

To: Airport Authority

From: Steve Tackes, Airport Counsel

Date: 5-15-2022

Re: Airport Counsel Briefing for Meeting of Wednesday, May 18, 2022 (not an action item)

As there have been several questions raised about Through-the-Fence (TTF) lately, it may be helpful to provide you with an overview. Preliminarily, I should note that the FAA takes a very dim view of TTF, so much so, that several FAA planners told me that having TTF could impact our FAA funding and that we should be actively trying to remove TTF. Against that background, the City first agreed to TFF (as far back as I can tell) when they first developed the industrial area north of the Airport. The City leased those lots to manufacturers with an original plan that the manufacturers would build hangars (if they had aircraft) on their parcels and would taxi aircraft on the roads to the north side entrance (midway on Taxiway C). Of course, this was an idea rife with problems and never was implemented. From reviewing the historical files, it looks like the next time the City considered TTF was in 1984 when JohnD Winters gave the City some land and easements around Arrowhead Drive and included a TTF right to JohnD Winters as part of that agreement. I believe that was the impetus for the City to adopt some standardized TTF rules, and ultimately codified them in the Carson City Municipal Code (CCMC).

1. CCMC Title 19, Chapter 19.03 sets forth the rules adopted to address TTF Aircraft Operation. Here is a bullet point summary:
 - a. Applies to the land adjoining the airport boundary north and east of the airport. Not to land that is not touching the airport boundary. Not to land on other sides of the Airport.
 - b. Requires a TTF permit from the Authority.
 - c. Limited to 1 permit per parcel and limited to the industrial zoned land.
 - d. Limited to 4 resident aircraft owned by the Permittee; if good cause, the Authority may increase the number of aircraft.
 - e. Access points should be designated to allow joint use of an accessway by the 2 parcels adjacent to the airport boundary. (for safety/to minimize access points)
 - f. The Authority has discretion to limit a Permittee access through an accessway for safety and security reasons.
 - g. Access to Taxiway D (east of Bravo) needs FAA approval.
 - h. Permit can be revoked for failure to pay, for safety reasons or for violation of any law, ordinance or FAA regulation. There is a notice and response process.
 - i. Annual fees are the greater of \$750 or \$0.36 times the sq ft size of the hangar. The fee is offset by the property taxes *received by the Authority*. Other fees are \$625 for the TTF permit when not being used; or \$750 plus \$125/aircraft beyond the first aircraft. Please note that the real property tax agreement between the City and the Authority only obligates the City to transfer real property taxes for hangars constructed on adjacent property, not from properties that are not adjacent to the Airport. (This is addressed in more detail in Item 6 below.)
 - j. Fees may be adjusted by Authority action to reflect costs of airport maintenance. Note: the FAA approved the use of our formula approach in developing the fees based on overall airport costs; but required us to update those in 2017 when the

FAA did their land use audit. Thus the rates we have now and probably should again update.

- k. Permittee is responsible for the construction and maintenance for the accessway that connects their property to the taxiway. And it needs to be completed within 6 months of Authority approval of the TTF permit.
 - l. Security- The Permittee must provide security to prevent vehicular and pedestrian access TTF. Airport manager may determine whether a breach and subsequent revocation of the TTF permit. This is a particular hot button for the FAA since the Airport would not have direct control.
 - m. No aeronautical uses TFF, ie. no FBO, no sale of fuel, parts, service or maintenance. If they put in fuel for themselves, the fuel flow fee must be paid to the Airport.
 - n. All TTF is subordinate to FAA grant assurances, regulations, and FAA operational rules; and any other condition in agreements between the Authority and FAA (these are primarily our AIP grant agreements).
 - o. Anyone with any other right under a written contract with the City must agree to these terms.
2. JohnD Winters Agreement. As mentioned earlier, this was an agreement that covered a number of land transactions with the City, and included a TTF right. Per the agreement:
- a. Only applies to land “owned by the JohnD Winters Family Trust which is ***adjacent*** to the Carson City Airport...” (emphasis added)
 - b. If land was abandoned and transferred back to JohnD Winters, the new boundary adjacent properties would have TTF.
 - c. Access would be based on the “ ‘Through the Fence Regulations’ adopted by Carson City”; the 1984 version was attached to the Agreement as Exhibit E.
 - d. Exhibit E reads very much like CCMC 19.03.
 - e. Access is limited to industrial zoned land and shall be incidental to manufacturing. 90% of the financial operation and building area must be related to industrial use.
 - f. Limited to 4 aircraft per permittee.
 - g. Permit terminates when over 25% ownership changes.
 - h. Access fees “will be twice the amount of a fixed tied down fee”... for the first aircraft and” an escalating scale of 25% for each additional aircraft.”
 - i. Permittee required to construct and maintain the accessway to the taxiway. City must review the engineering plans.
 - j. Construction to be completed in 4 months.
 - k. Permittee to provide security “to prevent public access, both vehicular and pedestrian”.
 - l. Access points arranged for joint use by 2 adjoining parcels to avoid excessive number of accessways.
 - m. No aeronautical uses TFF, ie. no FBO, no sale of fuel, parts, service or maintenance.
 - n. All TTF is subordinate to FAA grant assurances, regulations, and FAA operational rules; and any other condition in agreements between the Authority and FAA (these are primarily our AIP grant agreements).

- o. The Airport has an avigation easement over the permittee's property.
- p. The Permittee must be insured and protect the City from any loss, damage, etc.
- q. The Permittee does not get an easement or property right.
- r. The Permittee must remove at their expense if directed by the City.

I would note that under NRS 844 and the Cooperative Agreement with the City, the Authority is responsible for operations of the Airport and presumably any obligations under the agreements made prior to 1989 (when the Authority was created). So if it says City, it may well now mean Authority.

3. Differences. As you can see above, there are some differences in the terms between CCMC 19.03 and the JohnD Winters Agreement Most appear to be relatively minor, with CCMC 19.03 being, in my opinion, more TFF friendly and available anyway to this area. However, if someone argued that they would only proceed under the JohnD Winters Agreement, then the 90% limitation and other provisions would apply. The bottom line is that all of these properties are in the zone permitted under CCMC 19.03, and I think it likely a Court would say that CCMC 19.03 applies in addition to the terms of the JohnD Winters Agreement.
4. Existing TTF. At present we only have 2 TTF permits in place. One for the Clickbond campus and one for the Melsheimer property that houses Mustang Manufacturing. Both have written permits that the FAA has reviewed, and as noted earlier, the FAA directed the Authority to update the fees to match current costs of operation of the Airport.
5. Future TTF. To my knowledge, no one has an active request pending. However, CTE has, in discussing the lease of the Bravo parcel, shown us a layout plan for developing the property east of the Airport's boundary. That layout plan shows an adjacent parcel which would request TTF access and use that parcel as a gateway to connect to other parcels that are not adjacent to the Airport boundary. CTE told us that they were still evaluating the project in light of their determination not to further pursue the Bravo lease due to construction costs. So we do not know if the project will go forward. However, the CTE layout appears to be inconsistent with the rules, the Winters Agreement and has not received any FAA review that we know of. This is not to say that there may be solutions, but the layout presents a number of problems. If CTE decides to move forward, those problems would need to be solved before the Authority could approve a TTF permit. I have also been informed that there may be a property owner adjacent to Taxiway D and east of Taxiway B. That area does fit within the area for CCMC 19.03, and may fit within the JohnD Winters Agreement area, but the applicant would need to provide the land and title history to show that.
6. Property tax agreement with Carson City. As mentioned previously, the Authority entered into an agreement with Carson City such that the Airport gets the portion of the property tax that the City would get on the hangars and other improvements on the Airport and the aircraft hangars on property adjacent with TTF. There are two pieces to this. First, in 1992, the Authority took over payments on the note payable to John Serpa for the land acquired on the east end of the airport (just east of the rock quarry) as needed clear space to avoid any building development in that area. In return, the City agreed that

all personal property tax on aircraft located at the Airport would go to the Authority. (copy of agreement and minutes approving attached). In 2006 the City reaffirmed that agreement and an earlier agreement including the real property taxes for the hangar improvements on the Airport and from “aviation property located adjacent to the Carson City Airport.” (copy of City Recording Secretary vote approval of Agenda item). Both of these agreements were exhibits to the recently extended and approved Cooperative Agreement with the City. (approved last year) Moreover, federal law requires that that all revenues generated by the Airport must be used for the operating costs of the Airport. Airport and Airway Improvement Act of 1982, Airport and Airway Safety and Capacity Expansion Act of 1987, Federal Aviation Administration Authorization Act of 1994 and Federal Aviation Administration Reauthorization Act of 1996. While there could be differing views on whether the federal law applies to TTF, the agreements with the City settled the issue. That said, the agreement applies to “taxes derived from property located at the Carson City Airport and taxes derived from aviation property located *adjacent* to the Carson City Airport”. (emphasis added). There is no provision for properties that are not adjacent to the Airport.

The time to drill into this will be if and when we get a request for TTF access and the circumstances surrounding it. It is simply too difficult to identify all of the safety or other factors without a sufficiently detailed proposal.

**City of Carson City
Agenda Report**

Date Submitted:5/23/2006

Agenda Date Requested:6/1/2006
Time Requested: afternoon

To: Board of Supervisors
From: Carson City Airport Authority

Subject Title: Action to confirm and ratify the Supervisor action authorizing transfer to the Airport Authority of real and personal property taxes derived from property located on the Carson City Airport and aviation property located adjacent to the Carson City Airport.

Staff Summary: The City has regularly transferred the City share of real property taxes and personal property taxes derived from property located at the Airport to the Carson City Airport Authority. The transfer of personal property taxes was approved by the Board of Supervisors on September 3, 1992. It is unknown as to when approval was given for transfer of the real property taxes. The Airport Authority requests that the Board of Supervisors confirm and ratify its decision to transfer the City share of real and personal property taxes derived from property located at the Carson City Airport to the Carson City Airport Authority for use in maintaining and improving the airport.

Type of Action Requested: (check one)
 Resolution Ordinance
 Formal Action/Motion Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: (I move that we) confirm and ratify the City's decision to transfer to the Airport Authority the City share of real and personal property taxes derived from property located at the Carson City Airport and taxes derived from aviation property located adjacent to the Carson City Airport Authority, for use in maintaining and improving the airport.

Explanation for Recommended Board Action:

The City has historically transferred these taxes. However, recently the City Treasurer asked for the authorization for the transfers, and we were unable to locate Board action as regards the real property taxes, i.e. the taxes on the improved buildings on the Airport. We did locate the Board Action approving the transfer of the personal property taxes. (Attached Minutes of the Meeting of Sept 3, 1992.)

The transfer of the taxes is consistent with the law that created the Airport Authority. In Section 26, the law states that, as of " January 1, 1990:

(a) Any money on hand or to become available to Carson City for the airport must be paid directly to the Authority."

In addition, Sections 11 through 15 provide for a general ad valorem tax, the proceeds of which would go to the Airport Authority. The Authority is not requesting the imposition of a new ad

valorem tax, but rather just requesting that the City confirm its practice of providing the Authority with the taxes received by the City for property (personal and real) located on the Airport. In 2005, this was approximately, \$72,000.

Moreover, there are four federal laws that address use of airport revenue, the Airport and Airway Improvement Act of 1982, the Airport and Airway Safety and Capacity Expansion Act of 1987, the "Federal Aviation Administration Authorization Act of 1994", and the "Federal Aviation Administration Reauthorization Act of 1996". These laws broadly declare that "all revenues generated by the airport...[must be used] for the capital or operating costs of the airport, the local airport system, or other local facilities which are owned or operated by the owner or operator of the airport and directly related to the actual transportation of passengers or property." As a result, the City's practice is presently in line with the federal law.

Although we could not find where or whether the Board of Supervisors took action to authorize the transfer of real property taxes, we did find minutes and Board Action predicated on real property taxes going to the Authority. For example, when the Board of Supervisors amended CCMC Title 19 on through-the-fence fees, the Board approved a reduction in the fee for real property taxes received by the Airport Authority. This only makes sense if the Authority was receiving the real property taxes on the hangars located off-airport but adjacent thereto.

Accordingly, we present this item to confirm and ratify the transfers of taxes that are taking place.

Applicable Statue, Code, Policy, Rule or Regulation: Statutes of Nevada, Chapter 844.

Fiscal Impact: No change to City.

Explanation of Impact: No change.

Funding Source: Personal and Real property taxes.

Alternatives: Not Applicable

Supporting Material: Copy of Minutes, Sept 3, 1992.

Prepared By: Steven E. Tackes, Esq., Airport Counsel

Reviewed By: _____

(Department Head)

(City Manager)

(District Attorney)

(Finance Director)

Date: 5-23-2006

Date: 5-23-06

Date: 5-23-06

Date: 5/23/06

Board Action Taken:

Motion: App.

- 1) RS
- 2) SA

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Aye/Nay

[Signature]
(Vote Recorded By)

Post-it® Fax Note	7671	Date	5/23/92	# of pages	4
To	Steve Tucker	From	Fletcher		
Co./Dept.		Co.			
Phone #	882-0257	Phone #	887-2086x1601		
Fax #		Fax #			

MEMORANDUM AGREEMENT

1 This agreement made this 30 day of Sept, 1992, by
 2 and between CARSON CITY ("CITY") and CARSON CITY AIRPORT
 3 AUTHORITY ("AUTHORITY").
 4

5 WHEREAS, CITY currently receives personal property tax
 6 revenue upon aircraft and other personal property located at the
 7 Carson City Airport; and

8 WHEREAS, AUTHORITY is in need of funding and desires to
 9 receive the personal property tax revenue upon such property;
 10 and

11 WHEREAS, CITY is obligated under a promissory note dated
 12 January 17, 1991 to John Serpa of payments regarding an
 13 acquisition of Airport property; the decision to acquire such
 14 property was based upon an understanding that the personal
 15 property tax revenue would provide a source for payment; and

16 WHEREAS, AUTHORITY desires to receive the personal
 17 property taxes as a funding mechanism and take over the payments
 18 upon the promissory note.

19 NOW, THEREFORE, the parties agree as follows:

20 1. As of July 1, 1992, CITY shall hereafter transfer to
 21 AUTHORITY the personal property tax revenue upon aircraft and
 22 other personal property, as determined by the Carson City
 23 Assessor, located at the Carson City Airport, with the first
 24 such tax revenue transfer to occur by October 1, 1992. Each
 25 subsequent tax revenue transfer, as determined by the Carson
 26 City Assessor, shall occur within the first quarter of each
 27 fiscal year thereafter.

28 / / / /

1 2. As of July 1, 1992, AUTHORITY shall hereafter make all
 2 payments upon the promissory note to John Serpa dated
 3 January 17, 1991. with the first such payment to occur on or
 4 before June 30, 1993. Such payments by AUTHORITY shall occur as
 5 they become due under the note and shall continue until the note
 6 is paid in full.

7 IN WITNESS WHEREOF, the parties hereto have executed this
 8 Agreement on the date first written above.

9

CARSON CITY

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12 BY *Marv Texiera*
 MARV TEXIERA, Mayor

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14

ATTEST:

15

16

Kiyoshi Nishikawa
 KIYOSHI NISHIKAWA, Clerk-Recorder

17

18

CARSON CITY AIRPORT AUTHORITY

19

20

BY *Walter G. Sullivan*
 WALTER SULLIVAN, Chairman

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APPROVED AS TO LEGALITY AND FORM:

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Mike Suglia
 MIKE SUGLIA
 Deputy District Attorney

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27

28

27G:792MEMO.AGT

CARSON CITY
PAYMENT SCHEDULE
AIRPORT LAND PURCHASE
JOHN SERPA NOTE

PRINCIPAL 86,500

	PRINCIPAL	INTEREST	PAYMENT	BALANCE
June 30, 1992	8,650	6,669	15,319	77,850 *
June 30, 1993	8,650	4,671	13,321	69,200
June 30, 1994	8,650	4,152	12,802	60,550
June 30, 1995	8,650	3,633	12,283	51,900
June 30, 1996	8,650	3,114	11,764	43,250
June 30, 1997	8,650	2,595	11,245	34,600
June 30, 1998	8,650	2,076	10,726	25,950
June 30, 1999	8,650	1,557	10,207	17,300
June 30, 2000	8,650	1,038	9,688	8,650
June 30, 2001	8,650	519	9,169	0

*Paid by City.

June 30, 1992 Interest Payment Calculation:

Date of FAA money transfer to Serpa through Escrow: March 18, 1991

FY 90-91 104 Days Interest Accrual from March 18-June 30

$104/365 * 6\% * 86,500 =$ 1,479 Interest Accrual-FY 90-91

$86,500 * 6\% =$ 5,190 Interest Accrual-FY 91-92

6,669 Interest Due June 30, 1992
=====

000133998

FILED FOR RECORD
AT THE REQUEST OF
CARSON CITY CLERK TO
THE BOARD
'92 SEP 8 1945

000133998

MICHOE N. NIKAWA
CARSON CITY RECORDER
FOR N.C. DEP. *CC*

000133998

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 1

A regular session of the Carson City Board of Supervisors was held on Thursday, April 16, 1992, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 9 a.m.

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

STAFF: John Berkich City Manager
Kiyoshi Nishikawa Clerk-Recorder
Paul McGrath Sheriff
Ted P. Thornton Treasurer
Basil "Butch" Moreto Purchasing Agent
Paul Lipparelli Deputy District Attorney
Jeanette Sullivan Administrative Assistant to City Mgr.
Katherine McLaughlin Recording Secretary
(B.O.S. 4/16/92 Tape 1-0005)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. A tape recording of these proceedings is on file in the Clerk-Recorder's Office. This tape is available for review and inspection during the normal business hours.

Mayor Teixeira called the meeting to order at 9:05 a.m. First Baptist Church Rev. Ken DeLyser gave the Invocation. Sheriff McGrath led the Pledge of Allegiance. Roll call was taken. A quorum was present although Supervisors Smith and Bennett had not arrived.

APPROVAL OF MINUTES - February 20 and March 5, 1992 (1-0045) - Supervisor Tatro noted that he had not attended the March 5th meeting and moved to approve the February 20, 1992 Minutes. Supervisor Fetic seconded the motion. Motion carried 3-0.

The March 5th Minutes were continued as Supervisor Fetic was also absent.

AGENDA MODIFICATIONS - Item 10 from the Parks and Recreation Director was scheduled for 3:30 to 4 p.m. Item 8, Public Works Director request on Regional Transportation Commission's resolution for approval of condemnation action for the extension of Graves Lane was pulled as RTC had not considered the issue. Discussion ensued between Supervisor Fetic and Mr. Lipparelli on whether the other RTC issues could be heard. (Supervisor Bennett arrived 9:10 a.m. A quorum was present as noted previously.) Item 16, Community Development Director - Planning Commission referrals -- appeal and review matters - Action on S-91/92-3, a Tentative Subdivision Map from Richard Scott was pulled at his request. Pursuant to the policy he would be billed for the rescheduling costs. Supervisor Bennett pulled her Item 13, a Development Agreement between Carson City, Michael Hohl Motors and Ford and Chrysler Dealership for improvements on Koontz and Curry Streets.

CITIZEN COMMENTS ON NON-AGENDIZED ITEMS (1-0145) - May Ruth French reiterated her position that the City should provide PATCOM additional TCI franchise funds and should be assigned all of the public access duties. Her comments included funding amounts which Mayor Teixeira clarified. (Supervisor Smith arrived at 9:12 a.m. A quorum was present as noted earlier.)

(1-0205) Oscar Hall, as an evening PAT35 viewer, requested the Board consider speaking into the microphones and supported Ms. French's comments. He then outlined his request that something be done

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 2

about the Silver Sage and Clearview intersection. He suggested a four-way stop be installed or, at the least, flashing lights and stripping. He also suggested Koontz be stripped. The City had stripped Edmonds as he had suggested which had greatly improved the traffic flow. He then outlined several nuisance problems in his neighborhood, specifically at Conte and Edmonds. He replied negatively to Supervisor Smith's question concerning whether Public Works had contacted him. Mayor Teixeira directed Ms. Sullivan to keep Mr. Hall posted on what the staff was doing on these issues.

1. SPECIAL PRESENTATIONS - PRESENTATION REGARDING THE 1992 CARSON PRIDE AND REVITALIZATION PROGRAM (1-0325) - Supervisor Bennett introduced Rita Carmen. Ms. Carmen outlined the "CPR" (Carson Pride and Revitalization Program) activities planned for the week of April 26. Supervisor Bennett then explained the successful programs undertaken by CPR during the last year. She thanked Ms. Carmen and all of the volunteers for their commitment and involvement in the current program. Mayor Teixeira also commended her on their activities.

LIQUOR AND ENTERTAINMENT BOARD MATTERS - Mayor Teixeira then recessed the Board of Supervisors session and immediately reconvened the meeting as the Liquor and Entertainment Board. The entire Board was present, including Member McGrath, constituting a quorum.

2. TREASURER - Ted P. Thornton

A. ACTION ON AN ENTERTAINMENT PERMIT FOR THE KIT CARSON RENDEZVOUS EVENTS TO BE HELD AT MILLS PARK 6/12/92 THROUGH 6/14/92 ALONG WITH A REQUEST FOR A WAIVER OF THE APPLICATION AND PERMIT FEES (1-0505) - The Insurance Rider is to be updated before the permit is issued. Member Bennett moved that the Liquor and Entertainment Board approve an Entertainment Permit for the Kit Carson Rendezvous Event to be held at the Mills Park 6/12/92 through 6/14/92 long with a waiver of application and permit fees, fiscal impact is the application fee of \$100.00 and the permit fee of \$500.00 if not waived. Member McGrath seconded the motion. Motion carried 6-0.

B. ACTION ON SHORT-TERM BUSINESS PERMIT FOR THE KIT CARSON RENDEZVOUS EVENTS CONCESSION STANDS AT MILLS PARK 6/12/92 THROUGH 6/14/92 ALONG WITH A WAIVER OF THE \$50.00 PER DAY PROMOTION FEES (1-0550) - Member Bennett moved that the Liquor and Entertainment Board approve a short-term business permit for the Kit Carson Rendezvous Events concession stand at Mills Park 6/12/92 through 6/14/92 along with a waiver of the \$50.00 per day promotion fee. Member McGrath seconded the motion. Motion carried 6-0.

There being no other business for the Liquor and Entertainment Board, Chairperson Teixeira adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors session. The entire Board was present constituting a quorum.

BOARD OF SUPERVISORS ORDINANCES, RESOLUTIONS AND OTHER ITEMS

3. TREASURER (1-0575) - Ted P. Thornton

A. ACTION ON CARSON CITY TREASURER'S FINANCIAL REPORT FOR THE MONTH OF FEBRUARY 1992 - Supervisor Tatro moved that the Board accept the Treasurer's report as submitted for the month of February 1992. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON REFUNDS AND REMOVAL FROM 1991-92 TAX ROLL OF REAL PROPERTY TAXES AS FOLLOWS:

i. APN 4-202-06, STATE OF NEVADA, DIVISION OF LANDS ACQUISITION

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 3

(1-0602) - Supervisor Feticc moved that the Board remove partial 1991-92 real property taxes on APN 2-102-06 due to a clerical error in the Carson City Assessor's Office and decrease the taxes in the amount of \$270.53. Supervisor Bennett seconded the motion. Motion carried 5-0.

iii. APN 2-106-06 LOCATED AT 1208 EAST WILLIAM STREET (1-0633) - Supervisor Tatro moved that the Board approve refund and removal of partial real property taxes on APN 4-202-06 due to the State of Nevada, Division of Land acquiring the property, this will decrease the tax revenue in the amount of \$62.77. Supervisor Bennett seconded the motion. Motion carried 5-0.

iv. APN 9-305-06, STATE OF NEVADA ACQUISITION OF LAND (1-0675) - Supervisor Tatro moved that the Board approve refund and removal of taxes from the 1991-92 tax roll on Assessor's Parcel Number 9-305-06 due to the State of Nevada acquiring a portion of their property for the 395 bypass project with a loss of tax revenue in the amount of \$1,804.71. Supervisor Feticc seconded the motion. Following Mr. Thornton's request for an amendment, Supervisor Tatro amended his motion to include and authorize a refund of \$199.86. Supervisor Feticc continued his second. Motion carried 5-0.

OTHER MATTERS (1-0740) - Ms. Sullivan explained that City Manager Berkich was in District Court on an administrative matter and hoped to be able to attend the Board meeting around 10:30 a.m. Deputy City Manager Sorenson is at a Community Development Block Grant hearing and attempting to gain funding for the two programs the Board selected during the budget process.

4. PURCHASING AGENT - Basil "Butch" Moreto

A. ACTION ON THE AWARD OF CONTRACT NO. 9192-171 - TIMBERLINE BOOSTER PUMP STATION UPGRADE (1-0765) - Following Mr. Moreto's introduction, Utility Manager Timian-Palmer explained the funding allocation, the project, the in-house estimate, and the special work required on the project. Supervisor Smith moved that the Board accept the Purchasing Agent's recommendation and award this contract to Bidder No. 4, RDC, Inc., doing business as Resource Development Company, 2305 Glendale Avenue, Suite 10, Sparks, Nevada 89431 as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$342,510 and accept a contingency amount of \$18,490, funding source to be Account 520-3505, and authorize the above-referenced account be decreased by \$361,000. Supervisor Bennett seconded the motion and thanked the staff for bringing the matter to the Board for such a complete discussion. The motion was voted and carried 5-0.

C. ACTION ON THE AWARD OF CONTRACT NO. 9192-225 - KINGS CANYON MAINLINE REPLACEMENT (1-0976) - Ms. Timian-Palmer outlined the status of this project and the landscaping at the treatment plant. Supervisor Feticc moved that the Board accept the Purchasing Assistant's recommendation and award Contract 9192-225 to Perata Excavation, Tahoe City, California, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapter 332, 338, 339, and 624 for a contract amount of \$169,730 plus a contingency amount of \$16,973, funding source is 520-3505. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. ACTION ON THE AWARD OF CONTRACT 9192-241 - MAINTENANCE OF PITS AND SUPPORT SERVICES (1-1089) - Comments explained that the work is done on an as needed basis at the contract amount and the difference in bids. Public Works Director O'Brien elaborated on the purpose of the contract. Supervisor Bennett moved that the Board accept the Purchasing Assistant's recommendation and award Contract 9192-241 to Bidder No. 1, Construction Supply, Inc., 6 Sierra Circle, Carson City, as the lowest responsive and responsible bidder pursuant to the requirements NRS Chapter 332. Supervisor Tatro seconded the motion. Motion carried 5-0.

D. ACTION ON THE AWARD OF CONTRACT NO. 9192-242 - SEISMIC

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 4

STRENGTHENING AND ELEVATOR INSTALLATION FOR THE BREWERY ARTS CENTER (1-1205) - Architect John Copoulos and Mimi Rodden responded to the Board's questions on the project and the bid differences. Mayor Teixeira explained the funding source for May Ruth French. Supervisor Tatro moved that the Board accept the Purchasing Assistant's recommendation and award Contract 9192-242 to Bidder Number 4, Anderson/Hannafin, 311 North Carson Street, as the lowest responsive and responsible bidder pursuant to the requirements of NRS Chapters 332, 338, 339, and 624 for a contract amount of \$142,721, funding source 101-0615. Supervisor Feticc seconded the motion. Brewery Arts Executive Director Carl Dahlen elaborated on the funding and delay in State grant funds. Mayor Teixeira supported a proposal to loan the money to the Brewery should this funding not materialize. This proposal would be considered by the Board when necessary. Mr. Dahlen thanked the Board for its support. The motion to award the contract as indicated was voted and carried 5-0.

E. ACTION ON FINAL PAYMENT ON CONTRACT NO. 9091-172 - EAGLE VALLEY GOLF COURSE STORAGE BUILDING (1-1515) - Discussion ensued among the Board on the building problems, some of which will be addressed later, and the funding source. Supervisor Smith moved that the Board approve the Request for Final Payment in the amount of \$40,552.43 to Center Sierra Commercial Construction, 2838 Heybourne Road, Minden, Nevada 89423 and accept the Contract Summary as presented, funding source is Account No. 540-5200. Supervisor Tatro seconded the motion. Motion carried 5-0.

5. CLERK-RECORDER - Kiyoshi Nishikawa - ACTION ON RESOLUTIONS AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS AS FOLLOWS:

A. 1-85/12-85 SHERIFF'S OFFICE CASE REPORT FILES (1-1632) - Supervisor Tatro moved that the Board adopt Resolution No. 1992-R-19, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS which are the Sheriff's 1985 Case Report Files. Supervisor Bennett seconded the motion. Motion carried 5-0.

B. 1987-90 CLERK-RECORDER'S OFFICE CANCELLED AFFIDAVITS (1-1665) - Supervisor Tatro moved that the Board adopt Resolution No. 1992-R-20, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS - Voter Affidavits for 1987 through 1990 which have been cancelled. Supervisor Feticc seconded the motion. Motion carried 5-0.

C. BUILDING SITE FILES - COMMUNITY DEVELOPMENT DEPARTMENT (1-1675) - Supervisor Tatro moved that the Board adopt Resolution No. 1992-R-21, A RESOLUTION AUTHORIZING THE DESTRUCTION OF ORIGINAL RECORDS - Building Site Files. Supervisor Feticc seconded the motion. Motion carried 5-0.

BREAK: A ten-minute recess was declared at 10:05 a.m. When the meeting reconvened at 10:10 a.m., the entire Board was present constituting a quorum.

6. PRESENTATION BY CONCERNED PARENTS REGARDING PEDESTRIAN SAFETY AT THE INTERSECTION OF EDMONDS DRIVE AND STANTON STREET (1-1682) - Supervisor Smith explained the item and introduced Patty Pruitt. Ms. Pruitt detailed the concern about safety of the children crossing Edmonds with the use of a video she had taken of the traffic. The street is signed for 35 miles per hour except when the school crossing lights flash. It is 15 miles per hour during those periods. Clarification noted that the crosswalks have been repainted. Supervisor Feticc noted that three-way stop signs would impede traffic, however, questioned whether this was necessary. He then suggested that the crossing be moved to Pheasant and Edmonds. Drivers from the north would have a better opportunity to see the children and react appropriately. The City would have to install the sidewalk on the west side of Edmonds as the children would be forced to walk through the sagebrush there now. His comments also noted safety concern for drivers when speeding caused by the hill crest. Supervisor Smith also expressed his concern about the

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 5

installation of a three-way stop due safety concerns related to the distance from the hill's crest. Ms. Pruitt acknowledged the concern about the potential for rear end collisions due to this situation. Her safety concern for the junior high school bus which picks up children in that area were also noted. Comments noted this street was being used as a bypass as had been the original concept. Supervisor Bennett suggested the crossing relocation costs be compared to installing an overpass. Mayor Teixeira commended the parents and crossing guards on their efforts to control the situation. Mr. Homann expressed his feeling that it may cost \$5,000 to relocate the lights. Mayor Teixeira suggested a third set of lights be installed. Supervisor Bennett felt that both of these proposals merely "bandaid" the problem as the area is growing.

(1-2470) Ross Peterson felt that a three-way stop was needed. He suggested that a three-way flashing red light be installed at the cross walk which would be operated by the caution lights during school hours or on an as-needed basis with a button. This would allow the children to have a controlled crossing when going to the park. Mayor Teixeira directed Mr. Homann to report back to the Board on these alternatives.

(1-2547) Board discussion indicated the changes should be accomplished before the next school session begins. Ms. Pruitt reiterated her request that the crossings be a fluorescent yellow or orange if at all possible and include the words "enter school zone next 100 yards" at both ends. Additionally, the fine should be posted on signs at both ends which would serve as an incentive. The pros and cons of the signage on fines were discussed. Supervisor Fettic explained the difference between this crossing and other school crossings in Carson City. Verbal support by the contractors and National Board had been indicated to Ms. Pruitt. Supervisor Smith outlined the procedure which would follow and urged her to work with staff to analyze all the issues. Mr. Homann explained that Edmonds is a major arterial and was being utilized by all for this purpose. He wished to seek an alternative which would eliminate the crossing conflict, i.e., School District busing of children. The street currently meets national standards, was designed for 35 miles per hour, and is posted for 35. Violations are creating the problem. Mr. O'Brien noted a potential problem with Saliman and Seeliger Schools. Supervisor Fettic felt the difference was the crest of the hill. Ms. Pruitt felt that the City had not considered the school when Edmonds was designed.

(1-2908) Jill Carsten explained her reasons for supporting the overpass and a possible grant for funding the project. She also suggested a second guard be added at Old Edmonds. The new housing development would add to the number of children/people crossing the street. She also pointed out the need for a crossing guard when the normal guard could not be present. Discussion clarified that the crossing guards are hired by the Sheriff's Office. Mr. Peterson then expressed his feeling that a child's life was worth more than the overpass. The tax reduction should be used for the overpass and avoid the liability issues. Ms. Pruitt then expressed her feeling that drivers are speeding more when school is not opened. All drivers are violating the pedestrian crossing. May Ruth French supported the cross walks and overpass, opposed the button for crossing as they do not work and felt that the School District should contribute toward the final improvements. Ms. Pruitt then noted that the City would receive monies from the fines and suggested these funds be utilized to mitigate the problem.

7. COMMUNITY DEVELOPMENT DIRECTOR - Senior Planner Juan Guzman

A. PLANNING COMMISSION REFERRALS - APPEAL AND REVIEW ITEMS - ORDINANCE - FIRST READING - ACTION ON A-91/92-17 REGARDING A REQUEST FROM CARSON CITY COMMUNITY DEVELOPMENT DEPARTMENT TO ADOPT REVISED "FLOOD INSURANCE MAPS FOR CARSON CITY - COMMUNITY PANEL NUMBERS 3200010080C REVISED, 3200010085C, 3200010125C, 3200010130C, AND CONDITIONAL LETTER OF MAP REVISION DATED AUGUST 30, 1990 FOR CASE NO. 90-09-22R, LEWIS HOMES DEVELOPMENT UNITS 6C AND 6D, AFFECTING A REACH OF THE SALIMAN ROAD TRIBUTARY AND TRIBUTARY AS SHOWN ON THE EFFECTIVE FLOOD INSURANCE RATE MAP PANELS 32000010080C, 0085, 0125, and 0130 FOR THE CITY OF CARSON CITY, NEVADA, DATED MARCH 16, 1989, AND APPROVE COMPANION ORDINANCE ON FIRST READING -

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 6

PLANNING COMMISSION APPROVED 6-0-0-1 - Mr. Guzman read the Board Action Request and responded to Board questions on the need to modify the Code to match previous Board direction. Supervisor Smith moved that the Board introduce on first reading Bill No. 119, AN ORDINANCE AMENDING SECTION 12.09.060 SUBSECTION 2 (BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD) OF THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Feticc seconded the motion. Motion carried 5-0.

B. MISCELLANEOUS ITEMS - ORAL STATUS REPORT REGARDING U.S. HIGHWAY 50 EAST CLEAN-UP PROGRAM (2-0310) - Mr. Guzman outlined the cleanup efforts. He reviewed the statistical report he had distributed to the Board and Clerk. He then responded to Board questions on the types of violations, responses received from the property owners/businesses, attempts to motivate the owners/businesses, modified guidelines/proposed code revisions which will be considered by the Board, and support from the businesses/owners on the program. (2-0465) Chamber of Commerce Executive Vice President Larry Osborne outlined the Chamber's support for the approach which the City had undertaken and for the program. Violations should be pursued. He felt that the cooperative efforts should be continued and would work. He urged enforcement of curb stoning statutes. Supervisor Bennett stressed the need for this program to be ongoing and vigilantly enforced. She also requested that the Statutes be considered when Code modifications are presented. Mr. Osborne expressed the State's willingness to site curb stoners and that notification merely required a telephone call. Clarification indicated that staff would be presenting corridor guidelines in the next 90 or so days. Supervisor Bennett felt that as long as these guidelines are established with the business support, they would be successful. Mayor Teixeira commended staff on their approach.

9. PUBLIC WORKS AND UTILITY DEPARTMENTS - Utility Director Dorothy Timian-Palmer - ACTION ON CHANGE ORDER NO. 4 TO CONTRACT NO. W-5 OF THE CARSON CITY WASTEWATER TREATMENT AND DISPOSAL FACILITIES (2-0635) - Ms. Timian-Palmer outlined the maintenance requirements and responsibilities. During the next eighteen months, a supplemental request will be submitted to the Board seeking authorization to hire an "utility outdoor maintenance person." Discussion among the Board, Ms. Timian-Palmer, and Mr. Berkich included the future of the rock wall which is owned by the State. Supervisor Smith moved that the Board accept Change Order No. 4 to Contract W-5, Secondary Clarifier and Return Sludge Pump Station, in the total amount of \$7,744.12 and authorize the Mayor to sign same, funding source is Sewer Fund 515. Supervisor Feticc seconded the motion. Motion carried 5-0.

8. PUBLIC WORKS DIRECTOR - Dan O'Brien

A. ACTION TO ACCEPT THE OFFERS OF DEDICATION OF STREET RIGHTS-OF-WAY, ACCESS, SEWER, AND STORM DRAIN EASEMENTS FOR RIVER KNOLLS PHASES I, II, AND III (2-0805) - Supervisor Tatro moved that the Board accept and authorize the Mayor to sign the offers of dedication from Eagle Valley Investment for certain portions of Stampede Drive, Gregg Street, Chimney Drive, Hunter Court, Spring Drive, Quinn Drive, Latigo Drive, and an access, sewer and storm drain easement off of Gregg Street, all as described and shown on the recorded plat maps for River Knolls Phases I, II and III. Supervisor Smith seconded the motion. Motion carried 5-0.

B. ORDINANCE - FIRST READING - ACTION ON AN ORDINANCE AND DEVELOPMENT AGREEMENT FOR HOT SPRINGS ROAD AND PROPOSED GONI ROAD WITH RONALD O. BOULTER (2-0875) - Discussion ensued among the Board and Mr. O'Brien on the improvements, location, need for an assessment district in the Graves Lane area which would include this property, reasons for the development agreement, desire for consistency and continuity of the developments. Clarification indicated Mr. Boulter did not have to wait for the other areas to develop before making the improvements. Supervisor Bennett moved that the Board introduce on first reading Bill No. 120, AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 7

RONALD O. BOULTER, REGARDING ASSESSOR'S PARCEL NO. 8-131-15, LOCATED AT HOT SPRINGS ROAD AND PROPOSED GONI ROAD, CARSON CITY, NEVADA. Supervisor Smith seconded the motion. Motion carried 5-0.

C. REGIONAL TRANSPORTATION COMMISSION ITEMS

i. ACTION TO ACCEPT THE OFFER OF DEDICATION OF PROPERTY FOR SHERMAN LANE STREET RIGHT-OF-WAY FROM DONALD E. CLINGER (2-1051) - Supervisor Tatro moved that the Board accept and authorize the Mayor to sign the offer of dedication from Donald E. Clinger for a portion of property for street right-of-way purposes consisting of the south 15 feet of and a 15 foot by 15 foot triangle at the southeast corner of APN 8-181-03 for a total of 2,402.25 square feet of property. Supervisor Bennett seconded the motion. Discussion noted Mr. Sully's letter on the improvements needed on Dori Way. The motion to accept the dedication carried 5-0. Mr. Homann was requested to respond to Mr. Sully's letter.

ii. ACTION TO ACCEPT THE OFFER OF DEDICATION OF PROPERTY FOR SHERMAN LANE STREET RIGHT-OF-WAY FROM VIRGIL C. AND BRENDA L. BERRY (2-1135) - Supervisor Tatro moved that the Board accept and authorize the Mayor to sign the offer of dedication from Virgil C. and Brenda L. Berry for a portion of property for street right-of-way purposes consisting of the south 15 feet of APN 8-181-02 for a total of 2,289.75 square feet of property. Supervisor Bennett seconded the motion. Motion carried 5-0.

iii. ACTION ON CHANGE ORDER NOS. 4, 5, AND 6 TO CONTRACT NO. 9091-304 - SALIMAN ROAD IMPROVEMENTS - (2-1158) - Discussion ensued among the Board, Messrs. O'Brien and Homann on the contingency fund, the bids, reasons for the change orders, delay in the project, and a change order which would extend the retaining wall north along Ms. McClain's property. This change order will be considered by RTC tomorrow. Supervisor Bennett moved that the Board of Supervisors approve and authorize the Mayor to sign Change Orders No. 4 through 6 to Contract No. 9091-304, Saliman Road Improvements, with an increase in funding amount of \$15,236.36. Supervisor Smith seconded the motion. Motion carried 5-0.

Mr. O'Brien noted staff's attempts to work with all of the property owners. Supervisor Smith noted that these individuals had acknowledged this attempt.

Mayor Teixeira noted that the Parks and Recreation Item had been moved to 4 p.m.

BREAK: A lunch recess was declared at 11:30 a.m. When the meeting reconvened at 1:30 p.m., the entire Board was present constituting a quorum.

11. PERSONNEL MANAGER - Judie Fischer - ACTION ON APPOINTMENT OF MEMBERS TO THE PARKS AND RECREATION COMMISSION (2-1415) - Ms. Fischer noted that Sandra Harris had requested her interview be scheduled for 2:40 p.m., which was granted. Applicants Ed Moran, Gene Lepire, and Pete Livermore responded to Board questions on their reasons for applying; if applicable, terms served on the Commission; knowledge about the Commission's role; need for additional or neighborhood parks/maintenance/personnel; and changes they would like to see. Donna Kuester's letter was read into the record as she was unable to attend the session. Mayor Teixeira thanked all for applying. As the next candidate had not arrived, the Board continued with other items.

12. CITY MANAGER REPORTS, RESOLUTIONS, AND BOARD DIRECTIVES (2-2635) - John Berkich

B. ACTION ON FRIENDS IN SERVICE HELPING APPLICATION FOR FUNDING

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 8

UNDER THE HOME INVESTMENT PARTNERSHIP PROGRAM - Mr. Berkich distributed a memo to the Board. (None to the Clerk.) He then outlined the purpose of the program and plan to utilize some of the buildings at the Stewart Indian Facility. He commended Jack Davis of the Northern Nevada Development District on his voluntary assistance in developing this program. The proposal would utilize Friends in Service Helping (FISH), specifically Executive Director Monte Fast, to administer the Federal funds and manage the housing. Mayor Teixeira's role was also noted. Local funding would not be required to match the \$160,000 Federal fund. Charles Eldridge was also commended on his efforts in helping with the program. (3-0024) Mayor Teixeira explained his role and elaborated on the program. The deadline and individuals/entities supporting the program were noted. (3-0095) Monte Fast noted the families FISH had supported in the past and number the program would help in the coming year. The type of families which would be assisted, criteria for assistance, rental fees assessed against the program, State services, projected renovation costs, and rent assistance were outlined. Discussion ensued among the Board, Messrs. Berkich and Fast on the City's liability, FISH's responsibilities, composition of the oversight board, future funding sources, federal reporting programs, rental criteria, and FISH's auditing program. Supervisor Tatro explained his employment at the State General Services but was not associated with the sewer facility and did have a conflict. Mayor Teixeira passed the gavel to Supervisor Feticc and moved that Carson City instruct City Manager John Berkich to apply to the State for the amount of \$168,000 available under the home grant with FISH as the operative and to administer the program. Supervisor Smith seconded the motion. Discussion ensued concerning the total amount of the grant. Mayor Teixeira corrected his motion to be for the maximum amount available. Supervisor Smith continued his second. Motion carried 5-0. Mayor Pro-Tem Feticc returned the gavel to Mayor Teixeira.

11. PERSONNEL MANAGER - Judie Fisher - ACTION ON APPOINTMENT OF MEMBERS TO THE PARKS AND RECREATION COMMISSION - CONTINUED (3-0495) - Applicants interviewed were: Renee Mayo, Ed Duffy, and Sandra Harris. The questions were the same as asked of the first group. Mayor Teixeira thanked each for applying.

BREAK: A five-minute recess was declared at 2:55 p.m. When the meeting reconvened at 3 p.m., the entire Board was present constituting a quorum.

10. PARKS AND RECREATION DIRECTOR - Steve Kastens - ACTION ON CITY POLICY WHICH QUALIFIES A PARK AND RECREATION FACILITY USER FOR NONCOMMERCIAL FEES (1-1080) - Research of the requirements for State and Federal non-profit status, the cost to obtain same, lack of a group rate for private parties, the Commission's recommendation, the level of protection being sought, criteria used to determine a commercial operation, and need for section one of the proposed motion were discussed at length by the Board and staff. Concern was expressed that non-profit organizations would be utilized to rent the facilities with project organizations selling merchandise. Mr. Kastens explained that this had been the reason a ten percent fee was assessed against the gate under the gate under the previous program. A need for a disclosure from the potential lessee was emphasized. Supervisor Tatro suggested the commercial rates be charged to all users and non-profit groups be reimbursed at the termination of the event. Problems with this suggestion were elaborated. (3-2085) Pam Case, representing a coalition of the non-profit users, outlined the provisions which could mandate an audit and accounting of the funding. Supervisor Bennett felt that the requirement as now mandated provided accountability. She could not support the proposal which would allow the Parks Department to arbitrarily authorize the lower fees without proper documentation. Ms. Case felt that this was the purpose of the honor system and that inspectors could verify the status. Supervisor Feticc felt that his proposal would still allow the Parks Director flexibility in the type of documentation required to prove the non-profit status. (3-2270) Gene Lepire suggested that as commercial ventures purchased services from the community it should receive the break in fees. The non-profit organization could pay a fee as well as the promoters. If the promoter did not, then the non-profit organization would be responsible for the additional fee. (3-2350) Parks and Recreation Commission Chairperson Pete Livermore elaborated on its recommendation. Supervisor Bennett expressed her concern that without the 501(c), donations could not be used for tax purposes. Mr. Livermore felt that

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 9

the non-profit users were well-known in Carson City. These are repeat users. Supervisor Feticc then moved that the Board approve the Parks and Recreation Commission recommendation that the policy which qualifies a Parks and Recreation facility user for noncommercial fees be ... He then withdrew the motion and began again, as follows: That the Board of Supervisors amend the Parks and Recreation Commission recommendation that the policy which qualifies a Parks and Recreation facility user for noncommercial fees be: "Noncommercial or nonprofit" for purposes of assessing parks and recreation fees shall be: A determination by the Parks and Recreation Director that the group gives no clear indication of commercial interest, the activities are not conducted for the purpose of making a profit, or is a local community-based group formed for a one-time noncommercial or for a special occasion, that one of the criterions that the Parks and Recreation Director shall use in making his determination is the certificate of incorporation from the Nevada Secretary of State. Supervisor Smith seconded the motion. Following Mayor Teixeira's request for a modification, Supervisor Feticc amended the motion to include with a current nonprofit certificate of incorporation from the Nevada Secretary of State. His clarification indicated that this was a type of document which would have to be considered. Supervisor Smith continued his second. Motion was voted by roll call with the following result: Smith - Yes; Tatro - Yes; Bennett - No, due to her feeling that there was a need of greater accountability which she did not see in the motion and the amount of accountability which she felt was needed; Feticc - Yes; and Mayor Teixeira - Yes. Motion carried 4-1.

Supervisor Feticc directed the City Manager to work with the Parks and Recreation Director and report to the Board on the methods which will be incorporated in the procedures. Supervisor Smith felt that this would expand the application procedure.

14. ADMINISTRATIVE SERVICES DIRECTOR - Mary Walker

A. ACTION ON PROPOSAL FOR WORKER'S COMPENSATION CLAIMS ADMINISTRATIVE SERVICES (1-2718) - Ms. Walker requested postponement of this item based on a legal question over whether the City could go self-insured without negotiating with the Associations. Arbitration had found in favor of management and recommended a meeting be held with the Associations which would explain the purpose of self-insurance. This meeting had been held. The Associations supported retaining CDS of Nevada and for the City to become self-insured. The Associations' counsel recommended a judicial review of the decision and stay had been requested from the District Court. The City had filed a counter to the stay. Judge Fondi granted a stay until June 5th. This would allow Court time to hear the issue. The City could proceed with the proposal to become self-insured, however, the policy could not be effective until after the hearing. Ms. Walker then explained the cost of SIIS versus self-insured programs and reasons SIIS was so expensive. Supervisor Smith emphasized the significance of the savings. He urged the administration to consider a different approach should a similar proposal be considered in the future to avoid the costs incurred with this proposal. Ms. Walker explained the Safety Committee's review of the proposal and reasons it had not been negotiated originally. She felt that the entire situation arose from the fact that the City would realize a savings from the change and the Associations wanted some of it. Clarification indicated the City would have three weeks after June 5th to negotiate the proposal if the ruling is against the City. No formal action was taken.

B. ACTION ON APPROVAL OF ANNUAL RENEWAL OF CITY PROPERTY AND LIABILITY INSURANCE (4-0235) - Ms. Walker's introduction included benefits of the program as well as Wayne Carlson and Gary Roberts. Messrs. Roberts and Carlson responded to Board questions on the pool, loss experience, coverage and the pros and cons of increasing the retention level. Mayor Teixeira requested that a report delineating the figures be provided. Ms. Walker outlined reasons for not changing the property and liability insurance and for becoming self-insured under workman's compensation. This would give time to analyze the figures which would be part of the budget. Discussion included the Americans with Disabilities Act and its potential impact on Carson City. Ms. Walker emphasized the need to have in-house staff address claims particularly if the City was to raise insurance levels. Comparisons will be included in the budget documents. Supervisor Feticc moved that the Board approve the Nevada Public Agency

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 10

Insurance Pool 1992-93 Insurance Renewal Proposal for Carson City, fiscal impact \$347,977, funding source is the Insurance Fund. Supervisor Smith seconded the motion. Motion carried 5-0.

12. A. ACTION ON APPOINTMENT OF WALT SULLIVAN AS CARSON CITY'S REPRESENTATIVE TO THE STATE LAND USE PLANNING COUNCIL (4-1028) - Following Mr. Berkich's introduction, Supervisor Smith moved that the Board support the appointment of Walt Sullivan as Carson City's representative to the State Land Use Planning Council. Supervisor Feticc seconded the motion. Motion carried 5-0.

C. STATUS REPORTS REGARDING: FRANCHISE WITH T.C.I. OF NEVADA, INC.; HISPANIC COUNCIL AND YOUTH ACTIVITIES; CHANGEMASTERS; AND MAINTENANCE OF CLEAR CREEK ROAD (4-1071) - None.

13. BOARD OF SUPERVISORS REPORTS, RESOLUTIONS, AND PROCLAMATIONS - ISSUES REQUESTED BY MEMBERS OF THE BOARD OF SUPERVISORS (4-1072)

A. MAYOR TEIXEIRA - ACTION REGARDING MEMBERSHIP IN NEVADA LEAGUE OF CITIES, NEVADA ASSOCIATION OF COUNTIES, AND U.S. CONFERENCE OF MAYORS - Mayor Teixeira outlined his request that the Board determine which Associations it wished to support. He felt that the City received more benefits as a member of NACO. He suggested the NLC past due fees be paid. The NLC conference has been scheduled for July, however, if Carson City is not current on its dues, it will not be held in Carson City. Mayor Teixeira is a member of the NACO Board of Directors. He then explained the legislative conference scheduled tomorrow in Reno. Supervisor Bennett felt that other Board members needed to be apprised of these meetings, specifically when issues relating to the hospital are being considered. Mayor Teixeira agreed to provide the entire Board with copies of his correspondence. Supervisor Smith then moved that the Board of Supervisors discontinue Carson City's membership in the Nevada League of Cities and pay the \$3500 delinquent dues for the year 1991. Supervisor Tatro seconded the motion. Motion was voted by roll call with the following result: Bennett - Aye; Feticc - Yes; Tatro - Yes; Smith - Yes; and Mayor Teixeira - Yes. Motion carried 5-0.

Clarification indicated that a separate motion on NACO was not required.

Mayor Teixeira then noted that the City could join a plethora of associations. He supported joining the U.S. Conference of Mayors. Supervisor Bennett iterated her support for joining. Mayor Teixeira then explained his attendance at the Capital City Mayors. Supervisor Smith then moved that the Board support Carson City's participation in the U.S. Conference of Mayors and pay all applicable dues. Supervisor Bennett seconded the motion. Following clarification of the funding source, Supervisor Smith continued his motion to include the funding source is Community Services Account. Supervisor Bennett continued her second. Motion carried 5-0.

E. SUPERVISOR BENNETT - Had accepted a three-year appointment to the American Hospital Association as a Nevada delegate.

D. SUPERVISOR TATRO (4-1685) - Would participate in a June Communities and Tourism Conference as a member of the Convention and Visitors Bureau. Progress on the Virginia-Truckee Railroad Reconstruction Project was outlined. Individuals involved in this youth reclamation program and its direction were explained. He felt this was the beginning of better communication and coordination among the various agencies. Benefits of the meeting were also noted.

C. SUPERVISOR FETTIC, AND B. SUPERVISOR SMITH (4-1945) - None.

A. MAYOR TEIXEIRA (4-1950) - Echoed Supervisor Tatro's comments about the youth

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 11

reclamation program meeting.

ii. DISCUSSION AND POSSIBLE ACTION REGARDING THE FORMATION OF A CAPITAL PROJECTS ADVISORY BOARD (4-2025) - Continued.

11. PERSONNEL MANAGER - ACTION ON APPOINTMENT OF MEMBERS TO THE PARKS AND RECREATION COMMISSION (4-1982) - Each Board member indicated his/her four top candidates. Mayor Teixeira commended all of the applicants for applying. Supervisor Smith moved that the Carson City Board of Supervisors appoint the following four individuals to the Carson City Parks and Recreation Commission: Pete Livermore, Ed Moran, Donna Kuester, and Renee Mayo. Supervisor Tatro seconded the motion. Motion carried 5-0.

BREAK: A recess was declared at 4:55 p.m. When the meeting reconvened at 6:10 p.m., the entire Board was present constituting a quorum. Staff members present included City Manager Berkich, Clerk-Recorder Nishikawa, Deputy District Attorney Suglia, and Recording Secretary McLaughlin. Airport Authority members present were Chairperson Jerry Weaver and Members Steve Tackes and Bob Thomas. A quorum was not present. (4-2260)

15. JOINT MEETING OF THE CARSON CITY BOARD OF SUPERVISORS AND THE CARSON CITY AIRPORT AUTHORITY - STATUS REPORT, DISCUSSION AND POSSIBLE ACTION REGARDING AIRPORT AUTHORITY ACTIVITIES AND PROGRESS INCLUDING FINANCIAL ISSUES AND SHORT-TERM AND LONG-TERM GOALS - Following Mayor Teixeira's introduction, Chairperson Weaver distributed a memo to the Board and Clerk. He reviewed the Authority's membership and activities during the last 18 months. The need for additional funding was stressed. General Fund money had been used to subsidize the airport in the past. Taxes paid on the personal property at the airport currently are used to offset the acquisition of property from Serpa. He suggested these funds be reallocated to the airport and General Fund monies be used for the offset. Member Tackes explained the Authority's position that the Airport could play a vital role in the City's economy and, as such, should be funded appropriately. In order for the Airport's role to be increased, the Authority and the City needed to improve its marketing, appearance, integrated transportation system, land acquisition, and expand the hangar facilities and services. A map was used to illustrate the expansion area and proposed hangar sites. Discussion ensued among the Authority and the Board on personal property taxes, the type of hangars proposed, and grants available for expansion. Member Thomas explained the volunteer and paid staffing and FBO assistance and donations. He elaborated on the reason for feeling that if the Authority made the payments on the property, it would establish credibility with the FAA. He urged the Board to seek a one-cent tax override which would be utilized for operations. The need for "fog sealing" the asphalt was iterated. Discussion ensued among the staff, Board, and Authority on the loan used to acquire Serpa's property, the request to allow the Authority to make the loan payments, the proposed tax override, the development of the Airport as a good neighbor, the Airport's budget, its leases, feasibility of an assessment district to provide funding for which the tax override had been suggested, personal property taxes on aircraft, Airport property taxes, other financing methods for the hangars, and commended the Authority on its efforts. Supervisor Tatro felt that the Convention and Visitors Bureau marketing consultant would be willing to work with the Authority on marketing the Airport. Comments also supported installing a signal at Hot Springs and Goni, which Regional Transportation will consider on May 20. The Authority was invited to attend this meeting. Short-term financing for the hangars will be investigated. (5-1430) May Ruth French expressed her feeling that there should be other means of raising the necessary capital than by taxing the residents. She urged the Board to have the airport industry fund the improvements. An assessment fee should be established for filing a flight plan. Supervisor Bennett explained that the Federal income tax pays for this service. Member Tackes explained the tie down fees. Ms. French felt that this fee should be increased. Member Thomas expressed his feeling that the manufacturers would be willing to trade the Business Tax for the Airport improvements. There being no other comments, Mayor Teixeira again commended them on their efforts and expressed the Board's desire to work with the Authority. Member Thomas thanked the Board for the

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 12

opportunity to pursue an Airport Authority and his feeling that it had allowed the Airport to be removed from the political arena. No formal action was taken on this matter.

OTHER MATTERS - Mayor Teixeira explained for Ms. French that Mr. Berkich's status report items were a reminder and a report is not mandatory.

16. COMMUNITY DEVELOPMENT DIRECTOR - Walt Sullivan - PLANNING COMMISSION REFERRALS - APPEAL AND REVIEW MATTERS

A. ACTION ON S-90/91-4 REGARDING A REQUEST FROM IRON MOUNTAIN ACQUISITION COMPANY, INC., FOR APPROVAL OF A REVISED TENTATIVE SUBDIVISION MAP APPLICATION FOR A 25-LOT SUBDIVISION (SHADOW VALLEY SUBDIVISION) ON APPROXIMATELY 37.31 ACRES ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED ON THE EAST SIDE OF BIGELOW DRIVE AND RUNNING APPROXIMATELY 1,300 FEET EAST TO THE PROPOSED EXTENSION OF SALIMAN ROAD BETWEEN APPION WAY AND BENNETT AVENUE ON APNs 9-215-02 AND 9-211-03 - PLANNING COMMISSION APPROVED 5-1-0-1 (5-1665) - Mr. Sullivan clarified the request for May Ruth French. Supervisor Bennett moved that the Board accept the Planning Commission recommendation regarding a request from Iron Mountain Acquisition Company for approval of a revised tentative subdivision map application for a 25-lot subdivision, Shadow Valley Subdivision, on approximately 37.31 acres zones Single Family One Acre located on the east side of Bigelow Drive and running approximately 1300 feet east of the proposed extension of Saliman Road between Appion Way and Bennett Avenue, APNs 9-215-02 and 9-211-03. Supervisor Feticc seconded the motion. Clarification noted the conditions and findings of the Planning Commission were included in the recommendation. Supervisor Bennett amended her motion to include S-90/91-4 as part of the motion. Supervisor Feticc continued his second. Motion carried 5-0.

B. ACTION ON S-91/92-3 REGARDING A TENTATIVE SUBDIVISION MAP APPLICATION FROM RICHARD SCOTT OF IRON MOUNTAIN ACQUISITION COMPANY (PROPERTY OWNER: AUDREY BELL VINCENT) TO CONSTRUCT 72 DWELLING UNITS (VALLEY VIEW ESTATES) CONSISTING OF TWELVE FOUR-PLEX UNITS AND THREE EIGHT-PLEX UNITS ON APPROXIMATELY 3.6 ACRES OF LAND ON PARCEL ZONED MULTI-FAMILY APARTMENT (MFA) AND SINGLE FAMILY 21000 (SF21000) ON APN 10-032-24 LOCATED SOUTH OF PHEASANT DRIVE, EAST OF NORTH EDMONDS DRIVE, AND NORTH OF LEPIRE DRIVE ON THE EASTERN PORTION OF APN 10-032-24 - PLANNING COMMISSION DENIED 5-1-0-1 (5-1817) - Mr. Sullivan explained Mr. Scott's letter requesting continuance until May. Mr. Scott had agreed to compensate staff for its reproduction charges incurred on the last issue. Supervisor Tatro moved that the Board continue S-91/92-3. Supervisor Feticc seconded the motion. Motion carried 5-0.

13. A. ii. DISCUSSION AND POSSIBLE ACTION REGARDING THE FORMATION OF A CAPITAL PROJECTS ADVISORY BOARD (5-1852) - Discussion ensued among the Board on Mr. Berkich's memo proposing the creation of an advisory board to consider City facilities, issues it would consider, composition of the committee, need to comply with the Open Meeting Law, staffing needs, need for a Board workshop on the issues for the Committee to analyze, and term of office. Consensus supported having a committee of seven with three being citizens-at-large with a two year term. Supervisor Tatro suggested the interviews be conducted on Saturday if the candidates are sufficient enough to warrant such a meeting and followed by a workshop session. Mayor Teixeira suggested the City Manager work with the District Attorney's office and prepare a resolution for further consideration. The Board should provide input to Mr. Berkich in the interim. (5-2880) May Ruth French urged the Board to have four citizens-at-large on the committee which would invite "top" experts when needed. Board comments noted that all of the appointees would be Carson City citizens. No formal action was taken.

CARSON CITY BOARD OF SUPERVISORS
Minutes of the April 16, 1992 Meeting
Page 13

Supervisor Tatro moved to adjourn. Supervisor Smith seconded the motion. Motion carried 5-0. Mayor Teixeira adjourned the meeting at 8:50 p.m.

The Minutes of the April 16, 1992 Carson City Board of Supervisors meeting

ARE SO APPROVED ON June 18, 1992.

_____/s/_____
MARV TEIXEIRA, Mayor

ATTEST:

_____/s/_____
KIYOSHI NISHIKAWA, Clerk-Recorder