

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. OCTOBER 17, 1995

PRESENT:

Jim Shaw, Chairman
Steve Bradhurst, Vice Chairman
Joanne Bond, Commissioner
Mike Mouliot, Commissioner
Grant Sims, Commissioner

Judi Bailey, County Clerk
John MacIntyre, County Manager
Madelyn Shipman, Legal Counsel

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that the agenda for the October 17, 1995 meeting be approved with the following changes: Delete - Item 18, demand for evidentiary or de novo hearing on Appeal of Termination--Rodd Walker .

PUBLIC COMMENTS

There was no response to the call for public comments.

95-932 ACCEPTANCE OF DONATIONS - KIDS KOTTAGE

Upon recommendation of May Shelton, Director, Department of Social Services, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the following cash donations for children in emergency shelter care be accepted with gratitude:

\$500 from Marion Halperin
\$300 from Folded Wings International
\$250 from Nancy and Bob Cashell
\$ 60 from Leland J. and Catherine D. Kleutsch

It was further ordered that the Comptroller be authorized to make the following account changes:

Increase Revenues:

| | | |
|-----------------------|---------------------|---------------|
| Account 28-28052-5802 | (General Donations) | by \$1,110.00 |
|-----------------------|---------------------|---------------|

Increase Expenditures:

| | | |
|-----------------------|---------------------------------|---------------|
| Account 28-28052-7205 | (Minor Furniture and Equipment) | by \$1,110.00 |
|-----------------------|---------------------------------|---------------|

95-933 RESOLUTIONS - SALE OF COUNTY PROPERTY AND QUITCLAIM DEEDS - PUBLIC WORKS

9:30 a.m. This was the time set in a Resolution and Notice of Intent to Sell County Property published in the Reno Gazette-Journal on September 21 and 28, and October 5, 1995 to open and declare all sealed bids received, call for oral bids and accept highest bid concerning the sale of Assessor Parcel Nos. 012-350-63, 071-140-11 and 074-231-01. Proof was made that due and legal notice of hearing had been given.

James Gale, Department of Public Works, reviewed background information and advised that the following offers to purchase were accepted by the Board on September 12, 1995 and no further written offers have been received in response to the publication:

From Sierra Pacific Power Company for APN 012-350-63 for the appraised value of \$500 plus expenses.

From David M. Rumsey for APN 071-140-11 for the appraised value of \$4,000.00 plus expenses.

From Ed and Sue Eged for APN 074-231-01 for the appraised value of \$4,100.00 plus expenses.

APN 012-350-63

Mr. Gale advised that the property is a 35,196 square foot non-buildable parcel located at the north end of abandoned Longley Lane at McCarran Blvd.; that the parcel is non-buildable because of public utilities beneath the property; and that Sierra Pacific wants to purchase the parcel for a natural gas regulator station.

Chairman Shaw opened the public hearing and requested oral bids.

Todd Blonsley, area resident, bid \$565.00 plus expenses. Daljit Sain, area resident, bid \$600.00 plus expenses. Mr. Blonsley then bid \$650 plus expenses.

There being no further bids, Chairman Shaw closed the public hearing.

Mr. Gale responded to questions of the Board and advised that statute states that the property must be appraised but does not indicate who is to do the appraisal; that it is cheaper to have the Assessor's Office appraise properties of minimal value; and that it would not be economically feasible to spend \$1500 for an independent appraisal on properties of minimal value.

Upon inquiry of Commissioner Sims, Legal Counsel Shipman reviewed state law relative to property appraisals and advised that the appraisers in the Assessor's Office are certified and licensed with the state; and that, in her opinion, it is legal for the Assessor's Office to appraise County properties of nominal value and the law was appropriately followed relative to these appraisals.

Additional discussion was held regarding the two larger parcels. Mr. Gale advised that the County cannot guarantee access or title to the two parcels, and market sales indicate a \$100 per acre value.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the oral bid of Todd Blonsley in the amount of \$650 plus expenses on APN 012-350-63 be accepted and the following resolution be adopted and Chairman Shaw be authorized to execute. It was further ordered that Chairman Shaw be authorized to execute the Quitclaim Deed to be

delivered to Mr. Blonsley upon performance and compliance with all terms of the sale.

RESOLUTION

SALE OF COUNTY PROPERTY

WHEREAS, Washoe County is the owner of a 35,196 sq. ft. parcel located at the north end of Longley Lane within Section 21, T.19N., R.20E., M.D.B. M., Assessor's Parcel Number 012-355-01, and;

WHEREAS, pursuant to NRS 244.281 the County of Washoe has the power to sell the subject property, and;

WHEREAS, Washoe County has received an offer to purchase the property for \$650.00 plus expenses, for a total offer of \$682.14; and;

WHEREAS, pursuant to NRS 244.282 the Board of County Commissioners of Washoe County held a public hearing on October 17, 1995 to receive other bids, and;

WHEREAS, at the public hearing held on October 17, 1995 other bids were received, the highest and best offer was the \$650.00 plus expenses.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County accepts the bid of \$682.14 from Todd Blonsley to purchase Assessor's Parcel Number 012-355-01 and hereby directs the Chairman to execute a quitclaim deed transferring said property to Todd Blonsley.

APN 071-140-11

Mr. Gale provided background information regarding the location of the parcel and advised that an offer has been received from David Rumsey for the appraised value plus expenses; and that Mr. Rumsey is present and is aware that Washoe County cannot guarantee title or access to the property.

Chairman Shaw opened the public hearing and requested oral bids. There being no response, the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the written bid of David M. Rumsey in the amount of \$4,000 plus expenses on APN 071-140-11 be accepted and the following resolution be adopted and Chairman Shaw be authorized to execute.

It was further ordered that Chairman Shaw be authorized to execute the Quitclaim Deed to be delivered to Mr. Rumsey upon performance and compliance with all terms of the sale.

RESOLUTION

SALE OF COUNTY PROPERTY

WHEREAS, Washoe County is the owner of a 40.00 acre parcel located in the Smoke Creek Desert area within the NW1/4 of Section 9, T.32N., R.21E., M.D.B. M., Assessor's Parcel Number 071-140-11, and;

WHEREAS, pursuant to NRS 244.281 the County of Washoe has the power to sell the subject property, and;

WHEREAS, Washoe County has received a written offer to purchase the property at the appraised value of \$4,000.00 plus expenses, for a total offer of \$4,282.14; and;

WHEREAS, pursuant to NRS 244.282 the Board of County Commissioners of Washoe County held a public hearing on October 17, 1995 to receive other bids, and;

WHEREAS, at the public hearing held on October 17, 1995 no other bids were received.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County accepts the bid of \$4,282.14 from David M. Rumsey to purchase Assessor's Parcel Number 071-140-11 and hereby directs the Chairman to execute a quitclaim deed transferring said property to Mr. David M. Rumsey.

APN 074-231-01

Mr. Gale provided background information regarding the location of the parcel and advised that an offer has been received from Mr. and Mrs. Emil Egyed for the appraised value plus expenses; and that Mr. Egyed is present and is aware that Washoe County cannot guarantee title or access to the property.

Chairman Shaw opened the public hearing and requested oral bids. There being no response, the hearing was closed.

On motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the written bid of Emil E. and Allona S. Egyed in the amount of \$4,100 plus expenses on APN 074-231-01 be accepted and the following resolution be adopted and Chairman Shaw be authorized to execute. It was further ordered that Chairman Shaw be authorized to execute the Quitclaim Deed to be delivered to Mr. and Mrs. Egyed upon performance and compliance with all terms of the sale.

RESOLUTION

SALE OF COUNTY PROPERTY

WHEREAS, Washoe County is the owner of a 20.18 acre parcel located in the Flanigan area within the NW1/4 of Section 23, T.28N., R.18E., M.D.B. M., Assessor's Parcel Number 074-231-01, and;

WHEREAS, pursuant to NRS 244.281 the County of Washoe has the power to sell the subject property, and;

WHEREAS, Washoe County has received a written offer to purchase the property at the appraised value of \$4,100.00 plus expenses, for a total

offer of \$4,132.14; and;

WHEREAS, pursuant to NRS 244.282 the Board of County Commissioners of Washoe County held a public hearing on October 17, 1995 to receive other bids, and;

WHEREAS, at the public hearing held on October 17, 1995 no other bids were received.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY that Washoe County accepts the bid of \$4,132.14 from Emil E. and Allona S. Egyed to purchase Assessor's Parcel Number 074-231-01 and hereby directs the Chairman to execute a quitclaim deed transferring said property to Mr. and Mrs. Egyed.

* * * * *

Commissioner Sims temporarily left the meeting.

95-934 RESOLUTION ACCEPTING STREETS - RELEASE OF FINANCIAL GUARANTEE - COLD SPRINGS RANCH SUBDIVISION UNIT 2 (6 LOTS)

Upon recommendation of Kristine Klein, Engineering Division, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution for Accepting Streets be adopted and Chairman Shaw be authorized to execute. It was further ordered that American Bonding Company's Faithful Performance Bond No. 124316 in the amount of \$95,000 that was used to guarantee offsite improvements for Cold Springs Ranch Subdivision Unit 2 be released as the offsite improvements have been completed to Washoe County standards.

RESOLUTION FOR ACCEPTING STREETS COLD SPRINGS RANCH SUBDIVISION UNIT 2, TRACT MAP NO. 2747, DOCUMENT NO. 1448692, RECORDED DECEMBER 18, 1990.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 2747, Document No. 1448692 recorded on DECEMBER 18, 1990; and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map 2747 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

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It was noted that approximately 0.14 mile of new street will be added to the County street system by this action; and that the project is located north of Reno Park Boulevard on Crystal Canyon Boulevard in Cold Springs.

95-935 RESOLUTION ACCEPTING STREETS - RELEASE OF FINANCIAL GUARANTEE - COLD SPRINGS RANCH SUBDIVISION UNIT 3 (6 LOTS)

Upon recommendation of Kristine Klein, Engineering Division, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution for Accepting Streets be adopted and Chairman Shaw be authorized to execute. It was further ordered that Developer's Insurance Company's Faithful Performance Bond No. 681601S in the amount of \$39,200 that was used to guarantee offsite improvements for Cold Springs Ranch Subdivision Unit 3 be released as the offsite improvements have been completed to Washoe County standards.

RESOLUTION FOR ACCEPTING STREETS COLD SPRINGS RANCH SUBDIVISION UNIT 3, TRACT MAP NO. 2818, DOCUMENT NO. 1531299, RECORDED DECEMBER 18, 1991.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 2818, Document No. 1531299 recorded on DECEMBER 18, 1991; and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map 2818 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

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It was noted that approximately 0.02 mile of new street will be added to the County street system by this action; and that the project is located north of Reno Park Boulevard on Crystal Canyon Boulevard in Cold Springs.

95-936 RESOLUTION ACCEPTING STREETS - RELEASE OF FINANCIAL GUARANTEE - COLD SPRINGS RANCH SUBDIVISION UNIT 4 (12 LOTS)

Upon recommendation of Kristine Klein, Engineering Division, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution for Accepting Streets be adopted and Chairman Shaw be authorized to execute. It was further ordered that American Bonding Company's Faithful Performance Bond No. 9235490 in the amount of \$231,200 that was used to guarantee offsite improvements for Cold Springs Ranch Subdivision Unit 4 be released as the offsite improvements have been completed to Washoe County standards.

RESOLUTION FOR ACCEPTING STREETS COLD SPRINGS RANCH SUBDIVISION UNIT 4, TRACT MAP NO. 2912, DOCUMENT NO. 1630760, RECORDED DECEMBER 16, 1992.

WHEREAS, it is a function of the County of Washoe to operate and maintain public roads; and

WHEREAS, certain streets, or portions thereof, were offered for dedication by Tract Map No. 2912, Document No. 1630760 recorded on DECEMBER 16, 1992; and

WHEREAS, said offer of dedication was rejected by the Board of County Commissioners because said roads were not constructed to County standards; and

WHEREAS, NRS 278.390 specifically provides that if at the time a final map is approved but the associated streets are rejected, the offer of dedication shall be deemed to remain open and the governing body may by resolution at any later date, and without further action by the subdivider, rescind its action and accept and open the streets for public use; and

WHEREAS, portions of said streets have recently been constructed and now meet current County standards; and

WHEREAS, said streets are necessary for public access; and

WHEREAS, the Board of County Commissioners finds that it is in the best interest of the public to accept said streets.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of the County of Washoe, pursuant to the authority of NRS 278.390, that the streets shown on Tract Map 2912 are hereby accepted, and the Department of Public Works is directed to open the roads for public use and maintenance.

BE IT FURTHER RESOLVED, and hereby ordered, that the Washoe County Engineer shall record this resolution in the Office of the Washoe County Recorder.

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It was noted that approximately 0.26 mile of new street will be added to the County street system by this action; and that the project is located north of Reno Park Boulevard on Crystal Canyon Boulevard in Cold Springs.

95-937 AUTHORIZATION TO ADVERTISE FOR BIDS - PAVING AT DAVIS CREEK PARK - PARKS

Upon recommendation of Gene Sullivan, Director, Department of Parks and Recreation, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the Public Works Department be authorized to advertise for bids for paving of roads and parking lots at Davis Creek Park.

95-938 AWARD OF BID NO. 1874-95 - CARPET TILE AND INSTALLATION - BUILDING AND GROUNDS - HEALTH DEPARTMENT

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette- Journal on August 22, 1995, for Carpet Tile and Installation in the District Health Department for the Building and Grounds Division on behalf of the General Services Department. Proof was made that due and legal Notice to Bidders had been given.

One bid, copy of which was placed on file with the Clerk, was received from the following vendor:

Simas Floor Company, Inc.

Dayton Floors, Inc., Hoem-Schurba Associates, and Pacific International failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contract Administrator, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Bid No. 1874-95 for Carpeting and Installation in the District Health Department be awarded to Simas Floor Company based on their being the lowest responsive, responsible bidder meeting specifications, terms and conditions, in the amount of \$48,900.

It was noted that the bid required that the bidder be certified by the manufacturer for installation of Milliken carpet tiles as specified, and

Simas Floor Company, Inc. provided the required certification from Milliken Company; and that their bid amount is well within the amount of funds budgeted for this capital project.

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Commissioner Sims returned to the meeting.

95-939 AWARD OF REQUEST FOR PROPOSAL - PREPARATION OF CONSTRUCTION SPECIFICATIONS AND BID DOCUMENTS - NORTH VALLEYS REGIONAL SPORTS COMPLEX, PHASE I - PARKS

This was the time set to consider award of Request for Proposal for "Preparation of Construction Specifications and Bid Documents for North Valleys Regional Sports Complex, Phase I."

Commissioner Bond stated that she has no problem with awarding the bid, but she and Commissioner Mouliot want to continue their involvement with the process and participate in discussions with the Parks Department and the Consultant. Commissioner Mouliot added that there is no problem with moving forward with construction of the center, but there is a great deal of interest in the project by the citizens of the area, and Commissioner Bond and he wish to remain involved in order to respond to input received from the North Valleys Citizen Advisory Board and the Homeowners Association relative to the various elements of the project including a multipurpose playing field.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the Request for Proposal for "Preparation of Construction Specifications and Bid Documents for North Valleys Regional Sports Complex, Phase I" be awarded to Cathexes, Inc. in the amount of \$85,850 and Chairman Shaw be authorized to execute the contract document. It was further ordered that staff work with Cathexes, Inc. to insure inclusion of Commissioners Bond and Mouliot in discussions and ongoing meetings and deliberations regarding this matter.

It was noted that Cathexes, Inc. was selected by committee through the Request for Proposal process, and their proposal reflects Phase I as defined by the community which includes a community center, playground, multipurpose playing field, parking facilities, and individual and group picnic facilities.

95-940 CORRECTION OF FACTUAL ERRORS - 1995 SECURED TAX ROLL (THREE)

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Roll Change Request Nos. 246, 247, and 248, correcting factual errors on tax bills already mailed for the 1995 Secured Roll be approved for the reasons indicated thereon and mailed to the property owners, a copy of which is on file in the Clerk's office.

95-941 UNCOLLECTIBLE PERSONAL PROPERTY ACCOUNTS - COMPTROLLER

Upon recommendation of Kathy Garcia, Comptroller, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that deletion of the Uncollectible Personal Property Accounts, as set forth in the agenda memorandum dated

September 27, 1995 and placed on the file with Clerk, be approved.

95-942 BILL NO. 1115 - AMENDING WCC CHAPTER 50 - EXPANDING GREATER TRUCKEE MEADOWS AND ENVIRONS CONGESTED AREA AND ADDING HUNGRY VALLEY AS A CONGESTED AREA TO PROHIBIT DISCHARGE OF FIREARMS

Bill No. 1115, entitled "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY EXPANDING THE GREATER TRUCKEE MEADOWS AND ENVIRONS CONGESTED AREA TO PROHIBIT THE DISCHARGE OF FIREARMS AND ADDING HUNGRY VALLEY AS A CONGESTED AREA TO PROHIBIT DISCHARGE OF FIREARMS" was introduced by Commissioner Bond on behalf of the board as a whole, the title read to the Board and legal notice for final action of adoption was directed.

95-943 TRAVEL

On motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the following travel requests and advancement of travel funds be approved:

| Name | Department | Destination | Date | Amount |
|-------------|-------------------|-------------------|---------------------|-----------|
| L. Canfield | Sheriff | San Francisco, CA | 11/27/95 - 11/30/95 | \$ 460.00 |
| D. Stanton | District Attorney | Williamsburg, VA | 11/10/95 - 11/16/95 | 1,033.45 |
| P. Ulibarri | Health/WIC | Las Vegas, NV | 10/30/95 - 11/01/95 | 204.00 |
| J. Yaryan | Sheriff | San Francisco, CA | 11/27/95 - 11/30/95 | 714.10 |

95-944 REVISIONS TO COUNTY ALCOHOL AND DRUG TESTING POLICY - ADOPTION OF COUNTY SUBSTANCE ABUSE POLICY AND PROCEDURES - PERSONNEL

John MacIntyre, County Manager, reviewed background information and reviewed the proposed changes to the Alcohol and Drug Testing Program.

Joanne Ray, Personnel Division, responded to questions of the Board.

Commissioner Bradhurst suggested that under Section I. POLICY, second sentence, the following be added: "...safety of the general public and employees..." Ms. Ray advised that this verbiage is contained elsewhere in the policy, but the requested change will be made to the subject sentence.

Following further discussion, upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the revisions to the County Alcohol and Drug Testing Program be approved.

It was further ordered that the County Substance Abuse Policy and Procedures be adopted as amended.

95-945 EMPLOYEE COURSE ENROLLMENTS

Upon recommendation of Joanne Ray, Chief of Personnel, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the following employees be granted approval to enroll in the following courses and seek reimbursement for expenses upon satisfactory completion with a grade of "B" or better:

1. Health Department: Carole Vaillancourt, Cindy Swain, Kathy Stevenson, and Janet Ford, Registered Nurses, course entitled "Spanish for Health Professionals," and Alecia Hancock, Registered Dietitian, for "Conversational Spanish I," at Truckee Meadows Community College.

Shaun Hasty, Community Health Nurse II for two courses, "Health Care Policy and Planning (NURS 703)," and "Theoretical Foundations of Nursing (NURS 706)," at the University of Nevada, Reno.

2. Library: Maureen McElroy, Library Assistant I, course entitled "Conversational Spanish I," at Truckee Meadows Community College.

3. Juvenile Services: Suzanne Boyd, Youth Advisor, course entitled "Applied Behavior Analysis (PSY 406)," at the University of Nevada, Reno.

4. Recorder: Audra Mansfield, Deputy County Recorder II, course entitled "Management 171" at Truckee Meadows Community College.

5. Reno Justice Court: John Kadlic and Patrick Peregrin, course entitled "Conversational Spanish 101B," and Tara Kairn and Kelly Bradley, course entitled "First Year Spanish II" at Truckee Meadows Community College.

6. Comprehensive Planning: Kim Carlson, Strategic Planner, course entitled "Political Science 646, Theories in Public Administration" at the University of Nevada, Reno.

95-946 ACCEPTANCE OF STATE MONIES PER SENATE BILL 579, SECTION 19 FOR DNA RESEARCH - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that \$90,000 in state funds for forensic DNA (deoxyribonucleic acid) testing which was authorized during the 1995 Legislative Session (Senate Bill 579, Section 19) be accepted and the following account transactions be authorized:

| | | |
|---------------------------|-------------|----------|
| Federal Grants | 15250G/4301 | \$90,000 |
| Payment to Other Agencies | 15250G/7294 | \$45,000 |
| Capital Outlay | 15250G/7849 | \$45,000 |

It was noted that the Sheriff's Office Crime Laboratory and the Las Vegas Metropolitan Police Department's Crime Laboratory will jointly share the monies from the State of Nevada in order to have an integrated working system for the DNA database; and that the time frame is July 1, 1995 through June 30, 1997 and monies not expended by June 30, 1997 will revert back to the state general fund.

Chairman Shaw requested that staff provide the Board with a follow-up report advising how the monies are spent and the success of the services they are intended to provide.

95-947 CAPITAL EXPENDITURE - STATE FUNDS DESIGNATED BY THE 1995 NEVADA LEGISLATURE - IMPLEMENTATION OF CONVICTED OFFENDER DNA DATABANK TO PURCHASE ONE BIOLOGICAL SAFETY CABINET

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that the use of State Funds designated by the 1995 Nevada Legislature for use in implementing a Convicted Offender DNA databank to purchase one Biological Safety Cabinet in the amount of \$6,000 be approved.

95-948 AUDIT RECOMMENDATIONS AND PROCEDURES MANUAL - PUBLIC ADMINISTRATOR

John Sherman, Management Analyst, Manager's Office, provided additional information pursuant to discussion at yesterday's caucus and responded to questions of the Board. He advised that he has discussed the audit recommendations with the Public Administrator and his staff, and they are aware of the seriousness and the need for their implementation; that he has prepared an addendum to his recommendation that would have the Public Administrator report to the Board on a regular basis on the status of the implementation of the audit recommendations; and that staff from the Public Administrator's Office and Beth Kohn with Bernard, Vogler Co. were present to respond to any questions the Board might have.

Commissioner Sims noted that Mr. Moore has never appeared before the Board either at budget hearings or with regard to this audit, and he is concerned about this in terms of the Board's responsibility to oversee the function of the Public Administrator's office; that every other department head has been before the Board and has spent considerable time discussing their operations; that he does not feel it is right that Mr. Moore has never met with the Board and would hope that he would appear for the once-per-month updates recommended by Mr. Sherman; and that Mr. Moore needs to insure the public that the auditor's recommendations will be implemented, which is very difficult for him to feel comfortable about when the Board has never met the Public Administrator.

Chairman Shaw agreed and asked if Mr. Moore was aware that this item was on today's agenda prior to his being out of town. Mr. Sherman advised that he was originally going to place this item on the October 17th agenda and Mr. Moore requested that it be placed on today's agenda as he would be out of town on the 17th; and that Mr. Moore was notified in writing over a month ago that this would be scheduled for today's meeting.

Chairman Shaw stated that he appreciates Mr. Moore's written remarks in response to the report, but feels he should have been present today to respond to any questions the Board would have.

Commissioner Bradhurst agreed and stated that the elected officials need to realize that everything funnels through the Board in terms of the budget and audit issues, and the point needs to be made to the Public Administrator that the Board needs face-to-face contact with him, especially regarding the budget and audit process. He stated that he does not necessarily think something is wrong, but the Board's level of comfort with regard to department operations and audit issues is increased when members have the opportunity to meet with the department heads.

Kay Butner, Deputy Public Administrator, read a statement, placed on file with the Clerk, from Mr. Moore into the record stating "Mr. Moore would like to remind the Board and have the record reflect that within the first four weeks of his taking office that Mr. Moore requested of

County Manager John MacIntyre that an intensive investigative internal audit be performed by the Public Administrator's Office. This audit, while not what Mr. Moore requested, was a result of his request and was not a normal routine scheduled audit. It is, however, helpful and we thank the Board for funding it."

Upon inquiry of Commissioner Bradhurst, Mr. Sherman stated that the County generates the audit program; that additional monies were set aside because the Board recognized that during the course of the normal work program additional issues come up that need to be addressed; and that the Public Administrator fell into this latter category and, while it was not the formally recognized annual financial audit, it was, in his mind, part of the ongoing operation of the internal audit function.

Upon recommendation of John Sherman, Management Analyst, Manager's Office, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, Chairman Shaw ordered that the audit of the Washoe County Public Administrator/Guardian conducted by Barnard, Vogler Co., the subsequent twenty-one recommendations, and the procedures manuals for the Public Administrator/Guardian developed by Barnard, Vogler Co., be approved.

It was further ordered that over the next twelve months, the Public Administrator shall provide once a month for the first three months and once every three months thereafter a detailed report to the Board on the status of the implementation of the audit recommendations.

95-949 WATER PURVEYORS TO BE EXEMPT FROM 1.5% WATER FEE FOR REGIONAL WATER PLANNING - COMPREHENSIVE PLANNING

Steve Walker, Water Management Planner, provided background information and presented a list of water purveyors, consisting of 19 trailer parks, recommended to be exempt from the 1.5% water fee to be collected to support regional water planning as allowed under Senate Bill 489. He advised that he notified the 27 trailer parks in the area that they would be subject to collection of the water planning fee and the 19 listed trailer parks contacted him by letter providing reasons why they should be exempt; and that eight trailer parks have not responded to his written and telephone inquiries.

A discussion commenced relative to the two criteria for exemption as set forth in Mr. Walker's staff report dated October 6, 1995 and whether to exempt the 27 trailer parks, or the 19 that have responded. Commissioner Bond stated that she would not be willing to exempt the trailer parks that have not responded and Commissioner Mouliot agreed. Upon inquiry, Mr. Walker advised that none of the trailer parks are Sierra Pacific Power Company customers. Commissioner Bradhurst expressed concern about basing an exemption on criteria number one, not individually billing for water service, because it may encourage other entities to follow this type of billing when they do not already do so; that, as the parks vary in size, he feels they should be looked at on an individual basis; and that he feels reason number two, collection costs exceed revenues collected, is a reasonable criteria.

Further discussion commenced regarding the legislation and ordinance specific to this issue. Legal Counsel Madelyn Shipman reviewed the ordinance and stated that criteria number one is a valid reason, and under the waiver provision in the ordinance, criteria number two would be the basis for a waiver. Upon inquiry, Mr. Walker advised that he could review the individual reasons given by the trailer parks requesting exemption to determine which of the two criteria they used and report back to the Board at the 4:00 p.m. scheduled meeting time this afternoon.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that this item

be continued to 4:00 p.m. at which time the following discussion was held and action taken:

Mr. Walker provided a chart depicting the reasons the purveyors set forth for exemption, as well as examples of their letters. He also provided a copy of SB489, Section 7.1, being the legislation specific to the water fee. Mr. Walker reviewed the legislation and stated that he discussed the matter further with Legal Counsel after this morning's meeting and is of the opinion that the water purveyors should be exempt for two reasons, one, that they don't bill, and, two, that their billing costs would exceed collections; and that once exemption goes beyond the purveyors that don't bill, typically being the trailer parks, the only criteria that would qualify an entity for exemption would be the "exceeds cost" issue. He then noted that a new list has been provided for the Board's consideration which contains an additional trailer park that contacted him after this morning's meeting requesting exemption.

The Board discussed SB489 and Commissioner Bradhurst stated that it is his understanding that, if the Board approves the recommended list of exemptions today, future exemptions for purveyors that do not bill, such as a trailer park, would be done automatically by staff. Mr. Walker stated that would be helpful and recommended that the purveyor should, however, be required to provide correspondence to the County regarding same. He added that notification to the trailer parks advising of the Board's action requiring such correspondence would be done. Commissioner Bradhurst then suggested that Legal Counsel provide a legal interpretation and opinion of SB489 to be included in Mr. Walker's letter to the purveyors; and that Mr. Walker apprise the Board of any future exemptions.

Legal Counsel Shipman advised that, after this morning's meeting, she reviewed the legislation and ordinance further and it is her interpretation that Section 7 of SB489 was intended to only deal with water suppliers whose primary purpose is supplying water and billing customers; that when water is just a utility incidental to another type of building, such as a trailer park space rental, there would be no need under the ordinance or state law to bring them forward for exemption; and that all water companies that bill separately or bill for water would be required to meet the waiver requirement set forth in the ordinance that the cost of collection exceeds revenue and/or the benefit basis. She noted that state law does not make any provision for an exemption, and the reason the ordinance was adopted was because staff and the Board recognized that there may be good cause to exempt certain entities.

Commissioner Bradhurst suggested that the first sentence in criteria number two referring to individual wells be removed as this is not a criteria for exemption. Mr. Walker stated that this would be done.

Upon recommendation of Steve Walker, Water Management Planner, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, Chairman Shaw ordered that the exemption of the 20 water purveyors as outlined in the agenda material be approved; that future exemption requests that properly qualify be handled by staff and the Water Management Planner provide updated information to the Board in this regard; that the Water Management Planner be directed to send a letter to the seven trailer parks that have not responded thus far advising them of the Board's action requiring them to correspond in writing regarding their reasons for requesting an exemption; and that the District Attorney's office be directed to provide the Water Management Planner a written opinion relative to state law and the County ordinance specific to this issue.

95-950 FRANCHISE AGREEMENTS - CITIFARE PASSENGER AMENITIES - REGIONAL TRANSPORTATION COMMISSION

John MacIntyre, County Manager, responded to questions raised at yesterday's caucus regarding the proposed agreement.

Upon recommendation of Derek Morse, Engineering Manager, Regional Transportation Commission, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Citifare Passenger Amenities Franchise Agreement between Washoe County and the Regional Transportation Commission, concerning bus stop signs, bus courtesy benches and shelters, and related appurtenances, be approved and Chairman Shaw be authorized to execute.

95-951 AGREEMENT - GALENA CREEK PARK WATER SYSTEM - DESIGN AND CONSTRUCTION DOCUMENTS - PARKS

Commissioner Bond inquired whether staff could do the design and construction documents for the Galena Park water system. Paul

Orphan, Utility Division, advised that, although this is a Parks item and the Utility Division was not contacted about preparing the documents, their current workload is such they would have probably recommended an outside consultant, noting that they are currently scheduled through the next two years; and that Wateresource Consulting was previously contracted by the County and the State Department of Transportation for work on the main water system at Galena Park, and this appears to be a continuation internal to the park.

Commissioner Bradhurst stated that there needs to be a coordination on these kinds of projects and a procedure established whereby the Utility Division is made aware of and their input solicited on anything that deals with water to determine if some of the work could be done internally.

Craig McConnell, Director, Department of Public Works, advised that the issue of coordination has been on the minds of collected County staff with respect to the capital program in its entirety, and coordination among the various departments involved in capital projects is currently being looked at for the very reasons the Board is discussing this morning.

Upon recommendation of Gene Sullivan, Director, Parks and Recreation Department, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the contract between Washoe County and Watersource Consulting Engineers, Inc. concerning preparation of design and construction documents for Galena Creek Park water system in the amount of \$36,700 be approved and Chairman Shaw be authorized to execute.

95-952 COOPERATIVE AGREEMENT AMENDMENT - FIRST, SECOND, THIRD, AND WOODS CREEKS WATER QUALITY IMPROVEMENT PROJECT - NEVADA TAHOE CONSERVATION DISTRICT - ENGINEERING

John MacIntyre, County Manager, reviewed background information and responded to questions of the Board raised at yesterday's caucus relative to this item.

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Chairman Shaw temporarily left the meeting and Vice Chairman Bradhurst assumed the gavel.

Craig McConnell, Director, Department of Public Works, presented and reviewed additional information to provide clarification of the project. He advised that there is no duplication or double billing of services.

Upon recommendation of Kimble Corbridge, Engineering Division, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, Vice-Chairman Bradhurst ordered that the Amendment to the Cooperative Agreement between the County of Washoe and the Nevada Tahoe Conservation District for engineering services for the First, Second, Third, and Woods Creeks Water Quality Improvement Project be approved and Chairman Shaw be authorized to execute.

It was noted that the total not-to-exceed amount for engineering services for the project is \$160,000; and that the project is funded with Burton/Santini grants and TRPA Water Quality Mitigation funds.

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Chairman Shaw returned to the meeting and resumed the gavel.

95-953 GRANTS OF EASEMENT - SUN VALLEY (THREE) - SOUTH TIMBERLINE DRIVE (ONE) - PUBLIC WORKS

Upon recommendation of James Gale, Department of Public Works, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the Grants of Easements between Washoe County and the following property owners be approved and Chairman Shaw be authorized to execute:

Dennis H. and Ester L. Green

APN 085-102-12

John R. and Doranna D. Goodnight

APN 085-102-05

Charlotte Elliot

APN 085-102-27

Jim M. Smart

APN 049-080-03

It was noted that the easements are required to correct drainage problems associated with existing Washoe County maintained drainage systems.

95-954 WATER RIGHTS QUITCLAIM DEED - TOWNER HAWKINS

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the Water Rights Quitclaim Deed for 2.02 acre-feet from a portion of permit 60546 between Towner Hawkins "Grantor" and Washoe County "Grantee" be approved and Chairman Shaw be authorized to execute. It was further ordered that the Chief Sanitary Engineer be directed to record the Water Rights Quitclaim Deed with the County Recorder.

It was noted that the dedication of water rights is in support of a newly created parcel which will utilize a domestic well for water service.

95-955 QUITCLAIM DEED - MESSENGER MOULDING, INC., A NEVADA CORPORATION - WARM SPRINGS VALLEY

Upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Director, Department of Public Works, on motion by Commissioner Bond, seconded by Commissioner Bradhurst, which motion duly carried, it was ordered that the Quitclaim Deed for 2.5 acre-feet from a portion of permit 28076, Certificate 8518, between Messenger Moulding, Inc., a Nevada Corporation, and Washoe County be approved and Chairman Shaw be authorized to execute. It was further ordered that the Chief Sanitary Engineer be directed to record the Quitclaim Deed with the County Recorder.

It was noted that the dedication of water rights is in support of Messenger Moulding, Inc.'s Map of Division into Large Parcels within Warm Springs Valley.

95-956 PROFESSIONAL SERVICES CONTRACTS - DOMESTIC VIOLENCE EDUCATIONAL TRAINING (FAMILY COURT) - DISTRICT COURT

Chairman Shaw disclosed that Vicky George, one of the participants, is a Counselor at Washoe High School where he is the Vice Principal.

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, it was ordered that the professional services contracts with Nancy Peevers, Myra Sheehan, Vicky L. George, and Bonnie Adshade for domestic violence educational training to be provided to individuals issued a temporary protection order by the Family Court division of District Court, be approved and Chairman Shaw be authorized to execute.

It was noted that the two hour training sessions are held three times a month and each contractor is paid \$35 per hour; that the total cost for the provision of domestic violence education services is \$2,520; and that there will be no fiscal impact as appropriation authority is provided in the FY 95/96 budget of District Court.

95-957 COOPERATIVE AGREEMENT AMENDMENT - URESA MASTERS - STATE WELFARE AND DISTRICT COURT

Upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the amendment to the Cooperative Agreement between the Nevada Division of State Welfare and the District Court for child support enforcement (URESAs) Masters from October 15, 1995 through June 30, 1997 be approved and Chairman Shaw be authorized to execute.

It was noted that this will correct an oversight which failed to reimburse time spent on training and other child support issues for the Masters of Family Court; that training will be reimbursed at a rate of \$40/hr. with travel and per diem being excluded from the agreement; and that there is no fiscal impact.

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There were no Commissioners' Comments or Emergency Items.

11:30 a.m. The Board recessed until 4:00 p.m.

4:00 p.m. The Board reconvened the regular meeting in the Commission Chambers of the Washoe County Administration Complex, with all members present as in the morning, and conducted the following business:

Chairman Shaw advised that another meeting was scheduled in the chambers at 6:00 p.m. and the business before the Board would need to be completed by that time.

95-958 SITE REVIEW CASE NO. SR7-9-95 - FARETTO FAMILY (APN 41-110-65) - APPEAL

4:00 p.m. This was the time set in a notice of public hearing mailed to all affected property owners by the Department of Development Review on October 6, 1995 to consider the appeal of Dr. and Mrs. Joseph Reinkemeyer from the decision of the Washoe County Planning Commission to approve Site Review Case No. SR7-9-95 for the Faretto Family to process a residential site review to facilitate three consecutive parcel maps to create 8 parcels on a +55.316-acre parcel located north of Anitra Drive and west of Faretto Lane, designated Medium Density Suburban (MDS), Medium Density Rural (MDR) and General Rural (GR) in the Southwest Truckee Meadows Area Plan and situated in a portion of Section 2, T19N, R19E, MDM, Washoe County, Nevada.

Bob Katai, Department of Development Review, presented a map depicting the subject property and surrounding area and advised that the transition policies contained in the County's adopted Comprehensive Plan provides that property owners may utilize their old zoning through the site review process; that each proposal is looked at on a case-by-case basis to make sure that allowing use of the old zoning would not preclude another property owner from using their new zoning; that the Planning Commission determined that granting the site review to the

Faretto property would not prevent the Reinkemeyers from utilizing their old or new zoning; that the subject property's old zoning is A2, 2.5-acre minimums, and the new zoning is a mixture of 1/3-acre, 5-acre and 40-acre zoning; and that the applicant wants to utilize the old A2 zoning to allow a more even distribution of density, even though the new zoning provides for more density. He then reviewed issues that were presented at the Planning Commission and stated that Deputy District Attorney Rusty Nash advised that resolution of whether Anitra Drive is a public or private road and can provide additional access to the Reinkemeyer property to facilitate subdividing their property is an issue that is beyond the purview of the Planning Commission or the Board of County Commissioners. Mr. Katai then responded to questions of the Board and advised that the Reinkemeyers have access to Anitra Drive across the southern portion of the Faretto property by way of a 50-foot wide easement, which he pointed out on the map.

Chairman Shaw opened the public hearing and called on those wishing to speak.

Vernon E. Leverty, representing the Reinkemeyer Family Trust, stated that the primary purpose of this hearing is to make sure that there is no tacit approval through the site plan for abandonment of Anitra Drive; that access with regard to Anitra Drive is pursuant to a settlement agreement that demonstrates the applicant's intent to build an electronic gate; that they contend that Anitra Drive is a public road and access to the Faretto property is marred because of errors made by the County relative to the acceptance of certain parcel maps with regard to the offers for dedication of Anitra Drive; that they understand this is only a site review and that abandonment would be the next step to put up the gate; and that the Reinkemeyers have a clear legal recourse because they contend they have access to Anitra Drive because it has been offered for dedication. Mr. Leverty responded to questions of the Board and Commissioner Bradhurst commented that his understanding relative to offers of dedication is that they remain open unless the County rejects the offer; and that it is not unusual to see parcel maps and subdivision maps where an offer of dedication of the road is rejected by the County but the County makes the statement that the road will remain open and the County can accept the offer of dedication in the future. Mr. Leverty responded that this is why they believe the road is, in fact, offered, and, even though not accepted, is a public road.

Alex Fittinghoff, representing the property owners and the applicants, discussed the use of the existing zoning and advised that they are proposing eight lots with a minimum lot size of 6.5 acres instead of the 22 lots that would be allowed under the new zoning; that an agreement was negotiated with the 17 Anitra Drive property owners that provided access sufficient to subdivide the property; that the property owners believe that Anitra Drive is a private road, noting that it has never been built to County standards and has never been accepted by the County; that it is their intention to provide a gate which will be designed to the satisfaction of the appropriate health and safety agencies; that they negotiated an emergency access on the north side of the property which would connect to the Evans Creek Subdivision; that they have reviewed fire and safety issues extensively with various Fire personnel; and that they feel they have satisfied all the access requirements of the County. He further stated that the Reinkemeyer property has access across the southern tip of Anitra, but they do not have the authority to give access to Anitra as it falls across other people's property, and such access would have to be negotiated with the property owners.

Marilyn Nitz, Faretto Lane property owner, stated that she represents the property owners surrounding the Reinkemeyer property and they are very pleased with the proposed Faretto development.

Mark Bruce, representing the Anitra Drive residents south of the Faretto development, stated that they approve the land use designation as long as it is limited to the eight parcels and the agreement is carried out.

Mr. Leverty stated that no one has responded to the fact that there were offers of dedication, which may not have been accepted, on Anitra Drive down to where they intend to put a gate; that they contend that Anitra Drive is a public road and the gate would require an abandonment, and their complaint is that the abandonment procedure should be done legally, and there is no access because it is conditioned upon a gate; and that they request if the site plan is approved, the Board assure there is no intent to abandon the public roads.

There being no one else wishing to speak, Chairman Shaw closed the public hearing.

Mr. Katai pointed out the site review is the only issue before the Board, and there has been no application for abandonment.

Legal Counsel Madelyn Shipman discussed public and private ownership and two different types of abandonment under NRS 405.191 and NRS 278. She stated that Mr. Leverty appears to be referring to the issue of whether or not the offer of dedication creates a line on the map that makes a public road under NRS 405.191; that the Courts have said this issue is a matter of adjudication by the Courts and not by the County Commission; and that if there was an adjudication that the road is public, an abandonment would be pursued and would have to be dealt with by the Court. Ms. Shipman responded to questions of the Board and stated that she does not believe the gate is a part of the approval process for the subject development as it is part of a private agreement between the parties; that it is her understanding that there is not an offer of dedication throughout Anitra Drive, although it has been represented that this may be a mistake; and that the issue before the Board is zoning and access, but not access outside the subject property.

Commissioner Sims stated that he agrees with the District Attorney that the issue of access should be handled by the court.

Commissioner Bradhurst commented that the appeal letter states objection to the Reinkemeyers being deprived of the opportunity to develop their property in a manner similar to the proposed subdivision, and he does not believe it is the Board's responsibility to insure this; that he does not believe the Reinkemeyer parcel will be adversely affected by approving the site review; and that there is legal access to Faretto Lane and emergency access through the Faretto property.

On motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the appeal of Dr. and Mrs. Joseph A. Reinkemeyer be denied, and that the recommendation of the Planning Commission to approve Site Review Case No. SR7-9-95 be upheld.

95-959 SPECIAL USE PERMIT CASE NO. SPW6-18-95 - GOLD RANCH SEWAGE TREATMENT PLANT (APN: 038-230-07 AND 15 - APPEAL

4:00 p.m. This was the time set in a notice of public hearing mailed to all affected property owners by the Department of Development Review on October 6, 1995 to consider the appeal of the Stremmel Family from the decision of the Washoe County Planning Commission to deny Special Use Permit Case No. SPW6-18-95 for Gold Ranch Sewage Treatment Plant to develop a wastewater treatment plant for sewage disposal to provide service for a previously approved RV park and associated golf driving range which would be a self-contained system with a 50,000 gallon per day capacity, located on the east side of I-80 across the freeway from the existing Gold Ranch Casino, the +6.76 acres designated General Commercial (GC) in the Verdi Area Plan within a portion of Section 19, T19N, R18E, MDM, Washoe County, Nevada.

Commissioner Mouliot disclosed that he has an ongoing business relationship and is friends with the Stremmel family, and on advice of Legal

Counsel he will abstain from any discussion or action regarding this item.

Don Young, Department of Development Review, stated that, pursuant to Commissioner Bradhurst's request, information has been distributed to the Board setting forth the required findings for approval of a special use permit, as well as information regarding the prior special use permit for the Gold Ranch Sewage Treatment Plant approved in 1994; that the prior special use permit was for a package treatment plant on the west side of I-80 to serve the approved RV Park and Casino expansion; that, while trenching for the leachfield system, it was discovered that the groundwater level was about two feet below the surface instead of the 15 to 18 feet indicated by previous tests; and that because the site was found to be unsuitable, the applicants were required to find another location and are now requesting approval for a plant on the east side of I-80.

Doug Coulter, Supervising Engineer, District Health Department, responded to questions of the Board and advised that the Health Department would still accept a design for the west side location if engineered fill were provided for the leachfield and all requirements were worked out; that the east side is also acceptable to the Health Department with proper design; and that the Nevada State Division of Environmental Protection (NDEP) has indicated that they would not accept the engineered fill system on the west side. Upon further inquiry of the Board, Mr. Coulter stated that either side of I-80 is acceptable to the Health Department with proper design, etc., but the east side would be more straight forward based on soil information and a greater depth of groundwater; that in their estimation, contamination of the Truckee River is not a problem because safeguards would be in place as part of NDEP requirements for monitoring and determining nitrate levels ahead of the point where it reaches the river and would provide early detection of any problem; and that NDEP regulates the waters of the state, and if they determine there will be no impact on the river, the Health Department would have no reason to duplicate their efforts.

Commissioner Bond expressed concern and frustration regarding conflicting testimony from different engineers depending on which side of the table they are sitting. Mr. Coulter commented that the most logical location that would meet all regulatory requirements for NDEP and District Health would be the east side. Mr. Coulter then responded to further questions of the Board and discussed setback footage of the leachfield from domestic wells and the river, improvements completed to date on the expanded building and new facilities and restaurant, interim criteria for monitoring sewage flow resulting from these improvements which would allow the applicants to operate their facilities until this issue is resolved, and regulatory restrictions should a plant be determined not to be in compliance with discharge. He also advised that the type of plant being proposed is fairly typical and used all over the country.

Chairman Shaw opened the public hearing and called on those wishing to speak.

David Grundy, attorney representing the Stremmel Family and Prospector Gaming Enterprises, provided background information relative to the problems and expense the Stremmel family has encountered relative to construction of the plant that was originally approved on the west side of I-80 and then having to find another location because of the water table. He stated that they are unable to accept the decision of the Planning Commission because they are convinced that what they are proposing on the east side of I-80 is absolutely the best solution to a difficult engineering problem, not only for the applicants, but for the residents of the West Verdi area and the entire County, as the plant design provides the highest expectation of protection from pollution to the river and surrounding property owners. Mr. Grundy read excerpts from the September 20, 1995 meeting of the District Health Department relative to Mr. Nelson of NDEP advising that they would not approve the west side of the freeway for construction of the plant even with engineered fill, and that any discharge into the ground on the west side of the

freeway would have a greater impact on the quality of the groundwater than discharge on the east side of the freeway. He stated that with that sort of opinion it is extremely difficult to persist in trying to put the plant on the west side even though it would be cheaper because of the construction that has already been built and paid for. He then discussed and addressed each of the specific findings made by the Planning Commission. He noted that no one at that meeting specifically set forth the findings and it would appear they represent a distillation of comments made by individual board members during the discussion, suggesting that the individual findings might not be held by a consensus of the Planning Commission. Relative to the finding that the plant would unduly block the scenic views, Mr. Grundy presented drawings showing the plant and its visual impact, advising that the plant is below the site line and very little of the structure would be visible to someone driving on the freeway. He stated that the applicants have done the best they can to meet the requirements of the County and the State to put together a system that adequately and fairly meets the need for a sewage treatment plant system imposed by the County and with the least impact on the neighbors.

Upon inquiry of Chairman Shaw, Mr. Grundy stated that the Verdi CAB has not seen the drawings presented depicting visual impact, as those were just completed, but that many meetings have been held with them and considerable effort has been made by the Stremmel family and the Gold Ranch people to keep them advised of all information.

Commissioner Sims expressed concern that new information has been presented, being the District Health Board minutes and the engineer's rendition of the visual impact of the site, that was not available at the time the Planning Commission met. He asked if the Board is only to deliberate on the information presented at the Planning Commission.

Legal Counsel Shipman stated that the County Code limits the appellants review of issues that have been set forth in the appeal letter, and the appeal is properly before the Board; that the Board of County Commissioners does not have a set of rules to guide it as to when information provided may be of a nature that needs to be reviewed by the Planning Commission; and that the Board has discretion as to whether or not to send the item back to the Planning Commission.

Thomas Wilson, attorney representing Moya Lear, David Lear, and Walter Aldrich, the adjacent and affected property owners, noted the time was 5:55 p.m. and another meeting is scheduled in the chambers at 6:00 p.m. He requested that this item be continued in order to afford them adequate time to make their presentation and stated that the applicant did not provide them with the additional information presented; that no notice was given to them of the District Health Department meeting with respect to this issue; that during an earlier informational meeting between Mr. Nelson and the Lear and Aldrich group, Mr. Nelson did not express the same opinion presented in the Health Department minutes, and, in fact, his superior, James Wilson, has expressed something quite different; that they have not opposed the solution to the Stremmel project, but have serious problems with placing it on the east side; that there are substantial issues involved for which the neighbors have gone to considerable trouble and expense to examine and investigate for presentation; and that to be fair to the issue, time should be afforded to address this matter fully.

Commissioner Sims asked what impact NDEP's determinations would have on the Board's approval process. Legal Counsel Shipman stated that the Board does not need to totally divorce itself from NDEP as input from other agencies has usually been beneficial in aiding the Board in its deliberations. Mr. Grundy noted that their concern is that a condition of staff's recommendation is that they need NDEP approval to finish the project.

Commissioner Bradhurst stated that he supports continuing this item because of the new information presented and to provide Mr. Wilson the opportunity to respond; and that he supports not sending this item back to the Planning Commission.

Dr. James Craner, Verdi resident, stated that he was speaking on behalf of himself and the citizens of West Verdi residing immediately adjacent to the Gold Ranch; that much of what has been presented today is incorrect and the homeowners deserve the right to be heard; and that implications and ramifications of siting this type of facility in the scenic corridor area of Verdi, as well as environmental health issues, need to be considered. He presented and reviewed a letter he provided to the District Health Department regarding a number of public health issues raised on behalf of the entire community that have not been adequately addressed. Dr. Craner then discussed concerns relative to groundwater and air contamination, the inconsistency of the plant with the Verdi Comprehensive Plan, and the impact of the plant and strip facilities planned for the scenic corridor.

Lee Edmondson, Verdi resident living adjacent to the subject property, stated that he has attended the CAB and Planning Commission meetings regarding this issue and there were denials at every meeting; that when there are conflicting testimonies by engineers and scientists, the conclusion can be drawn that speculation is being dealt with and Washoe County should not take this risk; and that if the treatment plant is approved, it will allow for tourist commercial expansion along the scenic corridor.

Following discussion, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried with Commissioner Mouliot abstaining, Chairman Shaw ordered that the appeal hearing on Special Use Permit Case No. SPW6-18-95 for the Gold Ranch Sewage Treatment Plant be continued to November 7, 1995 at 4:00 p.m.

Commissioner Bradhurst noted the regulation that there is no ex parte communication on appealed issues.

COMMUNICATIONS AND REPORTS

The following communications and reports were received, duly noted and ordered placed on file with the Clerk:

95-960 Communications:

- A. From the City Clerk of the City of Sparks, notification of the appointments of Shaun Carey, Meg Saunders MacDonald, and Michael Donald Buschelman to the newly created Regional Water Planning Commission, each for a four-year term.
- B. Public Notice of a "Law Enforcement and Criminal Justice" Workshop held on August 9, 1995, at the Washoe County Detention Center, conducted by the Greater Reno-Sparks Chamber of Commerce.
- C. Notice of Completion for Wadsworth Water System Phase 2 Improvements by Mike's Trenching, Inc.
- D. MPR-4-81W (Steamboat Station Project) Notice of Filing for Appeal of Decision by the Director of Development Review.

95-961 Monthly Reports:

- A. Animal Control, August
- B. County Clerk, August
- C. Court Clerk, August
- D. Sheriff, Detention Facility, August
- E. Social Services, June, July, August

95-962 Quarterly Reports 1995 Calendar Year:

- A. Constable of Reno, Quarter 3
- B. Constable of Wadsworth, Quarters 2 and 3
- C. Gerlach Justice Court, Quarter 3

95-963 Quarterly Reports 1994/95 Fiscal Year Fourth Quarter:

- A. Carson Truckee Water Conservancy District
- B. Verdi Television District
- C. Washoe County

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There being no further business to come before the Board, the meeting adjourned at 6:30 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk