swirczek seconded the motion. Motion carried 5-0.

L. REVIEW AND ACTION ON CONTRACT NO. 8990-170 - EAGLE VALLEY FAIRWAY MOWER (2-1538) - Following Mr. Wilson's introduction, Supervisor Swirczek moved that the Board award Contract 8990-170 for the Eagle Valley Fairway Mower to Bidder No. 3, Duke Equipment and Irrigation, 11373 Sunrise Gold Circle, Rancho Cordova, California, as the lowest responsive and responsible bidder pursuant to NRS Chapter 332 for the grand total price of \$37,897.73, funding source is the Golf Course Enterprise Fund 440. Supervisor Fetic seconded the motion. Motion carried unanimously.

M. STATUS REPORT FROM THE PURCHASING DEPARTMENT (2-1619) - Mr. Wilson explained the reasons why the contracted technical support person had not been retained and the feeling that the Department was within 60 days of being caught up on its workload. Due to the time necessary to recruit and train, he felt that it would not be worthwhile to hire this individual at this time. Present staffing requirements indicate a clerical position is needed rather than this individual. This request will be addressed during the budget process. Board discussion noted the reasons for the increase in purchasing workload and benefits from having a consolidated purchasing procedure. Discussion noted that Public Works has again taken over writing its contract, however, Purchasing was reviewing them. The need to be involved with bond proposals at the very beginning and the reduction in the volume of the reports/requests from the Department were noted. No action was required or taken.

BREAK: At 11:40 a.m. a ten minute recess was taken. When the meeting reconvened at 11:50 a.m. the entire Board was present, constituting a quorum.

14. PUBLIC WORKS (2-2025)

A. ACTION ON MOTION TO ACCEPT DEDICATION OF STORM DRAINAGE EASEMENT - J. D. POPHAM - Following Mr. O'Brien's introduction, which included liability concerns inherent with the retention ponds, Supervisor Fetic moved that the Board accept dedication of a storm drain easement along the north and west property lines of Assessor's Parcel No. 8-094-02 as offered by the property owner J. D. Popham. Supervisor Swirczek seconded the motion. Discussion ensued on the drainage problems and the need to address same in this area. Motion to accept the dedication carried 5-0.

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B. DISCUSSION AND ACTION ON ACCEPTANCE OF THE DEDICATION AND IMPROVEMENT PLANS FOR A 546 FOOT PORTION OF BELMONT AVENUE LYING NORTH OF CAMILLE DRIVE (2-2237) - Following Mr. O'Brien's introduction, Supervisor Tatro moved that the Board accept the dedication and improvement plans for the 546 foot portion of Belmont Avenue lying north of Camille Drive. Supervisor Fettic seconded the motion. Motion carried 5-0.

C. UTILITY DIVISION(2-2315)

1. DISCUSSION AND ACTION ON CHANGE ORDERS NO. 1, 2, AND 3 - DAYTON VALLEY AND CARSON VALLEY TEST WELLS - Utility Manager Dorothy Timian-Palmer explained the change orders. Supervisor Tatro moved that the Board approve Change Order No. 1 in the amount of \$5,078.50 to Contract No. 1988-03, Dayton Valley and Carson Valley Test Well. Supervisor Swirczek seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board approve Change Order No. 2 in the amount of \$2,455 to Contract No. 1988-03, Dayton Valley and Carson Valley Test Well. Supervisor Fettic seconded the motion. Motion carried 5-0.

Supervisor Tatro moved that the Board approve Change Order No. 3 in the amount of \$53,915 to Contract No. 1988-03, Dayton Valley and Carson Valley Test Well. Supervisor Bennett seconded the motion. Motion carried 5-0.

11. DISCUSSION AND ACTION ON CONSTRUCTION INSPECTOR POSITION FOR STATE OF NEVADA PROJECT NO. SPF (8) CARSON STREET WATER AND SEWER REPLACEMENT PROJECT (2-610) - Following Ms. Timian-Palmer's introduction, an applicant and funding were discussed. Supervisor Swirczek moved that the Board authorize a part-time Construction Inspector position for the Carson Street Water and Sewer Replacement Project at a not to exceed cost of \$23,925, funding sources are Sewer Replacement 410 and Water utility 420. Upon request for clarification from Mr. Cockerill, Supervisor Swirczek continued the motion to include the fiscal impact, that the position would be limited to 1,040 hours at \$23 per hour plus SIIS and Medicare Coverage, no other benefits will be provided. Clarification noted that the \$23 per hour coverage included SIIS and Medicare coverage. Due to this clarification Supervisor Swirczek withdrew his original motion and then moved that the Board authorize the part-time construction inspector position for the Carson Street Water and Sewer Replacement Project at a not to exceed cost of \$23,925; the position will be limited to 1,040 hours at \$23 per hour which includes SIIS and Medicare coverage; funding source is to be the Sewer Replacement Fund at 80 percent or \$19,150 and the Water Utility at 20 percent or \$4,775; and, that no other benefits will be provided. Ms. Timian-Palmer noted that as there is only a forty day construction period, the projected 1,040 hours would not be reached. Supervisor Fettic seconded the motion. Motion carried 5-0.

D. ORDINANCE - FIRST READING - REVIEW AND ACTION ON AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE CHAPTER 12.01.130 REGARDING LIMITATION ON IRRIGATION (2-2834) - Following Ms. Timian-Palmer's introduction, Supervisor Swirczek moved to introduce on first reading Bill No. 110, AN ORDINANCE AMENDING SECTION 12.01.130 OF THE CARSON CITY MUNICIPAL CODE REGARDING LIMITATIONS ON IRRIGATION AND OTHER MATTERS

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PROPERLY RELATED THERETO. Supervisor Feticc seconded the motion. Motion carried 5-0.

E. ORDINANCE - SECOND READING - ACTION ON BILL NO. 108 - REVIEW AND APPROVAL OF SEWER MAIN REIMBURSEMENT ORDINANCE AND AGREEMENT FOR JOE FRAGA (APN 09-137-13) LOCATED AT 1074 VALLEY VIEW DRIVE (2-3023) - Following Mr. O'Brien's introduction, Supervisor Feticc moved to adopt on second reading Ordinance No. 1990-8, AN ORDINANCE APPROVING A SEWER MAIN REIMBURSEMENT AGREEMENT BETWEEN CARSON CITY AND JOE FRAGA REGARDING ASSESSOR'S PARCEL NO. 09-137-13, LOCATED AT 1074 VALLEY VIEW DRIVE, CARSON CITY, NEVADA. Supervisor Swirczek seconded the motion. Motion carried 5-0.

CITIZEN COMMENTS - None.

BREAK: At 12:15 p.m. a lunch recess was taken. When the meeting was reconvened at 2:20 p.m. the entire Board was present, therefore, a quorum was present.

Following considerable discussion concerning the possible attendance at the public hearing on the Special Use Permit for John Serpa (Eagle Valley Construction), the Board decided to conduct its 7 p.m. hearing in the Auditorium rather than the Sierra Room.

15. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES - DISCUSSION ON STATUS OF DOWNTOWN PARKING GARAGE (3-0035) - Mr. Berkich outlined the proposal to establish a special assessment district, however, the majority of the businesses in the area opposed this project. A rough cost estimate, possible location, the amount of funding which Redevelopment could provide, and a possible land sale which could be used to fund a portion of the garage were explained. He requested direction from the Board concerning having staff evaluate all of the options before proceeding with the assessment district. Supervisor Feticc expanded explained the need and funding of a parking facility which had been considered by the Redevelopment Authority and the lack of interest indicated by the firms present at that meeting. Purportedly the private sector in that area felt that the general public should support the project as the public benefit was greater than that to the private sector. General fund contributions were noted. Mr. O'Brien explained his contact with Mr. deLinardo of the First Presbyterian Church and that the Church is interested in leasing or purchasing a City lot adjacent to the Church.

16. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATION (3-0308)  
- A. MAYOR TEIXEIRA - 1. STATUS REPORT ON COMMUNITY ACCESS CHANNEL -  
ii. DISCUSSION AND ACTION REGARDING ADDITIONAL FUNDING FOR THE COMMUNITY ACCESS CHANNEL FROM GENERAL FUND CONTINGENCY ACCOUNT - Mayor Teixeira explained the first program transmitted, the group involved with its development, equipment, initial financial expenditure, and need for additional funding and staffing. Discussion indicated the feeling that funds for this project were available in the Board's account. Supervisor Bennett moved that the Board approve reallocation of \$500 for the Community Access Channel from the City Manager's budget to the PAT 35 Funding Project. Supervisor Swirczek seconded the motion. Motion carried 5-0.

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iii. ACTION ON ASSIGNMENT OF CITY COORDINATOR FOR THE COMMUNITY ACCESS CHANNEL (3-0495) - Mayor Teixeira explained his recommendation that Bob Bolderick be appointed the Coordinator. Supervisor Bennett suggested the next budget include a line item for PAT 35. Mayor Teixeira explained that this would be placed under the Community Center budget for next year. Supervisor Fettic moved that the Board appoint Bob Bolderick Coordinator. Supervisor Swirczek seconded the motion. Mr. Cockerill explained a legal concern he had with this appointment. Supervisors Fettic and Swirczek withdrew the motion and second. Mr. Berkich was directed to work with Personnel on this appointment.

18. PUBLIC WORKS DIRECTOR - DISCUSSION AND ACTION ON APPEAL OF THE BOARD OF SUPERVISORS MARCH 1, 1990, DECISION REGARDING CARSON HOT SPRINGS SEWER ACCOUNT (3-0611) - Mr. O'Brien introduced the item. Richard Langston's Attorney Wayne Chimarusti explained the history of sewer account and their opposition to the requirement that his client pay for the consultant who had measured the sewer flow. During his chronology he pointed out various items which he had that the City did not have and vice versa. He opposed having his client be responsible for the penalties and interest due to the attempts made to resolve the matter. As his client had not been aware of the City's decision to conduct the study of the effluent flowage, he felt he should not be held responsible for the cost of the study. He felt that the original agreement Mr. Langston had with the City had been reasonable due to the lack of knowledge as to where all the water and lines went. He felt it would be more advantageous for his client to trace all the lines and design a system which would correctly meter the flows. Discussion ensued with the Board concerning the agreement that indicated the flow as 190,000 gallon. If Mr. Langston retained an engineer and determined the true flowage, the agreement could be renegotiated. Mr. Chimarusti then read a January 1979 letter from Mr. O'Brien which reduced the flowage to 91,000 gallon and expressed concern about the various fluctuations allowed in that letter. Mr. O'Brien explained that at all times during the negotiations it had been made clear to Mr. Chimarusti and Mr. Langston that Board approval would have to be obtained before any agreement could be consummated. He, too, noted the various offers and staff recommendations made during this period. Reasons for having the flowage studied were given. He was willing to accept any engineering report indicating that the flowage study was incorrect. His offer of 91,000 had been one of many settlement offers. Mayor Teixeira expressed his feeling that the study was needed, however, supported having Mr. Langston reimburse the City for half of the cost. He was willing to allow him to make payments on this \$5,000 over two years. (3-2165) Richard Langston explained that he had reluctantly accepted the 91,000 offer to avoid the cost of retaining an engineer to establish the actual flowage. He had never agreed to 190,000. Mayor Teixeira explained that the 91,000 was to be used for previous flowage and that the 191,000 was to be used for current flowage until such time as a better figure is established by another engineering study. Discussion indicated that Mr. Langston had delayed in obtaining this study until he was charged for 191,000 gallons. Mr. Langston explained that his ability to obtain financial assistance had been hurt by the City's lien. Discussion continued on reasons why Mr. Langston should or should not be responsible for the study. Mayor Teixeira then explained his proposal to be that the Mr. Langston and the City split the cost of the study and that Mr. Langston pay his share of the study in two annual

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payments with fifty percent of his portion of the study's cost being waived if Mr. Langston installs metering devices, e.g., \$2,500.

The Board then discussed with Messrs. Chimarusti and Langston the improvements which had made as a result of the Board meeting on the recreational vehicle park 18 months ago. Purportedly Mr. Langston was still waiting for Mr. Sullivan to determine what the Fire Department and other City Departments wanted to have done. Mr. Langston had moved all the occupants along the road. Some trees had been planted, however, the acidity of the soil had made this effort futile.

For the record Supervisor Bennett explained that she and Mr. Chimarusti were both members of the Tahoe Regional Planning Agency Board of Directors, however, there is no financial connection between the Agency, Mr. Chimarusti, or Supervisor Bennett. She then expressed her feeling that any in lieu of payments be of equal value to the City's study and that enforceable guarantees be received before the waiver is given. Supervisor Pettic suggested the Mayor direct the District Attorney's office draft an agreement as indicated by him. Mayor Teixeira so directed the District Attorney and that the matter be brought back to the Board for consideration at the April 19 meeting.

BREAK: A five minute recess was taken at 3:40 p.m. When the meeting reconvened at 3:45 p.m. the entire Board was present constituting a quorum.

18. COMMUNITY DEVELOPMENT DIRECTOR - PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS - DISCUSSION AND ACTION ON U-89/90-15 - REQUEST BY CARSON CITY MEDICAL COMPLEX TO ALLOW OFF-SITE PARKING OF 15 SPACES ON A PARCEL WITHIN 300 FEET ON PROPERTY ZONED RESIDENTIAL OFFICE (RO) LOCATED AT 1200 MOUNTAIN STREET (APN 1-213-12) - PLANNING COMMISSION APPROVED 3-2-1-1 (3-2830) - Principal Planner Rob Planner explained the request. Deputy Public Works Director Tim Homann distributed copies of CCMC 10.24.147 to the Board and Clerk. He was seeking Board direction on this matter as the Code does not allow him to designate Resident Only Parking zones in areas where two off-street parking spaces are provided. Discussion with the Board indicated that residential parking is being used by the Clinic along both Tahoe Drive and Marlette Drive. (4-0001) Supervisor Swirczek explained his contact with the Clinic and personal surveillance indicating that the majority of the people parking on Marlette were Clinic employees. The proposal to have the doctors park in the hospital lot was supported throughout the discussion by the Board, Dr. Michael Jones, Dr. James Breeden, and staff. The employees would be encouraged to also use the hospital parking lot and not park on Marlette or Tahoe. If this proposal is not successful, the Board would consider changing the Ordinance to allow Resident Only Parking. Supervisor Bennett cited an example of Resident Parking Only designation in an area similar to Marlette which Mr. Homann was to research and determine the procedure used to grant the designation. The clinic's expansion plans, projected patient increase, the hospital expansion project which is under construction and had reduced the parking in its lot were included in the discussion. Dr. Jones expressed a willingness to pay for the residents' cost to designate the affect areas Resident Only Parking, however, the area adjacent to the Clinic would remain public parking. Clarification indicated that this would be eight adjacent

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properties. Supervisor Fetic moved that the Board uphold the Planning Commission recommendation on U-89/90-15 on a Special Use Permit Application for Carson Medical Complex to allow off-site parking of 15 spaces on a parcel within 300 feet on property zoned residential office, that parcel is located at 775 Fleischmann Way, APN 1-213-12. Supervisor Swirczek seconded the motion. Board consensus direct the District Attorney's office to draft an ordinance modification as indicated for consideration in two weeks. Mr. Homann and Mr. Joiner were directed to notify anyone who may be concerned with this issue. The motion to uphold the Planning Commission recommendation was voted and carried 5-0.

CITIZEN COMMENTS (4-0681) - None.

**BREAK:** The meeting was recessed at 4:20 p.m. until 7 p.m. The entire Board was present when Mayor Teixeira reconvened the session, constituting a quorum. Staff members present included: City Manager John Berkich, Community Development Director Walt Sullivan, Public Works Director Dan O'Brien, Deputy Public Works Director Tim Homann, Principal Planner Rob Joiner, Deputy District Attorney Bob Auer, and Recording Secretary Katherine McLaughlin. (B.O.S. 4/5/90 Tape 5-001 Side A)

Mr. Auer began the session by explained the reasons for moving the meeting from the Sierra Room to the Auditorium.

19. COMMUNITY DEVELOPMENT DIRECTOR - PLANNING COMMISSION REFERRALS - REVIEW AND APPEAL MATTERS - DISCUSSION AND POSSIBLE ACTION ON U-89/90-5 - A REQUEST BY JOHN SERPA (EAGLE VALLEY CONSTRUCTION) TO ALLOW A GRAVEL EXTRACTION AND PROCESSING OPERATION ON PROPERTY ZONED CONSERVATION RESERVE (CR) UNDER CARSON CITY MUNICIPAL CODE SECTION 18.06.222 LOCATED ON THE SOUTH SIDE OF THE CARSON RIVER, 1800 FEET EAST OF DEER RUN ROAD (APN 8-531-11) - PLANNING COMMISSION DENIED 5-1-1 (5-010-A) - Mr. Sullivan explained the request, staff report, applicant's appeal, the Planning Commission's recommendation, and noted the delays incurred in submitting the completed application by the applicant. Mr. Sullivan then read CCMC 18.05.062. (5-088-A) Planning Commission Chairperson Craig Steele explained the Planning Commission's rationale for its denial recommendation based on its projected impact on the recreational use of the River; aesthetic and peaceful enjoyment of the River; maintenance of the site; historic preservation; dust, noise and traffic concerns; land values; school bus stop; bridge capacity; economic value to the community; and the City's ability to enforce the conditions if it had been approved. The Planning Commissioners had felt that the River was the paramount issue and that the permit may have been approved if located in a dry box canyon. Applicant's attorney Fred Scarpello briefly outlined the presentation to be made by his associates Chris Nickols and Wayne Springmeyer and Rob Anderson of Anderson Engineering. Mr. Scarpello emphasized that the excavation site would not be above the ridge nor touch the River, and would barely be visible from Highway 50. Mr. Nickols explained the Applicant's feeling that the Planning Commission had failed to adequately meet the standards of review under Section 18.02.053 and willingness to accept all of staff's recommended conditions except the one restricting the hours of operation. The firm wanted to operate six days a week from 6 a.m. to 6 p.m. He then expounded on reasons for feeling that the Code requirements had been met as the site was in an area utilized for

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milling, mining, and extraction; citing Mr. Bertagnollio's operation within 500 feet of the proposed site and within one-half mile of the Eagle Valley's yard; the proximity to another cement firm; mitigation measures which will be taken to address the concerns about the traffic, bridge, school bus, dust, contaminating the river, noise, fencing, aesthetics, an area park including the superfund and need to address river contamination by leaching from old mines, and the location of the "area neighborhood". (5-001-B) Economic benefits to the City and the type of material sought were then explained by Mr. Nickols. Supervisor Bennett responded by noting the funds Carson City had contracted for construction work by Eagle Valley. Mr. Nickols further outlined economic benefits he felt the City received by having Eagle Valley do business in the City and summarized his reasons for feeling that the Code requirements had been met which allowed the proposed usage in that area. Discussion ensued with Mr. Scarpello and Mr. Auer on various legal cases on extraction operations against Washoe County. Mr. Nickols then explained the opposition to the restriction on the hours of operation.

(5-223-B) Rob Anderson used a large aerial photograph to explain and respond to Board questions on the location and proposed operation, the location of the Bertagnolli operation, and life of the site. Mr. Scarpello objected to a sunset being placed on the use of the site. Mr. Anderson continued to respond to Board questions and explain the operation and location. The material in the site will have less waste than the Bertagnolli operation. Mr. Scarpello explained the equipment which would be located on site. He did not feel that the 83 trips per day was realistic other than on a peak day.

(5-571-B) Wayne Springmeyer discussed with the Board several photographs of the area, explaining how the site would be "mined", views from various sites on and around the Knoll, trips and volume to be "mined".

BREAK: At 8:50 p.m. a ten minute recess was taken. When the meeting reconvened at 9 p.m. the entire Board was present, constituting a quorum.

(6-098-A) Carol Bennett used the aerial photograph to explain her opposition to the proposal based on Bertagnolli's proposal to trade Parks and Recreation property for a park site along the River, Parks and Recreation's long range plans for a park along the River, that any park in the area of the property proposed to be traded would view the proposed extraction site, that the extraction operation would devalue surrounding property, the dust and noise created by the triple tractor-trailer rigs, expansion of the present extraction operation and commercial zoning, the close proximity to occupied residences, and questioned whether the site would ever be restored and, if so, who would do the work. She urged the Board to consider all the issues and save the river for future recreational users. (Copies of her statement were given to the Board and Clerk.)

(6-424-A) Steve Kreck acknowledged his employment by Mr. Bertagnolli, however, did not feel that this would cloud his opinion. He opposed the proposal due to the fact that it would contaminate the river more than it currently is and destroy the recreational uses currently enjoyed along the river. He felt that there were other sites available for the aggregate

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which would not impact the river and the recreational users. He was also amazed at the fact that the Eagle Valley extraction would have less overburden than that experienced at Bertagnolli's operation and that of the rifle range. He questioned where the waste material would be put as the truck traffic had not considered it and the site was too small for storage on site. Such traffic would create additional problems. He felt the operation would blight the scenic view found in the canyon. Also by removing the knoll, the Bertagnolli operation would become visible by other areas which cannot see it now. Clarification by Mayor Teixeira noted that both Eagle Valley and Bertagnolli had been awarded contracts by the Board earlier in the meeting.

(6-603-A) Joan Dotson gave the Board some photographs of the area (Given to the Clerk at the end of the meeting for the record.) and explained her reasons for opposing the request including her desire to see the operation go somewhere else. The reasons included noting the opposition/concerns from the Health Department, the Preservation of Wild Horses Committee, Parks and Recreation Commission, Department of Transportation, BLM, Department of Wildlife and specifically Chief of Fisheries, traffic problems, river contamination, reduction in gravel prices for the area, economic benefits to having the company located here when compared to street repair, etc., visual impact, dust hazards, the actual size of the area to be harvested, and recreational uses. She suggested the entire property be fenced for security reasons. Discussion ensued among the Board, Ms. Dotson and staff concerning the dust and noise control plan and reasons why an EPA evaluation had not been made.

(6-205-B) Pete Livermore explained his opposition to the request including a letter from A. B. Vein which had been in the Carson Appeal on Wednesday, 4/4. His opposition was based on his recreational use of the river and feeling that the proposal would contaminate the river as well as create noise and dust problems. He urged the Board to keep the City from becoming known as "Crusher City".

(6-293-B) Bill Stewart expressed his opposition as he was within 500 yards of the site and his concern about the safety of the children using the school buses on Deer Run Road. He felt that Eagle Valley should be made responsible for the repair and maintenance of the bridge even though its attorney was opposed to this requirement.

(6-315-B) Thelma Calhoun noted previous Board's desire to retain the area along the river as a park and urged the Board to uphold the Planning Commission recommendation. She questioned whether revegetation would occur even if required.

(6-325-B) Robert Weaver submitted petitions opposing the request to the Board and noted that a KPTL survey had received 110 no votes and seven yes votes. Supervisor Swirczek submitted petitions he had received from Pat Gosland containing 41 signatures which he read into the record.

(6-395-B) Mabel French read her statement opposing the request into the record. She questioned the benefits which the City would receive from the operation. She felt that the traffic problems and road repair which would



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be needed over the ten year life of the operation would negate any benefits received.

(6-430-B) Tom Quigley gave the Board a report outlining the number and types of accidents occurring on Deer Run Road and expressed his feeling that they would only increase due to the increased traffic from the operation. The 1972 Recreational Master Plan had indicated that there would be a "Camp Carson" on the river at Deer Run Road. Even though the bridge could handle the weight of the trucks, he felt that the bridge would deteriorate from this heavy use and urged the Board to consider this financial burden. He felt that consideration should also be given to water requirements, the benefits received from fishermen using the river, and urged the Board to prohibit expansion of the ten acre site, trucking effluent in the Pinion Hills area, operation during inclement weather, and require paving Deer Run Road to and from the access road, perimeter fencing and screening and landscaping, prohibit disturbance of any soil below the 4605 level, adding of "blowing sand" to Condition 24, that six inches of top be added to staff condition 8, guard rails be placed on the bridge, plans for a sedimentation containment basin be approved prior to operation on the site, the Deer Run Road and Highway 50 intersection should not be utilized by the trucks, work on windy days and weekends should be prohibited, soil removed for the operation should be stockpiled for a seed reserve, storage of effluent on the site overnight should be prohibited, operation should be allowed only during non-school hours to eliminate a conflict with school buses, flag persons should be utilized, a traffic plan and analysis should be made available for review by the public before the operation is commenced. He urged consideration of a long-range Pinion Hills development plan and the effect this request would have on the future of the Pinion Hills, questioned whether the Dayton pit would be closed, and pointed out the lack of a dust control plan and numerous legal problems created by MSB Properties, John Serpa, and Eagle Valley Construction in Carson City and surrounding Counties.

(6-601-B) Bud Herring explained the original location of Lloyd's Bridge and reasons for relocating the bridge to its current site. If the Board decided to rezone the area for Eagle Valley Construction, he felt that the entire river should be changed to match. He questioned the reasons for closing the Lakeview gravel pit and safety of the school buses.

BREAK: At 10:15 p.m. a fifteen minute recess was taken. When the meeting reconvened at 10:30 p.m. the entire Board was present, constituting a quorum.

(7-001-A) Mr. Scarpello responded by noting the commitment made by the owners of Eagle Valley to Carson City citing several examples which he felt indicated they were responsible citizens. The proposal would not harm the river, school buses, or residents. Mitigation measures were explained which would eliminate any possible contamination of the river. Once the project has been approved, a dust control plan will be provided to Health Director Jack Fralinger. Residential encroachment into commercial zones is part of the natural growth process. The close proximity of the asphalt plant to this site was explained. He questioned the wisdom of placing a park adjacent to the Bertagnolli pit and suggested that other property owners be contacted for a park site. The number of traffic accidents involving Eagle Valley trucks were explained. Peak periods were noted as not being

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year-round. Zoning considerations had been part of the reasons for selecting this site. The Silver Saddle pit would be closed if this site is approved. He felt that if the request is denied, it would send a negative signal to businesses and the construction industry. He was willing to accept any reasonable conditions the Board wished to add to those already accepted. Discussion with the Board ensued concerning the emotional statements, the need to overlook this issue, and explained how the Knoll would be harvested to prohibit contamination of the river. Conditions which Mayor Teixeira felt should be required would prohibit operation during the weekend, dedication of an easement for public purposes to the river when the operation is closed, the operation would be completed in six years, fencing the entire perimeter, utilize erosion controls, Deer Run Road would be paved from the Bridge to a point 50 feet past the access road and the access road would be paved 100 feet from Deer Run Road, landscaping will be provided at the access point, all extraction operations will be limited to the east line ridge and restricted to ten acres, and will require the developer to participate with City in 50 percent of the annual road maintenance costs for Deer Run Road from Sheep Drive to the site access. Clarification indicated that the maintenance and upkeep of the bridge is solely Carson City's responsibility. Supervisor Bennett questioned the wisdom of having so many conditions to allow an operation which would have to be monitored so extensively and the money involved to do so for the benefit of a few individuals when the City needs are so great and would benefit more. Supervisor Fetic expressed his concerns about the aesthetics, noting that the property was privately owned, could not be afforded by either BLM or the City at this time, and about the traffic and potential conflict with school buses. The bridge traffic load and width could handle the truck traffic. Mr. Maddox was willing to accept Mayor Teixeira's condition of participation in the maintenance of the bridge. Mr. Scarpello felt that the 37 conditions would be easy to monitor as any failures could be readily spotted. Supervisor Bennett felt that experience indicated Eagle Valley would not respect the conditions. Mr. Scarpello did not feel that either the Silver Peak site nor the asphalt plant had any bearing on this request. Conditions required to be met by the applicant to allow the special use permit were reviewed. Zoning of this site and Mr. Bertagnolli's is Conservation Reserve which allows one house per five acres. Zoning south of the river and west around Ms. Dotson's is agricultural and the majority of the Pinion Hills is single family one acre with some two acre and conservation reserve. Discussion ensued about the aggregate found in this area. Purportedly it was a cleaner aggregate than at Mr. Bertagnolli's site. Mr. Maddox explained that the aggregate does not require a lot of asphalt to provide a quality mix and that more of it could be found at other sites along Brunswick Canyon as well as on the Bertagnolli site. This site is the closest source to the asphalt plant. Supervisor Bennett then explained a Sacramento County Aggregate Resources Report and the Aggregate Technical Advisory Committee which Sacramento County uses to address encroachment conflicts between residential and commercial uses. The Committee identifies areas which should be used for extraction projects. The Report compiled by the Committee plans for the future. She felt that the City should begin to look at issues of this type in a similar manner. She then expressed her feeling that the reasons indicated for the needing the site failed to meet the criteria spelled out in the Code as to the merit and value to the community as a whole and to the peaceful enjoyment of the residents in the

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area. She also felt that a noise ordinance should be adopted so that the Planning Department could provide answers about the noise generated by a crusher.

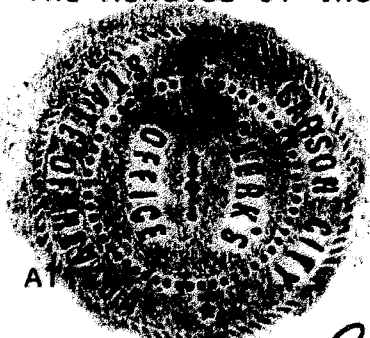
(7-030-B) Supervisor Swirczek explained his understanding of the Board's responsibility and moved that the Board uphold the Planning Commission recommendation to deny the Special Use Permit request based on the findings that were submitted by the Planning Commission and, in addition, that, again, in his judgment, the applicant did not furnish sufficient proof that it would not be detrimental to the peaceful enjoyment of not only of the residents of the area but the residents of Carson City in total due to the location, which was that knoll over looking the river, that the burden of proof presented was not sufficient as far as merit and value to the community which is stated in the context that when the knoll over the river is gone and its possible detrimental effect to the river, when it's gone, its gone, and we can't rebuild it and he could not see merit and value to the community to continue, given the fact, and that's why he wanted it on the record that there are other sites available with this same type of aggregate. Supervisor Bennett seconded the motion. The motion was voted by roll call with the following result: Tatro - Yes; Fetic - Yes; Swirczek - Yes; Bennett - Yes; and Mayor Teixeira - For harmony--Yes. Motion carried 5-0.

There being no other matters for discussion, Supervisor Swirczek moved to adjourn. Supervisor Bennett seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 11:30 p.m.

The Minutes of the Carson City Board of Supervisors April 5, 1990, meeting

ARE SO APPROVED ON May 3, 1990.

Marv Teixeira  
Marv Teixeira, Mayor



At

Alan Glover  
Alan Glover, Clerk-Recorder