



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** August 20, 2020

Staff Contact: Hope Sullivan, AICP, Planning Manager

Agenda Title: For Possible Action: Discussion and possible action regarding an update from Tahoe Western Asphalt regarding odor mitigation efforts and modification of its Nevada Department of Environmental Protection permit associated with an asphalt plant and aggregate crushing facility known as Tahoe Western Asphalt zoned General Industrial, located at 8013 Highway 50 East, APN 008-611-35. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: At its meeting of June 4, 2020, in accordance with CCMC 18.02.060, the Board considered an appeal of the February 26, 2020 decision of the Planning Commission concerning its amendment to conditions of approval related to a Special Use Permit (SUP) for an asphalt plant and aggregate crushing facility. More specifically, the appellant made six requests of the Board of Supervisors including that it remove the SUP requirement that odors not be detectable beyond the property line of the facility, and replace that requirement with alternative language. The Board denied that portion of the appeal and modified the decision of the Planning Commission by adding to Condition 17 that Tahoe Western Asphalt shall report their Nevada Department of Environmental Protection (NDEP) permit information at the August 20, 2020 Board of Supervisors meeting. With this agenda item, the applicant will have the opportunity to report to the Board.

Agenda Action: Formal Action / Motion **Time Requested:** 60 Minutes

Proposed Motion

No action is suggested.

Board's Strategic Goal

Quality of Life

Previous Action

At its meeting of June 4, 2020, the Board of Supervisors considered an appeal of the following six items.

1. Remove the November 20, 2019 condition regarding a Regenerative Thermal Oxidizer;
2. Remove the requirement that odors are not detectable beyond the property line;
3. Remove the requirement for code enforcement monitoring;
4. Find that EcoSorb is effective in mitigating odor;
5. Remove the requirement for a lighting specification at the time of building permit application; and
6. Allow the facility to operate at night and on Sundays, up to 30 times per calendar year.

The Board considered each of the six items individually and voted as follows.

Item 1: Denied the appeal and upheld the decision of the Planning Commission. (This condition was previously removed by the Planning Commission.)

Item 2: Denied the appeal and modified the decision of the Planning Commission, with a modification to Condition of Approval 17 as shown below.

Item 3: Denied the appeal and modified the decision of the Planning Commission, with a modification to Condition of Approval 19 as shown below.

Item 4: Denied the appeal and upheld the decision of the Planning Commission.

Item 5: Denied the appeal and upheld the decision of the Planning Commission.

Item 6: Denied the appeal and upheld the decision of the Planning Commission.

At its meeting of February 26, 2020, the Planning Commission conducted a public hearing relative to the one-year review of the subject special use permit (SUP-10-115-2) and voted 7 – 0 to modify the conditions of approval relative to hours of operation and odors.

At its meeting of February 6, 2020, the Board of Supervisors considered an appeal of the Planning Commission's November 19, 2019 decision, and voted 5-0 to refer the item back to the Planning Commission based on new information that became known after the Planning Commission's action.

At its meeting of November 19, 2019, the Planning Commission conducted a public hearing relative to the one-year review of the subject special use permit (SUP-10-115-2), and voted 7 – 0 to modify the conditions of approval relative to hours of operation and methods to suppress odors.

Background/Issues & Analysis

During its meeting of June 4, 2020, the Board modified condition of approval 17 as follows to add the underlined language.

17. The operation of the facility shall require that odors are not detectable beyond the property line. Tahoe Western Asphalt shall report their Nevada Department of Environmental Protection permit information at the August 20, 2020 Board of Supervisors meeting.

The Board also modified condition of approval 19 to delete the last sentence. Modified condition 19 states:

19. City Code Enforcement staff will monitor off-site odors a minimum of three times a month and maintain a detailed log. The log will be presented to the Planning Commission at its October 2020 meeting.

On August 7, 2020, City staff confirmed with NDEP staff that the application for a revision to the NDEP permit is due by close of business August 17, 2020 and had not yet been received. Staff also confirmed with NDEP staff that the revision is required because the equipment currently being utilized on site is not consistent with the equipment specified in the NDEP permit.

Please see the attached minutes of the June 4, 2020 Board meeting.

Attachments:

Minutes of the June 4, 2020 Board of Supervisors meeting relative to the appeal.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 18.02.050, 18.02.060 and 18.02.080

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

Provide direction to staff relative to scheduling additional review of the Special Use Permit.

Attachments:

[06-04-2020 Minutes \(BOS\).pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, June 4, 2020 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT:

Mayor Robert Crowell
Supervisor Stacey Giomi, Ward 1
Supervisor Brad Bonkowski, Ward 2
Supervisor Lori Bagwell, Ward 3
Supervisor John Barrette, Ward 4

STAFF:

Nancy Paulson, City Manager
Stephanie Hicks, Deputy City Manager
Dan Yu, Assistant District Attorney
Tamar Warren, Senior Public Meetings Clerk

NOTE: A recording of these proceedings, the Board’s agenda materials, and any written comments or documentation provided to the Clerk, during the meeting, are part of the public record. These materials are available for review, in the Clerk’s Office, during regular business hours. All meeting minutes and audio recordings are available for review at: <https://www.carson.org/minutes>.

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

(8:30:14) – Mayor Crowell called the meeting to order at 8:30 a.m. and read the *Notice to the Public* incorporated into the agenda. Ms. Warren called roll and noted that a quorum was present. First Christian Church Pastor Dr. Ken Haskins provided the invocation. Mayor Crowell led the Pledge of Allegiance.

5. PUBLIC COMMENT

(8:34:27) – Mayor Crowell acknowledged receipt of written public comments and entertained verbal comments via teleconference. Lyon County Planner Rob Pyzel introduced himself and informed the Board that Lyon County had been working with Carson City Planning and Code Enforcement departments, and the Nevada Department of Environmental Protection (NDEP) to address the emissions and odors complaints received regarding Tahoe Western Asphalt (agenda item 25.A). Mr. Pyzel referenced a letter by the Lyon County Commissioners which Mayor Crowell noted had been incorporated into the record. The Mayor also informed Mr. Pyzel that he would welcome any solutions by Lyon County.

(8:38:57) – Maurice White introduced himself and expressed concern “about the manner this item [14.C] comes to this Body.” He explained that the Carson City voters had rejected Question1, including the five-cent diesel tax. Mr. White noted that 65 percent of Carson City’s voters had indicated that fixing the City’s roads had not been their top priority. He requested “to honor the Carson City voters’ voice and remove this item, 14.C, from today’s agenda.”

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(8:42:04) – Ron Bratsch introduced himself as a candidate for Carson City Supervisor, Ward Four. Mr. Bratsch cited his agreement with the previous comments made by Mr. White and proposed removing the item [14.C] from the agenda as well.

(8:43:46) – Mayor Crowell reminded the public that per the earlier *Notice to the Public* he had read at the start of the meeting, additional public comments will also be heard at the end of the meeting (item 26).

6. FOR POSSIBLE ACTION: APPROVAL OF MINUTES – MAY 7, 2020

(8:44:14) – Mayor Crowell introduced the item.

(8:44:23) – Supervisor Bonkowski moved to approve the minutes of the May 7, 2020 Board of Supervisors meeting as presented. Supervisor Barrette seconded the motion which carried 5-0-0.

7. FOR POSSIBLE ACTION: ADOPTION OF AGENDA

(8:44:44) – Mayor Crowell introduced the item. Supervisor Bonkowski requested pulling item 10.E from the consent agenda. Mayor Crowell considered the agenda adopted with item 10.E being pulled from the Consent Agenda for discussion.

CONSENT AGENDA

(8:45:48) – Mayor Crowell introduced the item.

(8:45:53) – Supervisor Bagwell moved to approve the Consent Agenda as published with the exception of item 10.E. Supervisor Bonkowski seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Bagwell
SECONDER:	Supervisor Bonkowski
AYES:	Supervisors Bagwell, Bonkowski, Barrette, Giomi, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

8. COMMUNITY DEVELOPMENT - PLANNING

8.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A HISTORICAL TAX DEFERMENT ON PROPERTY LOCATED WITHIN THE HISTORIC DISTRICT AND ZONED RESIDENTIAL OFFICE, LOCATED AT 204 NORTH MINNESOTA STREET, APN 003-192-09.

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9. FINANCE

9.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPLICATION TO REMOVE UNCOLLECTIBLE ACCOUNTS RECEIVABLE SPECIFIED IN THE APPLICATION FROM THE RECORDS OF CARSON CITY JUVENILE SERVICES IN A TOTAL AMOUNT OF \$27,762.87.

9.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE REPORT ON THE CONDITION OF EACH FUND IN THE TREASURY AND THE STATEMENTS OF RECEIPTS AND EXPENDITURES THROUGH MAY 22, 2020, PER NRS 251.030 AND NRS 354.290.

10. PURCHASING AND CONTRACTS

10.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING CONTRACT NO. 20300006, CLINICAL TREATMENT AND COUNSELING SERVICES FOR MENTAL HEALTH COURT, WITH MARY BRYAN A LICENSED CLINICIAN, TO BE EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2021 FOR AN AMOUNT NOT TO EXCEED \$54,000.

10.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING CONFLICT COUNSEL ATTORNEY SERVICES CONTRACT NO. 20300003 WITH WALTER B. FEY, TO BE EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2023 FOR AN ANNUAL AMOUNT OF \$125,859.24 IN YEAR ONE, WITH A 3% INCREASE IN YEAR TWO AND A 3% INCREASE IN YEAR THREE, TO BE FUNDED FROM THE GENERAL FUND COURTS PROFESSIONAL SERVICES/CONFLICT ACCOUNT.

10.C FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING CONFLICT COUNSEL ATTORNEY SERVICES CONTRACT NO. 20300004 WITH NOEL S. WATERS, TO BE EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2023 FOR AN ANNUAL AMOUNT OF \$125,859.24 IN YEAR ONE, WITH A 3% INCREASE IN YEAR TWO AND A 3% INCREASE IN YEAR THREE, TO BE FUNDED FROM THE GENERAL FUND COURTS PROFESSIONAL SERVICES/CONFLICT ACCOUNT.

10.D FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING CONFLICT COUNSEL ATTORNEY SERVICES CONTRACT NO. 20300005 WITH DANIEL J. SPENCE, TO BE EFFECTIVE JULY 1, 2020 THROUGH JUNE 30, 2023 FOR AN ANNUAL AMOUNT OF \$125,859.24 IN YEAR ONE, WITH A 3% INCREASE IN YEAR TWO AND A 3% INCREASE IN YEAR THREE, TO BE FUNDED FROM THE GENERAL FUND COURTS PROFESSIONAL SERVICES/CONFLICT ACCOUNT.

10.E FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED INCREASE IN PURCHASE AUTHORITY FOR SODIUM HYPOCHLORITE (BLEACH), UTILIZING JOINDER CONTRACT #150063-SK-A THROUGH NATIONAL IPA, FOR AN ADDITIONAL \$35,000 FOR A NEW TOTAL NOT TO EXCEED AMOUNT OF \$335,000 THROUGH JUNE 30, 2020 (FILE NO. 1920-007).

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(8:46:35) – Mayor Crowell introduced the item. Wastewater Utility Manager Andy Hummel introduced himself and presented the agenda materials which are incorporated into the record. There were no additional comments; therefore, Mayor Crowell entertained a motion.

(8:48:52) – Supervisor Bonkowski moved to approve the purchase increase as requested. Supervisor Bagwell seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Barrette, Giomi, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

11. ITEM(S) PULLED FROM THE CONSENT AGENDA WILL BE HEARD AT THIS TIME.

Please see minutes for item 10.E in the Consent Agenda.

12. CITY MANAGER

12.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE APPOINTMENT OF ONE MEMBER TO THE CARSON CITY AUDIT COMMITTEE FOR A TERM THAT EXPIRES ON DECEMBER 31, 2021.

(8:50:13) – Mayor Crowell introduced this item and entertained disclosures. Supervisor Giomi read into the record a prepared disclosure statement, advised of no disqualifying conflict of interest and that he would participate in discussion and action. Mayor Crowell entertained additional disclosures; however, none were forthcoming.

(8:51:04) – Mayor Crowell thanked applicant Margie Molina and invited her to provide additional information about herself. Ms. Molina noted her accounting experience for over 40 years and gave background on her professional experience. Mayor Crowell entertained Board questions and when none were forthcoming, a motion.

(8:53:10) – Supervisor Giomi moved to appoint Margie Molina to serve on the Carson City Audit Committee for a term that expires on December 31, 2021. Supervisor Bagwell seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Giomi, Bagwell, Barrette, Bonkowski, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

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13.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A DETERMINATION THAT EDGE COMMUNICATIONS, INC., IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 338 AND WHETHER TO AWARD CONTRACT NO. 19300135, ROOP STREET FIBER OPTIC PROJECT TO EDGE COMMUNICATIONS, INC., FOR A TOTAL NOT TO EXCEED AMOUNT OF \$302,237.50.

(8:54:10) – Mayor Crowell introduced the item. Deputy Public Works Director Dan Stucky presented the Staff Report, incorporated into the record. There were no additional comments. Mayor Crowell entertained a motion.

(8:55:16) – Supervisor Bagwell moved to award the contract and to include the connection to the training facility. Supervisor Bonkowski seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Bagwell
SECONDER:	Supervisor Bonkowski
AYES:	Supervisors Bagwell, Bonkowski, Barrette, Giomi, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

13.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A DETERMINATION THAT A & K EARTH MOVERS, INC., IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 338 AND WHETHER TO AWARD CONTRACT NO. 19300163, PETE LIVERMORE PARKING LOT RECONSTRUCTION PROJECT, TO A & K EARTH MOVERS, INC., FOR A TOTAL NOT TO EXCEED AMOUNT OF \$610,480.

(8:55:38) – Mayor Crowell introduced the item. Mr. Stucky provided the information incorporated into the Staff Report and responded to clarifying questions. Mayor Crowell entertained a motion.

(9:00:55) – Supervisor Giomi moved to award contract No. 19300163 as presented. Supervisor Bagwell seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Giomi, Bagwell, Barrette, Bonkowski, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

14. PUBLIC WORKS

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14.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING, AND AUTHORIZATION FOR THE MAYOR TO SIGN, AN INTERLOCAL AGREEMENT RELATING TO THE DISPOSAL OF PROCESSED WASTEWATER SOLIDS BETWEEN CARSON CITY AND LYON COUNTY, TO BE EFFECTIVE DECEMBER 16, 2020 THROUGH JUNE 30, 2030 AND GENERATING AN ESTIMATED \$48,000 TO \$96,000 PER YEAR IN REVENUE FOR THE CARSON CITY SANITARY LANDFILL.

(9:01:24) – Mayor Crowell introduced the item. Public Works Operations Manager Rick Cooley gave background and referenced the interlocal agreement between Carson City and Lyon County incorporated into the Staff Report. Mr. Cooley noted that the new agreement would increase the disposal fee of processed wastewater solids from \$10 per ton to \$24 per ton. He also confirmed for Supervisor Bonkowski that the new agreement provided a provision for fee increases as a result of rate studies. At Supervisor Bagwell’s request, Mr. Cooley explained that Carson City did not accept “out of county industrial waste;” hence, the presence of the interlocal agreement. He also clarified that federal regulations must always be followed.

(9:06:32) – Discussion ensued regarding the Carson City Responsibilities section (3.a) which states: “*CARSON CITY will accept wastewater solids from LYON [COUNTY] which meet Federal and State of Nevada Division of Environmental Protection requirements for disposal at the CARSON CITY landfill.*” Mr. Yu believed that the paragraph was “sufficiently broad to empower Carson City Landfill to reject anything that would not meet those federal standards.” Mayor Crowell received confirmation that Lyon County Staff had reviewed the agreement which would be agendized for their upcoming Board of Commissioners Meeting. Supervisor Bonkowski was in favor of keeping the language broad enough in order “not to back us into a corner.” Mr. Yu suggested specifying that “Carson City can exercise the reasonable discretion in determining whether or not that type of waste would meet the federal and State requirements.” Mayor Crowell entertained a motion.

(9:09:00) – Supervisor Bonkowski moved to authorize the Mayor to execute the Interlocal Agreement with the additional language to be proposed by the District Attorney’s Office. Supervisor Bagwell seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Barrette, Giomi, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

14.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RESOLUTION TO DESIGNATE HIGHWAYS OR PORTIONS OF HIGHWAYS AS SCHOOL ZONES.

(9:09:34) – Mayor Crowell introduced the item and entertained disclosures. Supervisor Bonkowski read into the record a prepared disclosure statement, advised of no disqualifying conflict of interest and that he would

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participate in discussion and action. Mayor Crowell entertained additional disclosures; however, none were forthcoming.

(9:10:24) – Transportation Manager Lucia Maloney presented the Staff Report, incorporated into the record. She also responded to clarifying questions by the Board. Ms. Maloney informed Supervisor Giomi that multiple versions of signs are being considered, based on their locations, and as budget allows. She explained that the locations of the signs will also be adjusted, and the speed limits will be standardized. Mayor Crowell entertained a motion.

(9:18:45) – Supervisor Bagwell moved to adopt Resolution No. 2020-R-14 as presented. Supervisor Giomi seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Bagwell
SECONDER:	Supervisor Giomi
AYES:	Supervisors Bagwell, Giomi, Barrette, Bonkowski, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

14.C FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 107, AN ORDINANCE AMENDING TITLE 21 OF THE CARSON CITY MUNICIPAL CODE TO IMPOSE A FIVE CENT PER GALLON DIESEL TAX.

(9:19:27) – Mayor Crowell introduced the item, noted that it was the second reading of Bill No. 107 and acknowledged the written and public comments presented at the start of the meeting. He also entertained additional Board comments/questions and when none were forthcoming, a motion.

(9:19:55) – Supervisor Bonkowski moved to adopt Ordinance No. 2020-7. Supervisor Barrette seconded the motion. Mayor Crowell entertained discussion

(9:20:07) – Supervisor Barrette noted that he was in favor of the item because the road system in Carson City was underfunded, adding that the voters will eventually have the option of removing it.

RESULT:	APPROVED (4-1-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Barrette
AYES:	Supervisors Bonkowski, Barrette, Giomi, and Mayor Crowell
NAYS:	Supervisor Bagwell
ABSTENTIONS:	None
ABSENT:	None

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15. RECESS AS THE BOARD OF SUPERVISORS

(9:23:10) – Mayor Crowell recessed the Board of Supervisors meeting.

REDEVELOPMENT AUTHORITY

16. CALL TO ORDER & ROLL CALL - REDEVELOPMENT AUTHORITY

(9:23:35) – Chairperson Bagwell called the meeting to order. Roll was called and a quorum was present.

17. PUBLIC COMMENT

(9:23:55) – There were no public comments. Member Crowell announced that Carson City had been featured in Sunset Magazine as one of five communities in the United States being complimented for its art and culture programs.

18. COMMUNITY DEVELOPMENT - PLANNING

18.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION CONCERNING A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING THE EXPENDITURE OF \$17,197 FROM THE FISCAL YEAR 2021 REDEVELOPMENT REVOLVING FUND TO SUPPORT VARIOUS ARTS AND CULTURE SPECIAL EVENTS.

(9:25:12) – Chairperson Bagwell introduced the item. Arts and Culture Coordinator Mark Salinas presented the Carson City Cultural Commission’s scoring methodology and funding recommendations for FY 2021, incorporated into the record, to be awarded from the Redevelopment Revolving Fund in the amount of \$17,197. Chairperson Bagwell entertained comments or questions and when none were forthcoming, a motion.

(9:27:45) – Vice Chair Giomi moved to recommend to the Board of Supervisors approval of the expenditure of \$17,197 as recommended by the Cultural Commission. Member Barrette seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Vice Chair Giomi
SECONDER:	Member Barrette
AYES:	Members Giomi, Barrette, Bonkowski, Crowell, and Chairperson Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

19. PUBLIC COMMENT

(9:28:10) – Chairperson Bagwell entertained public comments; however, none were forthcoming.

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20. FOR POSSIBLE ACTION: TO ADJOURN AS THE REDEVELOPMENT AUTHORITY

(9:28:31) – Chairperson Bagwell adjourned the Redevelopment Authority meeting at 9:28 a.m.

21. RECONVENE AS THE BOARD OF SUPERVISORS BOARD OF SUPERVISORS

(9:28:40) – Mayor Crowell reconvened the Board of Supervisors meeting at 9:28 a.m. A quorum was still present.

22. COMMUNITY DEVELOPMENT - PLANNING

22.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RESOLUTION AUTHORIZING THE EXPENDITURE OF \$17,197 FROM THE FISCAL YEAR 2021 REDEVELOPMENT REVOLVING FUND TO SUPPORT VARIOUS ARTS AND CULTURE SPECIAL EVENTS AS AN EXPENSE INCIDENTAL TO THE CARRYING OUT OF THE REDEVELOPMENT PLAN.

PURSUANT TO NRS 279.628, THIS RESOLUTION MUST BE ADOPTED BY A TOWTHIRDS VOTE OF THE BOARD OF SUPERVISORS.

(9:28:42) – Mayor Crowell introduced the item and referenced the discussion held during item 18.A of the Redevelopment Authority meeting, incorporated into the record. He also entertained a motion.

(9:29:39) – Supervisor Giomi moved to approve Resolution No. 2020-R-15. Supervisor Bagwell seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Giomi, Bagwell, Barrette, Bonkowski, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

22.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE APPROVING THE FOURTH ADDENDUM TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO MODIFY ARTICLE 2.2 CLUSTER HOUSING OF THE SILVER OAK DEVELOPMENT AGREEMENT, AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO ON PROPERTIES ZONED SINGLE FAMILY 12,000 PLANNED UNIT DEVELOPMENT (SF-12 P), LOCATED ON THE SOUTH SIDE OF SILVER OAK DRIVE, EAST OF SIENA DRIVE AND RED LEAF DRIVE, AND A PARCEL LOCATED SOUTHWEST OF EAGLE VALLEY RANCH ROAD, AND FURTHER IDENTIFIED AS APNS 007-552-44, 007-552-38, 007-552-19 AND 007-552-41.

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(9:29:58) – Mayor Crowell introduced the item. Supervisor Bonkowski read into the record a prepared disclosure statement, advised of a disqualifying conflict of interest and that he would not participate in discussion and action on items 22.B and 22.C.

(9:31:01) – Planning Manager Hope Sullivan presented the Staff Reports for items 22.B and 22.C concurrently and noted that separate actions would be required for each of the items. Ms. Sullivan recommended approval of the applicant’s request to amend a previously approved (by the Board of Supervisors) Planned Unit Development, located south of Silver Oak Drive and east of Siena Drive, reducing the number of units in Block DD from a maximum of 92 units to 64 units. Ms. Sullivan also noted that Developer Mark Turner and applicant representative Louis Cariola of Manhard Consulting were available via telephone to respond to the Board’s questions. Mayor Crowell entertained questions or comments and when none were forthcoming, a motion.

(9:35:28) – Supervisor Bagwell moved to introduce, on first reading Bill No. 108. The motion was seconded by Supervisor Giomi.

RESULT:	APPROVED (4-0-1)
MOVER:	Supervisor Bagwell
SECONDER:	Supervisor Giomi
AYES:	Supervisors Bagwell, Giomi, Barrette, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	Supervisor Bonkowski
ABSENT:	None

22.C FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE AMENDING THE SILVER OAK PLANNED UNIT DEVELOPMENT SO AS TO EXPAND THE BOUNDARY OF BLOCK DD ON PROPERTY ZONED SINGLE FAMILY 12,000 PLANNED UNIT DEVELOPMENT LOCATED SOUTH OF SILVER OAK DRIVE AND EAST OF SIENA DRIVE, APNS 007-552-38 AND 007-552-41.

(9:35:50) – Based on the previous discussion, Mayor Crowell entertained a motion.

(9:35:56) – Supervisor Giomi moved to introduce, on first reading Bill No. 109. Supervisor Bagwell seconded the motion.

RESULT:	APPROVED (4-0-1)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Giomi, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	Supervisor Bonkowski
ABSENT:	None

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22.D FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO INTRODUCE, ON FIRST READING, AN ORDINANCE CHANGING THE ZONING FROM PUBLIC REGIONAL TO MULTI-FAMILY APARTMENT ON PROPERTY LOCATED AT 3410 BUTTI WAY, APN 010-037-04.

(9:36:31) – Mayor Crowell introduced the item. Ms. Sullivan referenced the Staff Report, incorporated into the record, and noted that Mr. Stucky was available to respond to the Board’s questions as the applicant’s representative. She also informed Mayor Crowell that the Planning Commission had voted unanimously (7-0-0) to recommend approval by the Board of Supervisors.

(9:37:02) – Mr. Stucky presented the Staff Report, incorporated into the record, and responded to clarifying questions. He also reminded the Board that the developer planned to have a public outreach component after the Major Project Review. Ms. Sullivan noted that the Planning Commission had received public comment during its meeting. Mayor Crowell entertained additional discussion and when none were forthcoming, a motion.

(9:40:00) – Supervisor Bonkowski moved to introduce, on first reading Bill No. 110. Supervisor Bagwell seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Barrette, Giomi, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

22.E FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO ADOPT, ON SECOND READING, BILL NO. 106, AN ORDINANCE RELATED TO IMPROVEMENT DISTRICTS, ESTABLISHING PROVISIONS TO LEVY THE DOWNTOWN NEIGHBORHOOD IMPROVEMENT DISTRICT ASSESSMENT FOR FISCAL YEAR 2021 FOR THE MAINTENANCE OF THE DOWNTOWN STREETScape ENHANCEMENT PROJECT.

(9:40:23) – Mayor Crowell introduced the item. Ms. Sullivan clarified that this was the second reading to adopt an ordinance. Ms. Paulson noted that no changes had been made to the document since the first reading. Mayor Crowell referenced the public comments attached to the Staff Report and entertained a motion.

(9:41:19) – Supervisor Bonkowski moved to adopt Ordinance No. 2020-6. Supervisor Giomi seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Giomi
AYES:	Supervisors Bonkowski, Giomi, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

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(9:41:55) – Mayor Crowell recessed the meeting.

(9:51:20) – Mayor Crowell reconvened the meeting. A quorum was still present.

23. BOARD OF SUPERVISORS

23.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING DIRECTIVES AND RECOMMENDATIONS CONCERNING CARSON CITY DEPARTMENTAL AND STAFF FUNCTIONS AND FUNCTIONS IN CARSON CITY AS A CONSOLIDATED MUNICIPALITY IN RELATION TO THE EXERCISE OF EMERGENCY POWERS PURSUANT TO NRS CHAPTERS 244 AND 414 AND CCMC CHAPTER 6.02 FOR THE PURPOSE OF ENSURING THE HEALTH, SAFETY AND WELFARE IN CARSON CITY IN RESPONSE TO THE GLOBAL CORONAVIRUS (COVID-19) PANDEMIC.

(9:51:23) – Mayor Crowell introduced the item. Ms. Paulson stated that all the City offices were now open; however, the public was being encouraged “to do as much as they can online or over the phone.” She announced the opening of the Carson City Library on Monday, June 8, 2020 with reduced hours, adding that curbside pickup was still an option Monday through Friday afternoons. Ms. Paulson noted that the Community Center (with limited hours and occupancy), the swimming pool, and the splash pad at McFadden Plaza would open on June 8, 2020 as well. She also announced the passing of the Paycheck Protection Program Flexibility Act of 2020 to last until the end of 2020, and believed it was “good news for businesses.”

(11:49:13) – Carson City Health and Human Services (CCHHS) Public Health Preparedness Manager Jeanne Freeman announced that as of the previous night there were 44 Coronavirus cases in the quad-county region, 16 of which were active in Carson City and that contact tracing and monitoring were going on for all cases. Ms. Freeman explained that the call center had been averaging between 50 and 70 calls per day and that “we now are testing anybody” including asymptomatic individuals and at no cost to those tested. She also encouraged wearing face coverings and maintaining social distancing guidelines. Supervisor Bonkowski believed that as the State begins to open, the positive cases may increase. Ms. Freeman responded to clarifying questions and explained the methodology of testing and contracting the virus, which she believed would increase in workplaces and close family locations. She encouraged anyone not feeling well to stay home and reviewed the contact investigation and monitoring process. Supervisor Giomi praised the work done by the Nevada Association of Counties (NACO) “to safely get Nevada opened again.” Ms. Freeman stressed the importance of testing even for asymptomatic individuals to prevent further spreading of the virus and thanked the quad-county partners for their cooperation. Mayor Crowell explained the importance of personal protection and social distancing as preventative measures and praised the quad-county efforts.

(10:26:34) – Chief Financial Officer (CFO) Sheri Russell provided a financial update noting that the March taxable sales had decreased by 12.7 percent and the CTAX distribution had decreased by 11.3 percent. Ms. Russell also responded to clarifying questions by the Board. Mayor Crowell praised the Board for their conservative budgeting methodology in the past to allow for the current budget reductions. Supervisor Giomi requested looking into keeping the landfill open on Sundays as an added revenue source. Supervisor Barrette anticipated upcoming inflation. Mayor Crowell thanked the Sheriff’s Office for doing “an excellent job” as well.

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24. BOARD OF SUPERVISORS – NON-ACTION ITEMS

(10:42:51) – Mayor Crowell introduced the item. Supervisor Giomi relayed his personal experience of testing positive for COVID-19 and thanked the community, friends, and acquaintances for their support. He also noted that he had not felt well and had exhibited fatigue symptoms but realized it could be more serious for individuals with underlying health issues.

FUTURE AGENDA ITEMS

N/A

STATUS REVIEW OF PROJECTS

N/A

INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

N/A

CORRESPONDENCE TO THE BOARD OF SUPERVISORS

N/A

STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD

N/A

STAFF COMMENTS AND STATUS REPORT

N/A

(10:46:30) – Mayor Crowell recessed the Board of Supervisors meeting.

LUNCH BREAK - RETURN 1:30 P.M.

(1:36:12) – Mayor Crowell reconvened the Board of Supervisors meeting. A quorum was still present. Supervisor Giomi was absent due to a previously scheduled commitment.

25. COMMUNITY DEVELOPMENT - PLANNING

25.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION’S DECISION TO AMEND THE CONDITIONS OF APPROVAL OF A SPECIAL USE PERMIT FOR AN ASPHALT PLANT AND AGGREGATE CRUSHING FACILITY KNOWN AS TAHOE WESTERN ASPHALT ZONED GENERAL INDUSTRIAL, LOCATED AT 8013 HIGHWAY 50 EAST, APN 008-611-35.

(1:36:43) – Mayor Crowell introduced the item. Ms. Sullivan noted that the appellant’s attorney, Jeremy Clarke of Simons Hall Johnston, had joined via WebEx. She also gave background, provided a review of the Staff Report including timelines, incorporated into the record, with accompanying maps of the subject property, and responded

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to clarifying questions. Ms. Sullivan clarified that the role of the Nevada Division of Environmental Protection (NDEP) was to determine air quality, whereas the Planning Commission had focused on odors beyond the TWA property line.

(1:37:34) – Ms. Sullivan reviewed all Conditions of Approval by the Planning Commission which had been approved by a unanimous vote, summarized Tahoe Western Asphalt’s (TWA) appeal of the Commission’s decision on February 26, 2020, and reviewed the appellant’s requests consisting of the following:

1. Remove the November 20, 2019 condition regarding a Regenerative Thermal Oxidizer.
2. Remove the requirement that odors are not detectable beyond the property line (with proposed alternative language).
3. Remove the requirement for code enforcement monitoring.
4. Find that EcoSorb is effective in mitigating odor.
5. Remove the requirement for a lighting specification at the time of building permit application.
6. Allow the facility to operate at night and on Sundays, up to 30 times per calendar year.

(1:53:55) – Deputy District Attorney Ben Johnson informed the Board of the “substantial evidence” that would support the Planning Commission’s findings. He provided rebuttals to the items disputed by the appellant’s attorney such as noting that this Board and the Planning Commission can make decisions based on complaints from residents of another county. He explained that case law exists to support a condition that requests odors remain within the property lines of TWA. He advised leaving the air quality issues to NDEP, adding that the Planning Commission’s decisions were defensible. Mr. Johnson also responded to clarifying questions by the Board. Discussion ensued regarding the number of residences in the area versus the number of complaints received from the neighbors and Ms. Sullivan clarified that one of the speakers at the Planning Commission was a business owner. She stated that the odor issue was verified by the Carson City Code Enforcement Officer as well. Further discussion ensued regarding the odor and the number of complaints received regarding that. Ms. Sullivan noted that 15 people had spoken during the November 2019 Planning Commission public hearing, and a petition signed by 70 people had been submitted; however, Supervisor Bagwell noted that the petition had been signed in 2016. Mayor Crowell stated that the Lyon County Board of Commissioners had received over 40 complaints regarding emissions and odors and that NDEP had received 32 complaints between January and April 2020.

(2:20:24) – Mr. Yu informed Supervisor Bonkowski that the Board had the latitude to modify language versus having “an up or down vote” on the item. Discussion ensued regarding the hours of operation and Ms. Sullivan gave background on how the hours of operation had been determined. Supervisor Bagwell noted that should the odor be eliminated, the condition on the hours would not be relevant.

(2:32:55) – Mr. Clarke provided an overview of TWA’s business which included providing asphalt for Carson City projects. He also believed that the Planning Commission was “regulating air quality” by requiring a Regenerative Thermal Oxidizer, and by prohibiting fumes from leaving the TWA property. Mr. Clarke believed that the Planning Commission or the Board of Supervisors had no jurisdiction in governing air quality in Lyon County and referenced signatures obtained from Carson City residents who did not have odor issues. Mr. Clarke also noted that 95 percent of the Lyon County complaints had been submitted by five residents. He believed that the Planning Commission’s role was to “govern the peaceful enjoyment and economic value within Carson City”

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and objected to Planning Commissioner Dawers calling the signatures provided by TWA “inconsequential.” Mr. Clarke outlined the loss of revenue, attorney fees, and vandalism incurred by TWA as a result of the complaints. He also wished to “avoid a lawsuit with Carson City” as he believed “Carson City did not have authority beyond its City limit” and wished to continue working with NDEP regarding air quality tasks. Mr. Yu clarified for Mr. Clarke that earlier in the discussion he had stated “modifications can be made” as part of the Board’s decision, which Mr. Clarke must have misunderstood. Ms. Sullivan gave background on the Regenerative Thermal Oxidizer and relayed her conversations with NDEP and an asphalt plant in Fernley that had used it to eliminate odors, adding that the Planning Commission had not directly responded to Lyon County residents’ complaints but to the public comments they had received. She also stated that all 16 marijuana Special Use Permits had a condition of approval that addressed odors. Ms. Sullivan clarified that the 2011 TWA Special Use Permit had not addressed odors either. It had been added to later (in 2018) when the Permit had been amended.

Supervisor Bonkowski explained to Mr. Clarke that since the Regenerative Thermal Oxidizer was not a current condition of approval for the Special Use Permit, and since “most of your presentation had to do with air quality and the Regenerative Thermal Oxidizer, so if that is no longer a condition of the [Special Use Permit], then, in my mind, that invalidates a good portion of your presentation.” He also believed that the Board had “the ability and the obligation to address the impacts of a Carson City business,” and noted that without specific addresses of the Carson City residents who did not have complaints, it would be difficult to analyze the information. Supervisor Bonkowski clarified for Mr. Clarke that the City had the authority to add conditions of uses beyond zoning, which he indicated was “the whole purpose of the Special Use Permit,” adding that another asphalt plant was not monitored because no complaints had been registered. Mr. Clarke believed that the impact to another county should not be considered by Carson City because Lyon County had jurisdiction on the impact. Mr. Yu clarified that his role as Board Counsel in this appeal process was for matters relating to procedure, as Mr. Johnson was acting as the representative for the Planning Commission; however, he had not seen any case law or procedure disregarding a non-resident’s complaint due to jurisdiction. In response to a question by Mayor Crowell Mr. Clarke believed that “a county where the impact happened had the jurisdiction to hear [a] case.” He believed that the individuals in Mound House can privately address their concerns as well.

(3:06:10) – Mr. Clarke indicated that he had read the letter, incorporated into the record, from the Lyon County Board of Commissioners and believed they “didn’t take a strong stance” and “they’re attempting to ask you to carry the burden.” He also believed that the NDEP should be handling the situation. Supervisor Bagwell inquired about the odor experienced by the Mound House residents and was informed that the odors may “drift in and drift right out” due to varied wind patterns. Mr. Clarke argued that some of the complaints are exaggerated and reiterated that a small number of residents have generated the complaints.

(3:08:55) – Supervisor Barrette received confirmation from Mr. Clarke that he had indicated “Lyon County residents should not be coming to the Carson City Planning Commission, Code Enforcement, or the Board of Supervisors” for their complaints. Mr. Clarke also confirmed for Supervisor Barrette, who called his argument “jurisdictional,” that his client (TWA) was trying to avoid a lawsuit with Carson City. He noted that they had notified the Carson City Planning Division and NDEP that “this past week we would be operating at night, in accordance with the [Special Use Permit].”

(3:15:38) – Supervisor Bagwell requested TWA’s interpretation of the difference between air quality and odor since air quality was within the jurisdiction of the NDEP, whereas the odor was specified in the Special Use

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Permit. Mr. Clark believed that a “nasal ranger” was a scientific way of measuring odors; however, Ms. Sullivan clarified that it does not measure odor but “mixes odorous air with non-odorous air so that a human can smell it.” Mayor Crowell expressed concern that Mr. Clarke’s argument was placing the residents of Lyon County “in no man’s land.” He also inquired about TWA’s plans in addressing the complaints. Mr. Clarke noted that they must provide a revised air quality permit to NDEP “90 days from mid-May [2020]” addressing all the new equipment and the received complaints “otherwise NDEP is going to shut TWA down.” He explained that the emissions will now be reduced by redirecting the smoke back into the plant to burn up; additionally, a dust prevention method will be used to “prevent fugitive dust from flying into Mound House.” Supervisor Bonkowski was informed that the “smoke incinerator” must first be approved prior to installation. He also cited the example of enforcement of groundwater contamination against an originating county.

(3:27:22) – Ms. Sullivan inquired about the new equipment and Mr. Clarke explained the revised application, including odor mitigation, had been sent to the NDEP. He also clarified for Supervisor Bagwell that the aforementioned equipment application was an administrative process and cited a mitigation plan to contain the dust in the next six months.

(3:34:36) – Mayor Crowell recessed the meeting.

(3:46:05) – Mayor Crowell reconvened the meeting. A quorum was still present.

(3:46:23) – Mr. Clarke summarized the appellant’s evidence by noting that there were 226 complaints made to the Planning Commission in 2019, 95 percent of which were made by five people out of 378 residences. He also stated that according to Lyon County, NDEP had received 458 complaints between January and April 2020 and expected to have a revised air quality control permit in 180 days, adding that their goal with NDEP was “to take care of any perceived odors.” He also clarified for Supervisor Bonkowski that leaving the bargaining table [with NDEP] was “not an option for TWA.”

(3:51:10) – Mr. Johnson presented his rebuttal emphasizing that the Board had jurisdiction over complaints coming from outside this County, noting that Lyon County had written to this body requesting them to address the complaints. He also indicated that the addition of new equipment to mitigate dust had not been presented to the Planning Commission and recommended not considering it for this discussion, per the Carson City Municipal Code (CCMC). Mr. Johnson reminded the Board that more than five people attended and spoke at the Planning Commission meeting each time the item was agendaized. He also recommended that the Board find out the exact nature of the new equipment being installed to address the odor issue.

(3:55:21) – Mr. Clark addressed the verbal complaints by 17 individuals at the November 2019 Planning Commission meeting, noting that they represented four percent of the 378 homes. He also stated that many of the meeting attendees had indicated their dislike of TWA’s owner, Robert Matthews. Ms. Sullivan referenced the record stating that two Commissioners had experienced the asphalt odor independently. Mayor Crowell entertained further Board discussion.

(3:58:34) – Ms. Sullivan clarified for Supervisor Barrette that a Special Use Permit was defined in the CCMC as “a specific, discretionary approval for use which has been determined to have unique circumstances, be more intense, or to have potentially greater impact than a permitted use within the same zoning district.” She also noted

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that the Planning Commission must make the seven findings of fact in the affirmative. Mr. Clarke clarified for Mayor Crowell that TWA had “90 days to submit [to NDEP] our revised air quality permit application which is going to include plans to address air quality and odor complaints.”

(4:05:40) – Supervisor Bonkowski noted that appeal item one, *Remove the November 20, 2019 condition regarding a Regenerative Thermal Oxidizer* had already been removed from the Special Use Permit as a condition. Mr. Yu advised receiving confirmation of agreement from Mr. Clark “as a matter of the record”. Mr. Clark confirmed removal of the item from the appeal. Supervisor Bonkowski also requested making item two, *Remove the requirement that odors are not detectable beyond the property line* the final item of the appeal (following item six).

(4:07:17) – Supervisor Bonkowski moved to deny item three of the appeal, *Remove the requirement for code enforcement monitoring*. The motion was seconded by Supervisor Barrette. Ms. Sullivan clarified for Supervisor Bagwell that the monitoring would consist of: *City Code Enforcement staff will monitor off-site odors a minimum of three times a month and maintain a detailed log. The log will be presented to the Planning Commission at its October 2020 meeting*, adding that the data would be used for the review of the Special Use Permit. Discussion ensued regarding the nature of the Code Enforcement monitoring and reporting, and the process by which the Planning Commission would handle the report. Supervisor Bagwell wished to see the Board act on item two of the appeal, *Remove the requirement that odors are not detectable beyond the property line*, prior to addressing item three. **Supervisor Bonkowski withdrew his motion. Supervisor Barrette withdrew his second.** Supervisor Bagwell noted “the word ‘detectable’ bothers me.” She discussed several options that would hold TWA to certain standards. Discussion ensued regarding defining odor detection.

(4:17:57) – Mayor Crowell recommended to “uphold the Planning Commission’s decision [regarding item two of the appeal] on this matter and bring it back to this Board when they [TWA] bring back their application for a permit from NDEP.” Supervisors Barrette and Bonkowski agreed with the recommendation. Mayor Crowell clarified for Mr. Clarke that “the odors are going to go away” and wished to ensure it was addressed with NDEP along with the air quality issues. Mr. Yu received clarification from Mayor Crowell that returning to the Board for discussion would mean an update from TWA, in 90 days from mid-May, 2020. Ms. Sullivan explained that the Planning Commission’s review would take place in October, 2020. Supervisor Bonkowski recommended receiving an update from TWA during a Board of Supervisors meeting. Mr. Clarke objected to the requirement that odors not leave TWA’s property line, calling it unreasonable, and requested that it be denied. Mayor Crowell entertained a motion.

(4:31:47) – Mayor Crowell moved to uphold the Planning Commission’s decision and deny appeal item two, *Remove the requirement that odors are not detectable beyond the property line*. Additionally, TWA shall report their NDEP permit information at the August 20, 2020 Board of Supervisors meeting at which time the Board “may or may not visit” appeal item two. Supervisor Bonkowski seconded the motion for discussion.

(4:32:20) – Supervisor Bagwell reiterated her objection to the word “detectable” and believed that the item will be before the Planning Commission upon receipt of complaints. Mayor Crowell recommended holding up enforcement. Discussion ensued regarding the final review date. Supervisor Bagwell recommended making the October 28, 2020 Planning Commission meeting date the “drop dead date” for the Special Permit Review.

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(4:36:24/4:39:34) – Supervisor Bonkowski recommended the following amendment to the earlier motion: to require TWA to present an update of the NDEP application review at the Board of Supervisors’ August 20, 2020 meeting. Supervisor Barrette seconded the motion for discussion.

(4:38:36) – Mr. Plemel noted that the term “detectable” had been deliberately added to item two of the appeal because it was objective.

(4:41:20) – Supervisor Bagwell proposed an amendment (and final motion) to Condition of Approval 19 to state: the operation of the facility shall require that odors are not detectable beyond the property line. Tahoe Western Asphalt shall report their NDEP permit information at the August 20, 2020 Board of Supervisors meeting.

RESULT:	APPROVED (4-0-0)
MOVER:	Supervisor Bagwell
SECONDER:	Supervisor Barrette
AYES:	Supervisors Bagwell, Barrette, Bonkowski, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Supervisor Giomi

(4:43:15) – Supervisor Bonkowski moved to deny appeal item three, *Remove the requirement for code enforcement monitoring, and modify the decision of the Planning Commission to Condition of Approval 19 to read: City Code Enforcement staff will monitor off-site odors a minimum of three times a month and maintain a detailed log. The log will be presented to the Planning Commission at its October 2020 meeting.*

RESULT:	APPROVED (4-0-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Supervisor Giomi

(4:45:28) – Supervisor Bonkowski moved to deny appeal item four, *Find that EcoSorb is effective in mitigating odor.* Supervisor Bagwell seconded the motion. Supervisor Bagwell clarified that TWA would present a plan to NDEP “with all the equipment to meet the needs of odor and air quality,” which would not be determined by this Board.

RESULT:	APPROVED (4-0-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Supervisor Giomi

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(4:46:28) – Supervisor Bonkowski moved to deny appeal item five, *Remove the requirement for a lighting specification at the time of building permit application*, noting this is a standard for all building permits. Supervisor Bagwell seconded the motion.

RESULT:	APPROVED (4-0-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Supervisor Giomi

(4:46:57) – Supervisor Bonkowski moved to deny appeal item six (Condition of Approval 13), *Allow the facility to operate at night and on Sundays, up to 30 times per calendar year*. Supervisor Bagwell seconded the motion. Supervisor Bagwell clarified that operating hours (currently 6:00 a.m. to 6:00 p.m.) may be revisited at the October 28, 2020 Planning Commission meeting if the odor mitigation is deemed successful.

RESULT:	APPROVED (4-0-0)
MOVER:	Supervisor Bonkowski
SECONDER:	Supervisor Bagwell
AYES:	Supervisors Bonkowski, Bagwell, Barrette, and Mayor Crowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Supervisor Giomi

26. PUBLIC COMMENT

(4:49:03) – Mayor Crowell entertained final public comments. Mr. Clarke thanked the Board of Supervisors for considering this appeal and looked forward to the August 20, 2020 Board of Supervisors meeting and to the October 2020 Planning Commission meeting.

27. FOR POSSIBLE ACTION: TO ADJOURN

(4:49:51) – Mayor Crowell adjourned the meeting at 4:50 p.m.

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The Minutes of the June 4, 2020 Carson City Board of Supervisors meeting are so approved this 2nd day of July, 2020.

ROBERT CROWELL, Mayor

ATTEST:

AUBREY ROWLATT, Clerk - Recorder