

CARSON CITY BOARD OF SUPERVISORS

Minutes of the August 19, 2021 Meeting

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A regular meeting of the Carson City Board of Supervisors was scheduled for 8:30 a.m. on Thursday, August 19, 2021 in the Community Center Robert “Bob” Crowell Boardroom, 851 East William Street, Carson City, Nevada.

PRESENT:

Mayor Lori Bagwell
Supervisor Stacey Giomi, Ward 1
Supervisor Maurice White, Ward 2
Supervisor Stan Jones, Ward 3
Supervisor Lisa Schuette, 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 are available for review at: <https://www.carson.org/minutes>.

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

(8:34:00) – Mayor Bagwell called the meeting to order at 8:34 a.m. Ms. Warren called roll and noted that a quorum was present. First Christian Church Pastor Ken Haskins provided the invocation. Mayor Bagwell invited Patricia Toone and her granddaughter to lead the Pledge of Allegiance. Mayor Bagwell also announced that items 14.D and 14.E will be heard immediately after the Consent Agenda to accommodate members of the public who were present for those discussions.

5. PUBLIC COMMENT

(8:36:04) – Mayor Bagwell entertained public comments. Donna Kuester DePauw, via telephone, spoke regarding item 14.D, noted her concern about the traffic on College Parkway, and complimented the developer on working with area residents, especially by providing connectivity, walking paths, and a park. Ms. DePauw was concerned about the speeders and recommended a roundabout.

(8:38:37) – Patricia Toone read a prepared statement regarding Constitution Day on September 17th of each year. She believed that per the National Center of Constitutional Studies each federal agency/department was required to provide training materials to their new hires and to all employees, and believed that 90 percent of educational institutions receiving funds in the United States were non-compliant at this time. She also highlighted the value of the US Constitution and wished to understand what the City’s plans were in celebration of that day. Ms. Toone invited everyone to join her at the Capitol Building on September 17, 2021. Mayor Bagwell informed Ms. Toone that the Board had planned a resolution in celebration of Constitution Day.

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(8:41:54) – Benjamin Miller introduced himself as an aspiring actor and an applicant to serve on the 911 Surcharge Advisory Committee. He addressed item 14.B and read a prepared statement in favor of the item. He also thanked Supervisor Schuette (his former teacher) and the Board “for taking safe steps towards keeping the City and the local infrastructure in this period of history.”

(8:44:02) – Michael Moriarty, introduced himself and expressed concern that items 14.D and 14.E had not taken into consideration the large delivery, Waste Management, and snow removal trucks. Mr. Moriarty read his emailed comment, incorporated into the record, highlighting many conflicts of interest listed in the email, and recommended that the Board vote against the items.

(8:47:24) – George Nash introduced himself as a resident of Oak Ridge Drive and noted his concern about item 14.E, indicating that the City’s engineering report had stated that the sewage line had been at capacity. He then reminded the Board that the traffic flow study being used was from 1993. Mr. Nash recommended a new traffic study because of the area’s congestion.

(8:50:40) – Christine Nash questioned the change of the zoning [items 14.D and 14.E] “to High Density Residential in a Single-Family community.” She was also concerned about the off-street parking and noted that Oak Ridge Drive was a narrow street that could not accommodate parked cars. She recommended adding parking spaces instead of units.

(8:53:31) – Scott Munson spoke in opposition to items 14.D and 14.E. He believed that parking spaces are too small to accommodate large vehicles such as full-size trucks. He noted that the laws that benefited the developers had not been updated “for 30 or 40 years.” Mr. Munson was not in favor of placing the project “in the most expensive neighborhood in Carson City,” and recommended considering more affordable areas. He objected to the notification process, as Sierra Place residents had not been notified since they did not own the property. Mr. Munson believed that proving financial detriment did not serve the community as most property values had increased with inflation and recommended being responsible when growing the City.

(9:00:53) – Nona Peachey introduced herself and noted her agreement with the previous comments. She believed the project lacked “common sense,” citing a 1993 traffic study which was used by the developer, and considered it insufficient. She recommended a compromise, and believed 52 units were excessive. Ms. Peachey believed that the notification process and the communication had not been adequate and “accurate.” She cited receiving a threatening letter from the developer and requested that the Board “make the best decision for everyone.” Ms. Peachey also recommended denying the Variance (item 14.D) and decreasing the number of units.

(9:07:19) – Aaron West, Chief Executive Officer of the Nevada Builders Alliance, spoke in favor of item 14.A and recommended approving the amendment to the contract with Charles Abbott Associates, Inc. Mr. West also noted his agreement to item 14.B to address the affordable housing needs of the community. He was in favor of items 14.D and 14.E as well, calling the project a great use of “the existing zoned property” and to address “the middle gap” in the City’s housing availability.

(9:09:25) – James Gotchy addressed item 14.C and believed that East Nye Lane was not in any condition to accommodate a new development and recommended making the necessary improvements, especially by “getting rid of that [three-foot] ditch.”

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(9:10:55) – Jim Shirk provided public comment on several issues. He noted that two Board members were not wearing masks. He objected to approving the City’s expenditures via Consent Agenda, which he believed have totaled over \$11 million year-to-date. Mr. Shirk believed the item should be discussed and not placed on the Consent Agenda. He also objected to the use of the term “applicant” instead of using the actual applicants’ names. Mr. Shirk recommended that Board members disclose who has contributed to their campaign when voting on an item. He cited board votes and percentages, for or against an item, and wanted to see the Board’s votes published prior to the publishing of minutes. Mr. Shirk recommended redoing the road repair survey and bringing the Ormsby House discussion back to the Board. He also reminded the Board of the upcoming anniversary of September 11 and wished them to honor the event.

6. FOR POSSIBLE ACTION: APPROVAL OF MINUTES – JULY 15, 2021

(9:17:09) – Mayor Bagwell introduced the item and entertained comments/correction and when none were forthcoming, a motion.

(9:17:19) – Supervisor Giomi moved to approve the minutes of July 15, 2021 as presented. The motion was seconded by Supervisor Jones and carried 5-0-0.

7. SPECIAL PRESENTATIONS

7.A PRESENTATION OF LENGTH OF SERVICE CERTIFICATES TO CITY EMPLOYEES.

(9:17:37) – Mayor Bagwell introduced the item and presented length of service awards to the following employees:

25 Years:

- Dustin Boothe, Disease Prevention and Control Manager

15 Years:

- Morgan Tucker, Sergeant

5 Years:

- Michele Garcia, Accounting Clerk
- Ryan Greb, Deputy Sheriff
- Cory Moore, Senior Fleet Services Technician
- Cody Peek, Alternative Sentencing Officer

(9:22:30) – Mayor Bagwell and the Board congratulated the recipients of the service awards and joined them for a commemorative photograph.

CONSENT AGENDA

(9:26:38) – Mayor Bagwell introduced the item and entertained any items to be pulled, and when none were forthcoming, a motion.

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(9:26:51) – Supervisor Giomi moved to approve the Consent Agenda consisting of items 8.A, 9.A, 10.A, and 11.A as presented. Supervisor White seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor White
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

8. CITY MANAGER

8.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION ON RATIFYING THE APPROVAL OF BILLS AND OTHER REQUESTS FOR PAYMENTS BY THE CITY MANAGER FOR THE PERIOD OF JULY 3, 2021 THROUGH AUGUST 6, 2021.

9. FINANCE

9.A 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 AUGUST 6, 2021, PER NRS 251.030 AND NRS 354.290.

10. PURCHASING AND CONTRACTS

10.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A DETERMINATION THAT SIERRA NEVADA CONSTRUCTION, INC. (“SNC”) IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NEVADA REVISED STATUTES (“NRS”) CHAPTER 338 AND WHETHER TO AWARD CONTRACT NO. 21300048 FOR THE HEALTH PARKING LOT REHABILITATION PROJECT (“PROJECT”) TO SNC TO REHABILITATE PARKING LOTS ON TWO CITY-OWNED PARCELS (APN 002-121-16 AND 002-121-19) ON WHICH THE CARSON CITY DEPARTMENT OF HEALTH AND HUMAN SERVICES (“CCHHS”) AND THE SENIOR CENTER ARE LOCATED, FOR A TOTAL AMOUNT NOT TO EXCEED \$255,207.70.

11. TREASURER

11.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE TREASURER’S MONTHLY STATEMENT OF ALL MONEY ON DEPOSIT, OUTSTANDING CHECKS AND CASH ON HAND FOR JULY 2021, SUBMITTED PER NEVADA REVISED STATUTE (“NRS”) 354.280.

END OF CONSENT AGENDA

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ORDINANCES, RESOLUTIONS, AND OTHER ITEMS

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

No items were pulled from the consent agenda.

13. PURCHASING AND CONTRACTS

13.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A DETERMINATION THAT ASPEN DEVELOPERS CORP. ("ASPEN") IS THE LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NEVADA REVISED STATUTES ("NRS") CHAPTER 338 AND WHETHER TO AWARD CONTRACT NO. 21300033 TO ASPEN FOR THE REPLACEMENT OF SEWER AND/OR WATER LINES ON WEST CAROLINE STREET, WEST ROBINSON STREET, WEST SPEAR STREET AND WEST TELEGRAPH STREET, AS WELL AS ROADWAY RECONSTRUCTION ON WEST ROBINSON STREET ("PROJECT"), FOR A TOTAL AMOUNT NOT TO EXCEED \$2,936,986.80.

(11:11:45) – Mayor Bagwell introduced the item and entertained Board questions. When none were forthcoming, she entertained a motion.

(11:12:05) – Supervisor Giomi moved to award Contract No. 21300033 as presented. Supervisor White the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor White
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

14. COMMUNITY DEVELOPMENT – PLANNING

14.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED AMENDMENT NO. 3 TO CONTRACT NO. 1415-050 WITH CHARLES ABBOTT ASSOCIATES, INC. ("CAA"), TITLED "BUILDING PERMIT SERVICES," TO: (1) REVISE THE PERCENTAGE OF THE BUILDING PERMIT FEES PAID TO CAA AS COMPENSATION TO A RATE OF 60 PERCENT OF FEES COLLECTED FROM ALL NON-CARSON CITY SPONSORED BUILDING PERMITS AND 25 PERCENT OF FEES COLLECTED FROM ALL CARSON CITY SPONSORED BUILDING PERMITS; (2) SPECIFY THE PERCENTAGE OF FEES TO BE PAID TO CAA IF THE CITY DOES NOT PROVIDE A PERMIT TECHNICIAN AND CAA DOES PROVIDE A TECHNICIAN, AT A RATE OF SEVEN PERCENT OF FEES COLLECTED; AND (3) EXTEND THE CONTRACT TO SEPTEMBER 1, 2024.

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(11:12:30) – Mayor Bagwell introduced the item. Community Development Director Hope Sullivan introduced Building Official Corey Coleman from Charles Abbot Associates, Inc. (CAA) and presented the Staff Report which is incorporated into the record. Mr. Coleman and Ms. Sullivan also responded to clarifying questions. Carson City Chief Financial Officer Sheri Russell provided the budgetary information and noted that the flat fee three-year contract would not overburden the City’s budget. Mayor Bagwell clarified that with the three-year contract, the City would not increase building permit fees to cover that expense and could afford the contract. Supervisor White cautioned against a contract that would cost more than hiring in-house employees and wished to “look pretty seriously” at the audit results. Ms. Sullivan was in favor of audits for outsourced functions. Additionally, she clarified that CAA provided the City with five in-house employees who utilized the services of five additional colleagues who work outside the City’s offices, and cited several examples.

(11:23:07) – Mr. Coleman explained that CAA provided a one-stop shop with cutting edge software and required certifications in case of emergencies such as earthquakes with the expertise of their extended employees. He also noted that they provide more timely inspections compared to other in-house providers. Mayor Bagwell entertained additional comments and when none were forthcoming, a motion.

(11:26:36) – Supervisor Schuette moved to approve the amendment as presented. Supervisor White seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Schuette
SECONDER:	Supervisor White
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

14.B FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RESOLUTION PROVIDING FOR THE TRANSFER OF CARSON CITY’S 2021 PRIVATE ACTIVITY BOND VOLUME CAP TO THE NEVADA RURAL HOUSING AUTHORITY (“NRHA”).

(11:26:57) – Mayor Bagwell introduced the item. Ms. Sullivan referenced the Staff Report and noted that she, along with Mishon Hurst, Deputy Executive Director at Nevada Rural Housing Authority (NRHA) were available to answer questions. Ms. Hurst gave background and highlighted successes which are incorporated into the Staff Report, such as new home buyers with low mortgage interests and down payment assistance. Mayor Bagwell thanked Ms. Hurst and applauded the hard work of the NRHA. She also entertained additional comments and when none were forthcoming, a motion.

(11:29:55) – Supervisor white moved to adopt Resolution No. 2021-R-24. Supervisor Schuette seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor White
SECONDER:	Supervisor Schuette
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

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14.C FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A TENTATIVE SUBDIVISION MAP (SUB-2021-0211) FOR A DEVELOPMENT KNOWN AS EAST NYE LANE TO CREATE 61 SINGLE FAMILY RESIDENTIAL LOTS ON A 17.0+/- ACRE PARCEL ZONED MOBILE HOME 12,000 (MH12), LOCATED EAST OF OTHA STREET AND WEST OF DEBBIE WAY BETWEEN E. NYE LANE AND COLLEGE PARKWAY, APN 008-192-71.

(10:30:30) – Mayor Bagwell introduced the item. Planning Manager Heather Ferris presented the subject property and the Staff Report. She also recommended approval based on a recommendation from the Planning Commission in their July 28, 2021 meeting, and acknowledged the presence of Karen Downs, Land Planner at Manhard Consulting. Ms. Ferris and Ms. Downs responded to clarifying questions by the Board.

(11:35:01) – Supervisor White reiterated the concerns that the Board had received in the form of public comment and requested addressing the issue of water pressure. Engineering Project Manager Steven Pottéy stated that the City required a minimum amount of water pressure “that we do have to maintain by law,” adding that a new water main would be extended through the subdivision and would provide redundancy. Ms. Ferris informed Supervisor White that “all sides, other than the northern portion along College Parkway, will [have] privacy fencing.” Supervisor White suggested Staff work with the residents of the only property surrounded by this parcel, “to make sure we keep them happy.” He also recommended revisiting Condition No. 29 based on the upcoming Pavement Master Plan returning to that location in 2024. Instead of full-depth half street paving, he suggested that the developer work closely with the sole affected neighbor “in regards to driveway placement configuration.” Mr. Pottéy clarified for Supervisor Giomi that the options in Condition No. 29 were to either perform half-street improvements only along the parcel frontage, or do just curb, gutter, and sidewalk improvements along their parcel frontage including the neighboring property.

(11:42:10) – Ms. Downs addressed Supervisor Giomi’s concern about the open space on page 329 of the packet, which he did not believe was usable, and indicated that it was placed as a buffer and “for the spacing of the roadway on the east side,” adding that it would be maintained by the homeowners’ association (HOA). Discussion ensued regarding the reason for the open space and Ms. Ferris explained that it had not been placed there to meet the open space requirements as the developer had exceeded those requirements and would also provide private open space. Mr. Pottéy clarified that the request had come from the Engineering Department to have a safer road. Supervisor Giomi recommended changing the designation from open space to a label identifying a buffer. Ms. Ferris also addressed a public comment regarding the school capacity. She stated that she had informed the School District about the application in July 2021 and referenced Finding No. 4, incorporated in the agenda packet which notes an upcoming redistricting, adding that with the COVID-19 pandemic the School District was “not sure what their numbers are going to look like.” Mr. Pottéy also explained that he had been informed by the School District that “bus stops often move based specific houses where children are located.” Mayor Bagwell referred to Condition No. 29 and noted that it met the City standard, while the alternative did not meet the standard. She noted that individual commercial property owners incur cost increases by performing the half street improvements and believed that “alternatives should not be given to one but not to the other.” Discussion ensued and Supervisor Giomi believed it was a “conundrum;” however, to be fair to everyone he would agree with Mayor Bagwell’s assessment.

(12:01:21) – Deputy Public Works Director Dan Stucky addressed the options provided in Condition No. 29, noting that per City code, the applicant was not required to provide sidewalk improvement in front of the middle

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parcel not owned by the developer, and that they were adding cost for which the applicant would not normally be responsible. Further discussion ensued and Mayor Bagwell recommended selecting the alternative option in Condition No. 29 but having the developer pay the difference in cost between the main and alternative conditions in a special City account designated for the future Nye Lane improvements by the City. Mr. Stucky reminded the Board that the Nye Lane improvements were in the distant future; however, the Board believed the funds could be held until that time. Ms. Downs noted her agreement on behalf of the applicant, calling it “a great solution.” Ms. Ferris highlighted the modifications to Condition No. 29 as follows:

The developer shall construct full depth half street improvements along the property frontage along E. Nye Lane, including paving, curb, gutter, and sidewalk. E. Nye Lane shall be constructed to a collector standard. Alternatively, in lieu of full depth half street paving, the developer may opt to instead In lieu of full-depth half street paving, the developer shall install sidewalk and curb and gutter along the adjacent parcel in between the section of the project fronting E. Nye Lane. Sidewalk and curb and gutter would still also be required along property frontage. Prior to approval of the final subdivision map, the developer shall provide the City with the cheque equal to the cost of the difference in the cost of the full half-street improvements and the “in lieu” alternative based on an engineer’s estimate and to the satisfaction of the Public Works Director.

Mayor Bagwell entertained a motion.

(12:07:45) – Supervisor white moved to approve the Tentative Subdivision Map as presented with the modification to Condition 29 as stated by the Planning Manager. Supervisor Giomi seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor White
SECONDER:	Supervisor Giomi
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

14.D FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING AN APPEAL OF THE PLANNING COMMISSION’S DECISION TO NOT APPROVE A REQUEST FOR A VARIANCE TO REDUCE THE SETBACK ALONG THE SOUTH-EASTERN PROPERTY LINE, ADJACENT TO JOHN MANKINS PARK, ON 3.45 ACRES ZONED NEIGHBORHOOD BUSINESS PLANNED UNIT DEVELOPMENT (NB-P), LOCATED AT 1147 W. COLLEGE PARKWAY, APNS 007-462-16 AND 007-462-17.

(9:27:20) – Mayor Bagwell introduced the item. Ms. Sullivan provided background and responded to the public comments regarding this item. She stated that noticing was not limited to first class mail as the City also posted the information on its website, the State’s website, in the local newspaper, and on local bulletin boards. She addressed the voting percentages, stating that the Staff has the ability to “say no” and to advise applicants they will recommend denial, to save them the cost of the application, adding that this was the reason why the voting percentages were high. Ms. Sullivan clarified that applications are looked at from a policy, regulation and

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substance standpoint; hence, the “applicant” reference. She also explained that when letters for or against a project are received, Staff will look at the substance of the letters and not those who wrote them.

(9:30:50) – Ms. Ferris requested addressing both items 14.D and 14.E concurrently and Mayor Bagwell opened both items for testimony; however, she noted separate actions would be taken on each of the items. Ms. Ferris introduced the project and reviewed the actions taken to date, also incorporated into the Staff Report. She noted that the Planning Commission had approved the Special Use Permit with a 5-1 vote with one commissioner absent and that is why it was not being appealed and presented at this meeting. Ms. Ferris addressed the setback variance requested by the applicant, noting that the reason Staff had recommended approval of the 10-foot setback was because the adjacent property was a park and not residences, adding that Condition of Approval No. 24 specified disclosure of the proximity to the park; however, the Planning Commission had not approved it with a 3-3 tie vote with one commissioner absent. She also informed the Board that the Commission had recommended to the Board of Supervisors, with a 5-1 vote with one commissioner absent, approval of the Tentative Subdivision Map with an additional Condition of Approval No. 27 to state : *The setback requirement along the common property line with the park must be met.* She noted that should the Board uphold the Planning Commission’s decision, Condition of Approval 26 b., incorporated into the Staff Report, would be removed. Ms. Ferris acknowledged receipt of public comments which were incorporated into the record (with one as late material).

(9:39:30) – Mayor Bagwell stressed the importance of responding to public comments and invited Staff to respond to those heard earlier. Ms. Ferris clarified that the property was not “rezoned” and that the request was for a Special Use Permit because the Neighborhood Business Zoning District allowed for residential uses, subject to obtaining a Special Use Permit. She also confirmed for Supervisor Giomi that the Master Plan indicated the property was “High Density Residential.”

(9:41:52) – Mr. Pottéy clarified that a traffic impact study had not been submitted for this project because the City’s transportation model had indicated “0.7 capacity ratio for this area, which equated to a level service C for local intersections.” Mr. Pottéy also clarified that several traffic impact studies had been done since the 1993 one cited in public comment. Supervisor Giomi was informed that the City’s traffic engineer had evaluated the information provided by the developer, adding that the accuracy of the number of trips generated had been received from the Institute of Transportation Engineers. Supervisor Giomi noted that the City had hired its own traffic engineer to ensure the developer studies were evaluated. In response to Supervisor Schuette’s questions, Mr. Pottéy explained the traffic impact study methodology that took into account current and upcoming projects, confirming that traffic concerns were being addressed “cumulatively and not in isolation.” Supervisor White was informed that traffic impact studies included trip distribution data which looked at surrounding zoning and the percentage of trips in each direction; however, there wasn’t one for this particular project.

(9:49:19) – Mr. Pottéy addressed the public comment regarding sewer capacity, noting that the sewer pipes were designated as a Capital Improvement Project (CIP) and that the developer would pay a pro-rata share of that improvement cost. He also explained that the development’s streets will be privately owned and maintained; however, they must meet the City’s minimum roadway width and turnaround diameter standards, adding that the City requires developers to coordinate trash collection with Waste Management. Mr. Pottéy explained that developers are required “to install ADA-compliant curb ramps.” At Mayor Bagwell’s request Ms. Ferris explained that the legal noticing requirements had been met for the initial Planning Commission meeting and for

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the appeal. Supervisor White received confirmation that Carson City had provided legal noticing above and beyond the Nevada Revised Statute (NRS) requirement of 300 feet, by expanding it to 600 feet.

(9:55:57) – Supervisor Giomi inquired about the parking concerns by residents and Public Works Director Darren Schulz offered to work with the City’s transportation manager regarding the request of adding no parking signs on Oak Ridge Drive.

(9:59:43) – Applicant representative Chris Baker, Manhard Consulting Planning Manager, and applicant Mark Turner introduced themselves. Mr. Baker reviewed a PowerPoint presentation, incorporated into the record as late material, and responded to clarifying questions. He explained that the development would have 139 parking stalls, 104 garage stalls, and 35 guest stalls which, he noted, exceeded the City’s requirements. Mr. Turner clarified for Mayor Bagwell that the subject development would have a separate property owners association, not associated with the Silver Oak Development, because they would be responsible for maintaining the private streets and utilities, in addition to maintaining the property. He was also amenable to posting “no parking” signs on Oak Ridge Drive if the Public Works Department deemed them legal and safe. He believed that the 20-foot garages would house average size pickup trucks and SUVs; however, he believed that the development may not be suitable for those with larger trucks.

Mr. Turner wished to state for the record that “we will control the parking on our development” and noted they would be responsible for the enforcement. Discussion ensued regarding the Covenants, Conditions and Restrictions (CC&Rs) and Ms. Ferris recommended modifying Condition 25, incorporated into the Staff Report) to read: *At the time of recordation of the final map, a private Homeowners’ Association (HOA) or similar entity must be formed to provide maintenance for all common areas, including the private road, in perpetuity. **The CC&Rs shall address parking and parking enforcement.*** Mr. Turner agreed with the amended Condition of Approval. Mr. Turner also reiterated his agreement to the “no parking” signage should the Public Works Department require it. Ms. Ferris recommended the following amendment to the Conditions of Approval, should it become a requirement for the Public Works the Department: *The developer shall install “no parking” signs along Oak Ridge Drive, should “no parking on street” be determined by the Public Works Director.* Mr. Turner accepted the amendment. Supervisor White recommended moving the driveway as far away from College Parkway as possible; however, Mr. Turner did not believe that would be possible.

(10:22:28) – Mayor Bagwell inquired about the appealed Variance and Ms. Ferris clarified that “it needs to meet the findings.” Deputy District Attorney Todd Reese clarified that the action today was to decide whether the Planning Commission appropriately denied the Variance. He also noted that Staff had initially recommended to the Planning Commission’s approval of the Variance; however, based on the Commission’s decision, Staff was now recommending denial of the Variance. Mr. Reese reviewed the legal interpretations of “arbitrary and capricious standards,” conveying the notion of a tendency to abuse discretion of power.

Mayor Bagwell indicated that the tie vote did not signify a majority vote and wished to hear which findings were not met according to the commissioners who had voted against the Variance. Ms. Ferris clarified that the commissioners who believed the findings were not met had not specified which ones. She also noted that one commissioner “didn’t feel that it met the intent of what a variance was,” another commissioner “did not feel that the project was right for the area,” and a third commissioner believed “10 feet was just too close.” Supervisor White believed “we should [send] this back to the Planning Commission to make them do it right, but I don’t

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think we have that option.” Ms. Ferris clarified that the issue was the zoning of the park, which had not been zoned “public.” Supervisor Giomi suggested revisiting that zoning in the future.

(10:33:16) – Ms. Ferris reviewed all the findings and reiterated the reasons stated by the three commissioners who had voted against the Variance, noting: “they felt the setback could be met with the elimination of 4 units, that 10 feet was simply too close, that the overall project is not in keeping with the community, and that the request did not meet the criteria for a variance.” She also clarified for Mayor Bagwell that specific findings were not cited by the commissioners. Ms. Ferris confirmed that the existing single-family residences were 10 feet away from the park now. Discussion ensued and Mr. Turner explained that the architect who had designed the park had taken the Neighborhood Business zoning into consideration. Mr. Baker provided additional background and stated “if the park was zoned what the actual use and intended use of property was, we would not be having this discussion,” adding that it would have allowed for “zero setbacks.”

(10:46:02) – Supervisor Schuette explained that she had read the information, watched the Planning Commission meeting video, and visited the property. She understood the difficulty of the decision and pointed out the “buffer zone” between the property and the park. Supervisor Schuette cited the Master Plan, the current zoning, and “the transitional area” and believed she could support granting the appeal.

(10:48:20) – Supervisor Jones was in agreement with Supervisor Schuette due to the buffer zone and because “we’ve already proven, to be consistent, 10 feet isn’t out of the question.” He also noted his appreciation of the Planning Commissioners as volunteers; however, he disagreed with this decision.

(10:49:09) – Supervisor White also commended the Planning Commission’s hard work; however, he called this decision a “malfunction.” He also believed that “if the park was properly zoned, we wouldn’t be here today,” adding that the project “does stray substantially from what Silver Oak was sold to be.” Supervisor White explained to the applicant that telling area residents *if you don’t like this project I’ll go to zero lot lines and commercial stuff you really won’t like* did not “help your case.” He also believed that narrow streets and short driveways are not the way “people want to live,” however, he would vote to repeal the Planning Commission’s decision.

(10:51:43) – Supervisor Giomi did not believe that it was the Planning Commission’s decision to determine the park was not zoned properly. He also noted that those who live near vacant land would love to see it not developed; however, the property in the Master Plan was designated as High Density Residential. Supervisor Giomi believed “the only question is the Variance on the setback.” He explained that he had spoken to many of the park attendees and a few residents who lived adjacent to the park, adding that most of their reactions had been “apathy” with some who were in favor of the development “because they feel like it’s a better use than what could be there;” however, in a non-threatening way. He indicated that he would vote to grant the appeal.

(10:54:45) – Mayor Bagwell clarified that she looked at the rules and was blind to the individuals. She cited earlier comments that some of the letters supporting the project had been written by individuals who had interests in the project and noted that whenever she reads public comments she looks for “a salient point that Staff missed, or that there is a law or a code component...I am not swayed by who wrote the letter.” She stated that the task at hand today was to determine whether or not the Planning Commission erred in its decision. and whether or not it had evidence to support its decision. She believed that “based on the comments that were given by the Planning

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Commission, they had no evidence to support not approving the Variance request,” and was in favor of granting the appeal. Supervisor Jones indicated that this high-end townhome project was “nothing new” as he had heard about it prior to the recession. Mayor Bagwell entertained additional comments and when none were forthcoming, a motion.

(10:58:44) – Mayor Bagwell moved “to grant the applicant’s appeal and direct Staff to coordinate all necessary preparatory tasks in a manner so as to effectuate the approval of the Variance as originally submitted to the Planning Commission.” Supervisor Jones seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Mayor Bagwell
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(10:59:40) – Mayor Bagwell reminded members of the public that the City was in the process of revising its codes and asked for their input, noting “I cannot hold someone accountable to a rule that doesn’t exist.” Supervisor Schuette emphasized the importance of dialogue and input and gave the example of how many of the morning’s questions had been addressed.

14.E FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A TENTATIVE SUBDIVISION MAP (SUB-2021-0215) FOR A DEVELOPMENT KNOWN AS SILVER OAK AT COLLEGE PARKWAY TO CREATE 52 LOTS FOR ATTACHED SINGLE FAMILY RESIDENCES ON TWO PARCELS TOTALING 3.45 ACRES, ZONED NEIGHBORHOOD BUSINESS PLANNED UNIT DEVELOPMENT (NB-P), LOCATED AT 1147 W COLLEGE PARKWAY, APNS 007-462-16 AND 007-462-17.

(11:01:45) – Based on the discussion during item 14.D Mayor Bagwell invited Ms. Ferris to recap the changes that would be made to the Conditions of Approval. Ms. Ferris read them as follows:

Condition 25: At the time of recordation of the final map, a private Homeowner’s Association (HOA) or similar entity must be formed to provide maintenance for all common areas, including the private road, in perpetuity. The CC&Rs shall address parking and parking enforcement.

Condition 27: Remove the current condition 27 and replace it with the following language: The developer shall install “no parking” signs along Oak Ridge Drive should “no parking on-street” be determined by the Public Works Director.

Mayor Bagwell entertained a motion.

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(11:04:25) – Supervisor Giomi moved to approve the Tentative Subdivision Map as presented, with the changes to Conditions of Approval No. 25 and No. 27 as read into the record by the Planning Manager. Supervisor Jones seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(11:04:53) – Mayor Bagwell recessed the meeting.

(11:11:35) – Mayor Bagwell reconvened the meeting. A quorum was still present.

15. CITY MANAGER

15.A FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED INTERLOCAL AGREEMENT BETWEEN CARSON CITY ("CITY"), THE CARSON CITY DISTRICT ATTORNEY’S OFFICE (“CCDA”) AND THE CARSON CITY CULTURE AND TOURISM AUTHORITY (“CTA”), FOR ADMINISTRATIVE SERVICES AND FACILITY USE AND MANAGEMENT TO BE FUNDED BY 1% OF THE TOTAL 11% TRANSIENT LODGING TAX RATE (APPROXIMATELY \$209,000 IN FISCAL YEAR (“FY”) 2022, \$215,270 IN FY 2023, \$221,728 IN FY 2024, \$228,380 IN FY 2025 AND \$235,231 IN FY 2026).

(12:08:16) – Mayor Bagwell introduced the item and entertained Board questions or comments, and when none were forthcoming, a motion.

(11:04:25) – Supervisor Giomi moved to approve the agreement as presented. Supervisor Jones seconded the motion.

RESULT:	APPROVED (5-0-0)
MOVER:	Supervisor Giomi
SECONDER:	Supervisor Jones
AYES:	Supervisors Giomi, Jones, Schuette, White, and Mayor Bagwell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

16. BOARD OF SUPERVISORS

NON-ACTION ITEMS:

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FUTURE AGENDA ITEMS
STATUS REVIEW OF PROJECTS
INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS
CORRESPONDENCE TO THE BOARD OF SUPERVISORS
STATUS REPORTS AND COMMENTS FROM THE MEMBERS OF THE BOARD
STAFF COMMENTS AND STATUS REPORT

(12:09:05) – Mayor Bagwell introduced the item. Ms. Paulson informed the Board and the public that the Board of Supervisors would hold a joint meeting with the Carson City School Board on Thursday, September 2, 2021, at 6 p.m.

(12:09:48) – Ms. Hicks announced that the Board will review the Strategic Plan document at the September 2, 2021 Board meeting. She also announced that the V&T Railway would restart its train operations on August 28, 2021 and would continue running the trains until December 31, 2021. She invited the Board to attend a celebration on August 28, 2021 at 9 a.m. at the Eastgate Depot. Ms. Hicks also updated the Board on the Butti Way affordable housing project, noting that it will be agendized for discussion at the October 21, 2021 Board meeting and expected the finalization to take place in November 2021.

(12:11:58) – Supervisor Giomi requested revisiting the “no parking component” on Oakridge Drive (agenda items 14.D and 14.E). He also requested that the Public Works Department address the encroachment issues of Nye Lane and Otha Street (agenda item 14.C) as he believed that “we’re not treating people fairly,” since similar encroachment issued had been enforced downtown. Supervisor Giomi reported on behalf of the Culture and Tourism Authority (CTA) that the Carson City hotel net taxable revenue in February and April had been the highest ever for those respective months, and that June had the highest net taxable hotel revenue of any all-time single month. He also reported on the Carson Water Subconservancy District meeting, stating that the Army Corps of Engineers had deemed the Carson River as an unnavigable waterway, based on historical use, noting that the implications of which would be discussed by the District and with regional governing bodies. Supervisor Giomi explained that the farmers below the Lahontan Dam will be impacted as they will not be able to irrigate using river water.

(12:17:02) – Mayor Bagwell announced that according to the 2020, the Carson City population was now at 58,639, a growth of 6.09 percent over 10 years, which she noted was over one-half a percent per year. She stated that those were the figures that would be used for redistricting. She highlighted that the Lyon County population had grown to be slightly higher than that of Carson City. Supervisor Giomi indicated the growth of neighboring counties would impact Carson City which is considered a regional hub.

(12:18:48) – Supervisor Schuette updated the Board on the Parks and Recreation Committee meeting and stated that they had been discussing a consistent dog leash policy, calling it a great discussion with the community.

17. PUBLIC COMMENT

(12:19:33) – Mayor Bagwell entertained final public comments; however, none were forthcoming.

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18. FOR POSSIBLE ACTION: TO ADJOURN

(12:19:52) – Mayor Bagwell adjourned the meeting at 12:19 p.m.

The Minutes of the August 19, 2021 Carson City Board of Supervisors meeting are so approved on this 16th day of September, 2021.

LORI BAGWELL, Mayor

ATTEST:

AUBREY ROWLATT, Clerk – Recorder