

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. AUGUST 12, 1997

PRESENT:

Grant Sims, Chairman
Joanne Bond, Vice Chairman
Jim Galloway, Commissioner
Mike Mouliot, Commissioner
Jim Shaw, 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:

97-795 AGENDA

John MacIntyre, County Manager, advised that Item 15, Update on the Burning Man Festival, would be heard at a time certain of 6:30 p.m. In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that the agenda for the August 12, 1997 meeting be approved.

97-796 PUBLIC COMMENTS

David Ewing, President, Auburn Constructors, presented a copy of a Financing Agreement dated May 21, 1996 between Washoe County, Cold Springs 2000, and the Roston Company, LLC, and referred to Article 1.1D that requires the developers to provide the County with a performance bond and payment bond each in the amount of \$3,713,300 to guarantee the performance of all work and assure that all subcontractors, suppliers and laborers be paid properly, and to Article 3.15 stating that the agreement may be modified by the parties but only by a written instrument signed and acknowledged by each party and recorded with the County Recorder. He advised that their company is nearing completion of two of the three subprojects listed in Exhibit G and they have an approximate \$3.25 million contract with the developers for this work; that when the developers failed to make a complete payment for their May progress billing, they contacted the County's Finance Division to obtain a copy of the required developer bonds and were informed by the Water Resources Department that their \$3.25 million bonds to the developers were used in lieu of the required developer bonds; that they subsequently informed the Water Resources Department, the Finance Division, and the District Attorney's Office that their bonds do not guarantee the developer's performance and they are not bound by the Financing Agreement, noting that a rider is attached to the bonds which clearly states that both the developers and the County, as co-obligees, are obligated to the terms of their construction contract, which includes timely payment. Mr. Ewing further stated that it appears that the County overlooked these items or did not fully appreciate that Auburn Constructors was left out in the cold with bond protection, noting that this situation not only affects their company but over 100 construction affiliated companies involved in the project. He then advised that the developers are currently in substantial arrears to his company; that the project should be ready for notice of completion very soon; that the County says their company and other companies do not have lien rights because the property title has been transferred to the County, and they believe this matter should be thoroughly investigated prior to County acceptance of the project; and that he would request this issue be placed on a Board of County Commissioners agenda as soon as possible.

Chairman Sims stated that it is his understanding that staff is currently looking into this issue and he would expect that the matter will be coming before the Board for review.

Mark Jolley, Associated General Contractors, stated that he supports Mr. Ewing's comments and request that this issue be agendized at some future date. He advised that he is not aware of any issue such as this arising within the County on a public works job, and due to the nature of the project and the \$3.7 million in question, they hope for a quick resolution to the problem.

* * * * *

Mark Chrise, Trustee, Senior Dance Club of Nevada, Inc., advised that their item was removed from today's agenda by an ex-member of their group who was not authorized to take that action. He presented a list of their officers and trustees, which was placed on file with the Clerk, and requested that they be placed on a future agenda.

* * * * *

The Board convened as the GAMING LICENSE BOARD.

97-797 GAMING LICENSE BOARD - 7-ELEVEN GEIGER GRADE

Sheriff Kirkland, member of the Gaming License Board, was not present. Upon recommendation of Karen Carmel, Business License Division, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that a gaming license for 7-Eleven Geiger Grade, Vernon Raymond Schulze, 1445 State Route 341, Reno, Nevada 89511, be approved, contingent upon approval from the Nevada State Gaming Commission.

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The Board reconvened as the BOARD OF COUNTY COMMISSIONERS.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the minutes of the regular meetings of July 8 and July 15, 1997 be approved.

97-798 MANUFACTURER'S LICENSE - BREW PUB - BORDERHOUSE BREWING COMPANY

John MacIntyre, County Manager, provided additional information pursuant to questions asked at yesterday's caucus regarding the subject application process including background investigations and inspections conducted by the various County agencies.

Upon recommendation of Karen Carmel, Business License Division, on motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried, Chairman Sims ordered that a microbrewery/brew pub license for The Borderhouse Brewing Company, Harry L. Baylies, 24 Stateline Road, P. O. Box 5159, Incline Village, Nevada 89450 be approved.

Commissioner Galloway stated that he thinks this business is an asset to the area and is pleased that everything was done so thoroughly.

97-799 KENNEL PERMIT APPEAL - KATRINA ANDERSON

Katie Stevens, Animal Control Officer, reviewed background information regarding the kennel permit application of Katrina Anderson to keep six dogs at 14 Sierra View Road, and advised that a letter of objection signed by 20 people was received; that she checked with the Health Department this morning regarding one of the statements in the objection letter and was advised that one complaint was received on May 6 and a notice of violation due to solid waste was issued on July 8, and a follow-up investigation indicated that everything was fine; and that a visit to the site by the Health Department today indicated that everything still looks good.

Katrina Anderson, applicant, advised that they have six dogs, four of which are purebred Australian Shepherds used for breeding

purposes; that they have arranged that there is only one dog a week that no one is home, and have tried several things to keep the dogs in; and that they have determined which dog is digging out and have been keeping her confined and take her to work with them. Sherry Roach and a gentlemen who also live at the subject residence were present to provide information and respond to questions of the Board. Upon inquiry of Commissioner Galloway, Ms. Roach advised that there are also six horses on the property.

Jeff Bond, adjacent resident, stated that he has been attacked by three of the dogs and they have killed several of his chickens. He presented pictures, which were placed on the file with the Clerk, showing a dog running loose at a time when no one was at home, and stated that the dogs have basically terrorized the neighborhood.

Jean Wheatley, neighbor, advised that she has counted 8 dogs on the property; that the property has a doublewide mobile home, a travel trailer, a horse trailer, numerous vehicles, 6 horses, and 6 to 9 dogs; and that all they ask is for a little consideration, noting that any pet can get loose, but the applicant's dogs cannot be approached and have attacked other dogs in the neighborhood. Ms. Wheatley responded to questions of the Board and advised that the dogs do bark and make noise, but that all dogs do and this can be tolerated; that what cannot be tolerated is the health condition presented by the horses, flies and odor; and that she does not believe there is room for a kennel because the property is so crowded.

Commissioner Bond stated that the applicants have been at the residence for approximately one year with numerous contacts from Animal Control regarding loose dogs, and she does not see a sense of responsibility in trying to correct the situation and keep the dogs under control and from threatening the neighborhood. She further stated that there could up to 24 puppies at one time on the property and she is not willing to endorse that concept on this acre of land with the number of animals that are already there.

Chairman Sims stated he would support the permit because the issue has been about the dogs running wild, which situation the County can control with a kennel permit. He commented that much of the testimony had to do with issues unrelated to the dogs and he would like to give the applicant the opportunity of building the kennel and correcting the problem.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried with Chairman Sims voting "no," it was ordered that the request of Katrina Anderson for a kennel permit be denied.

97-800 ACCEPTANCE OF DONATION - COMMUNITY OUTREACH

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the donation from Margaret Galantuomini of a 3M copy machine, model 345AG with serial number 526484, for the Community Outreach program in Juvenile Services be accepted with gratitude.

It was noted that the copy machine is an older machine that works well and will be used in the Sullivan Lane Outreach Office and its estimated value is approximately \$500.

97-801 PURCHASE OF COMPUTER EQUIPMENT - SPARKS JUSTICE COURT - FINANCE

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the purchase of 3 computer workstations, 6 computers, and 3 monitors for Sparks Justice Court at a total cost of \$13,846.91 be approved.

It was noted that the upgraded computer equipment will allow the Sparks Justice Court to operate in the Windows 95 environment; and that Administrative assessment dollars will be used to purchase the upgrades with no impact to the general fund.

97-802 TRANSFER OF APPROPRIATIONS - TRAVEL COSTS - SPARKS JUSTICE COURT

John MacIntyre, County Manager, provided information in response to questions raised at yesterday's caucus meeting regarding this item.

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the following transfer of funds for travel costs within the Administrative Assessments Fund (007) for Sparks Justice Court be approved and the Comptroller be directed to make the following account changes:

Decrease Account	Amount	Increase Account	Amount
007-0720-7222	\$1,500.00	007-0720-7620	\$1,500.00

It was noted that the travel dollars are for Judge Volk to attend a National Judges Association conference in Montana that runs from September 27 through October 3, 1997.

97-803 RESOLUTION - INCREASE CHANGE FUND - LIBRARY

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution to increase Library change funds from \$565 to \$630 be adopted and Chairman Sims be authorized to execute on behalf of the Commission:

RESOLUTION- Increase Change Fund from \$565 to \$630 for the Washoe County Library Department

WHEREAS, The Board of County Commissioners of Washoe County, pursuant to NRS 354.609, has the authority to create and fund change fund accounts; and

WHEREAS, The Washoe County Library Department has requested an increase in their change fund from \$565.00 to \$630.00 to assist in the administration of that office;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF WASHOE COUNTY, NEVADA as follows:

1. That, pursuant to the provisions of NRS 354.609, the County Treasurer and the County Comptroller are hereby authorized and directed to take all necessary steps to establish and account for a \$65.00 increase in the change fund (for a total of \$630) for the Washoe County Library Department.
2. That the above additional \$65.00 will be transferred from the Washoe County Treasurer's Commercial Bank Account.
3. That said change fund be used exclusively for transactions related to the Washoe County Library Department.
4. That the Library Director shall henceforth be held accountable for the change fund authorized by this resolution.
5. That the County Clerk is directed to distribute copies of this resolution to the Washoe County Treasurer, Comptroller, Library Director and the Nevada Department of Taxation.

97-804 EMPLOYEE COURSE ENROLLMENTS

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

1. Department of Social Services: Colette Imasaki, Social Worker, courses entitled "Preschool Curriculum (ECE 234)" and "Special Topics: Supervision in Child Care (ECE 198B)" at Truckee Meadows Community College.
2. Department of Juvenile Services: Moyses Calderon, Community Outreach Specialist, course entitled "Introduction to Counseling and Guidance (CEP 600)" at the University of Nevada, Reno.
3. Department of Juvenile Services: Cristi Albright, Youth Advisor, courses entitled "Counseling Theory and Process (CEP 650)" and "Counseling Practicum(CEP 651)" at the University of Nevada, Reno.

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 June 27, 1997, for gasoline and diesel fuels for Washoe County in joinder with the Airport Authority of Washoe County, Carson City, Churchill County School District, Citifare (Regional Transportation Commission), City of Reno, City of Sparks, Douglas County, Douglas County School District, Incline Village G.I.D., Reno-Sparks Convention & Visitors Authority (RSCVA), and Washoe County School District. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Allied Washoe
Berry Hinckley Terminal, Inc.
Carson Valley Oil Co.
Ed Staub and Sons Petroleum, Inc.
Petroleum Distributors, Inc.
Reno Fuel Co.
River City Petroleum, Inc.
Total Energy Products
A-55, Limited Partnership

Beneto Tank Lines, Casazza Oil Company, MG Refining & Marketing, Norris Fuel Company, Ryder Energy Distribution, Union Oil Company of California and Western Petroleum Market submitted "No-Bid" responses. Keeman Petroleum Company requested to be removed from the current bid list for this commodity.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the bidders listed above be accepted as the only qualified suppliers for gasoline and diesel Fuels, Bid No. 2008-97, for Washoe County and participating joinder agencies as previously noted for an approximate two-year period, July 1, 1997 - June 30, 1999; and that these vendors be polled on a weekly basis for price quotes on gasoline and diesel fuels which quoted prices are to be firm for a seven-day period. It was further ordered that the freight tariffs as stated and submitted within the Invitation to Bids be accepted and added to the base fuel cost to arrive at a delivered cost.

It was noted that the tariffs may be revised every twenty six weeks at the option of the participating bidder; that the award is for an indeterminate amount as fuel prices change weekly and the exact requirements of the agencies using these products are not known; and that the estimated value of the award for Washoe County is in excess of \$100,000 per year which funds are anticipated to be contained in the Equipment Services Division's fiscal year 1997/98 and 1998/99 budgets, account numbers 6903/7191, and the Buildings and Grounds Division fiscal year 1997/98 and 1998/99 budgets, account numbers 1613/7601.

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 June 30, 1997, for various paint and sundries for Washoe County in joinder with City of Reno, Reno-Sparks Convention and Visitors Authority (RSCVA), and Regional Emergency Medical Services Authority (REMSA). Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

Fuller Color Center
Reno Paint Mart
Sherwin Williams Co., Inc.

Northwest Builders Supply and W.W. Grainger, Inc. submitted "No-Bid" responses and Barrett Paint Supply, Decratrend Paints Inc., Dick's Fuller O'Brien Paints, Fuller O'Brien Paints, Home Depot, Lumberjack Building Materials, Masco Paint MFG Inc., North Valley

Hardware Inc., Re-Neva Paint Supply Inc., Re-Neva Paint Supply, Spectrum Paint Applicator, Supply One, Inc. and Tahoeholding Inc. DBA Commercial Hardware failed to respond to the invitation to bid.

John MacIntyre, County Manager, provided additional information in response to questions raised at yesterday's caucus relative to the no substitute clause contained in the bid, advising that in 1993 a report was submitted to Purchasing from Buildings and Grounds which reflected that by standardizing the paint and specifying for Fuller O'Brien it was possible to reduce labor costs significantly for the maintenance of the various county buildings; that the savings amount to approximately 640 man hours per year because staff does not need to spend time trying to match paints and colors; and that there are number of different vendors that are in a position to bid this product.

Richard Williams, Purchasing Department, responded to questions of the Board.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Bid No. 2013-97 for various paint and sundries for Washoe County and joinder agencies as previously noted be awarded as follows:

CATEGORY #A - PAINT:

Washoe County: Fuller Color Center

Joinder Agencies: The Sherwin Williams Co.

CATEGORY #B - PRIMERS, SEALERS, VARNISHES, LACQUER, THINNERS, REMOVERS AND MISC.

Washoe County and Joinder Agencies: Reno Paint Mart

CATEGORY #C - PAINT BRUSHES, ROLLERS, FRAMES, TAPES AND OTHER MISC. SUNDRIES

Washoe County and Joinder Agencies: Reno Paint Mart

It was noted that the award will be for a two-year period, July 1, 1997 through June 30, 1999, with two one-year renewal options; that these are maintenance type items which will be purchased on an as-needed basis during the term of the Agreement; and that the estimated value for Washoe County of the award is \$27,000 per year and funds for the Washoe County portion of the expenditures are contained in the Buildings and Grounds Division fiscal year 1997/98 budget and are expected to be contained and approved in the 1998/99, 1999/2000, and 2001/2002 budgets if renewed, account numbers 1616 and 1618/7281. It was further noted that although Sherwin Williams submitted a lower bid price for category #A-paint, Washoe County's requirements specified Fuller O'Brien paint on a "no substitute" basis due to the on-going maintenance program in effect with the Building and Grounds Division; and that the balance of the award recommendation represents the lowest priced supplier for the type of material specified.

97-807 AWARD OF BID - AERIAL PESTICIDE ABATEMENT SERVICES - BID NO. 2014-97 - 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 July 4, 1997, for Aerial Pesticide Abatement Services for the Health Department. Proof was made that due and legal Notice had been given.

One bid, copy of which was placed on file with the Clerk, was received from Alpine Helicopter Service, Inc.

Ag-Air, Bettencourt Flying Service Inc., and Savage Air Services failed to respond to the invitation to bid.

John MacIntyre, County Manager, provided additional information in response to questions asked at yesterday's caucus meeting. Richard Williams, Purchasing Department, responded to questions of the Board. Commissioner Galloway asked if anything could be done to obtain more competitiveness for this service and Mr. Williams advised that two of the suppliers certified in Nevada indicated to him that there are not enough people providing this service and they are very busy; and that the other supplier indicated that if they were to come to Nevada they would have to charge in excess of \$1500 per hour to spray. Mike Sullens,

Purchasing Department, stated that a provider under contract with Monterey County, California charges \$850, and in Santa Cruz County, California their fee is \$950 per hour for flying time. Commissioner Mouliot commented that most contracts specify off the ground flying time, where this one does not.

Following further discussion, upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Chairman Sims ordered that Bid No. 2014-97 for Aerial Pesticide Abatement Services for the Health Department be awarded to the sole responsive bidder, Alpine Helicopter Service, Inc. for the following rates:

Bid Item #1:	Aerial spraying of pesticides:	\$ 650.00 per work hour
Bid Item #2:	Minimum total charge per service call:	\$1,950.00
Bid Item #3:	Surcharge during hours of darkness:	\$ 100.00 per hour
Bid Item #4:	Ferrying charges to and from Reno:	\$ 0.00 per mile, per vehicle
Bid Item #5:	Support equipment to and from Reno:	\$ 1.00 per mile, per vehicle

It was noted that the effective period of award shall be for twenty-six months and fifteen days, August 1, 1997 to October 15, 1999 and services will be used and procured on an as-needed basis; that the budgeted dollar amount for fiscal year 97/98 is \$41,529 and the dollar amount of services used during fiscal year 96/97 was \$35,000; and that funds for this expenditure are contained in the Environmental Health Division fiscal year 97/98 budget and are anticipated to be requested for and approved in the fiscal year 1998/99 and 1999/2000 budget, account number 1721G/7258. It was further noted that Alpine Helicopter Service, Inc. is one of four certified and verified helicopter aerial abatement services registered in the state of Nevada, and are competitively priced in this region, have proven to be a responsive, responsible supplier, and have agreed to perform in a manner consistent with the terms, conditions and specifications of the Invitation to Bid for these services.

97-808 AWARD OF INJOINDER BID - AUTOMOTIVE AND COMMERCIAL BATTERIES - BID NO. 2018-98

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 July 4, 1997, for automotive and commercial batteries for Washoe County in joinder with the City of Reno, Regional Emergency Medical Services Authority (REMSA), and Reno Sparks Convention and Visitors Authority. Proof was made that due and legal Notice had been given.

Bids, copies of which were placed on file with the Clerk, were received from the following vendors:

- A-1 Battery Company
- Ferrus Supply, Inc.
- Fleet Parts, Inc.
- Interstate Batteries
- Plaza Auto Parts, Inc.

Nevada Battery Co., Inc. submitted a "No-Bid" response and Allied Automotive Inc., Auto Diesel Electric, Auto Parts Club Inc., Cashman Equipment, Grand Auto, H & H Distributors, Lucky Star Investment Inc., Nevada Tractor and Equipment, Sierra Battery Inc., Silver State Int. Trucks, Tahoe Truckee Battery, and Willamette Sales Co. Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Bid No. 2018-98 for automotive and commercial batteries for Washoe County and participating joinder agencies as previously noted be awarded to the low bidder, A-1 Battery. It was further ordered that the Purchasing and Contracts Administrator be authorized to enter into a twenty-three-month agreement for this item commencing August 1, 1997 through June 30, 1999 with Washoe County retaining a one-year renewal option provided there is no increase in price.

It was noted that the automotive and commercial batteries shall be procured on an as-needed basis; that the estimated value of the award for Washoe County is \$15,000 per fiscal year; and that funds are in the Washoe County Equipment Services Division fiscal year 1997/98 budget and are anticipated to be requested and approved in their fiscal years 1998/99, 1999/2000 budget, account number 6903-7254.

97-809 BILL NO. 1164 - AMENDING WCC CHAPTER 80 - RECREATING THE DEPARTMENT OF PUBLIC WORKS

Bill No. 1164 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY RECREATING THE DEPARTMENT OF PUBLIC WORKS; AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Bond, the title read to the Board, and legal notice for final action of adoption directed.

97-810 REAPPOINTMENT - EAST WASHOE VALLEY CITIZEN ADVISORY BOARD

Upon recommendation of Chairman Sims, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Edward Telka be reappointed as an at-large representative on the East Washoe Valley Citizen Advisory Board, with term to expire June 30, 1999.

97-811 REAPPOINTMENTS - MT. ROSE/GEIGER GRADE CITIZEN ADVISORY BOARD - APPOINTMENTS - GALENA-STEAMBOAT CITIZEN ADVISORY BOARD

Upon recommendation of Chairman Sims, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Christine Aldridge be reappointed as the at-large representative and Russell Carpenter be reappointed as the Pleasant Valley/Steamboat Landowners representative on the Mt. Rose/Geiger Grade Citizen Advisory Board (CAB) with terms to expire at the dissolution of the CAB on August 15, 1997.

It was further ordered that Christine Aldridge be appointed as the at-large representative and Russell Carpenter as the Pleasant Valley representative to the Galena-Steamboat CAB, effective August 15, 1997, with terms to expire June 30, 1999; and that David Kladney be appointed as the Galena Forest/Southwest Pines representative to the Galena-Steamboat CAB, effective August 15, 1997, with term to expire June 30, 1998.

97-812 REAPPOINTMENTS - SOUTHWEST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

Upon recommendation of Chairman Sims, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Stephen Gajewski, Lyn Mundt, and Richard Newens be reappointed as at-large representatives on the Southwest Truckee Meadows Citizen Advisory Board, with terms to expire June 30, 1999. It was further ordered that Karl Ihrig be reappointed as the Windy Hill/Frost Ranch representative on the CAB with term to expire June 30, 1999.

97-813 RESOLUTION - CREATING SOUTHEAST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution establishing the Southeast Truckee Meadows Citizen Advisory Board representing the communities north of the Geiger Grade Highway, south of the Truckee River and east of U.S. 395 to the Washoe County boundary which would include Virginia Foothills and Hidden Valley, be adopted. It was further ordered that the geographical areas of responsibility for the new citizen advisory board as depicted on the map included with the agenda material, be approved.

RESOLUTION

WHEREAS, The Board of Commissioners of Washoe County held a public meeting on July 22, 1997, and dissolved the Mt. Rose/Geiger Grade Citizen Advisory Board effective August 15, 1997; and

WHEREAS, The citizens of the southern suburban area of Washoe County have expressed a desire for a formal organization through which they can communicate their views and concerns to the Board of County Commissioners; and

WHEREAS, With such an organization, citizens can be kept better informed of decisions and actions of the Board of County Commissioners; now therefore let it be

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Southeast Truckee Meadows Citizen Advisory Board be established under Sections 5.425 to 5.435, inclusive, of the Washoe County Code; and be it

RESOLVED, That the Citizen Advisory Board's purpose shall be to provide a forum for residents' concerns and to provide on-going two-way communications between the residents and the Board of County Commissioners; and be it

RESOLVED, That the Citizen Advisory Board may provide advice on any matter within the Board of County Commissioners' jurisdiction such as land use, zoning, services, budget, taxes and other matters affecting the lives, health, property or well-being of the residents; and be it

RESOLVED, That the Southeast Truckee Meadows Citizen Advisory Board's geographical area of responsibility shall include the area within Washoe County north of Geiger Grade Highway, south of the Truckee River and east of U.S. 395 to the Washoe County boundary, which would include Virginia Foothills and Hidden Valley, as more specifically defined on the map placed on file with the Clerk; and be it

RESOLVED, That the membership of the Southwest Truckee Meadows Citizen Advisory Board shall consist of five members appointed by the Board of County Commissioners, with the following representation:

- 2 members from Hidden Valley
- 1 member from Virginia Foothills
- 2 At-Large members

and be it

RESOLVED, That the existing members of the Mt. Rose/Geiger Grade Citizen Advisory Board can serve on the new citizen advisory board representing their respective areas until the end of their terms; and be it

RESOLVED, That any standing committee or efforts established by the Mt. Rose/Geiger Grade CAB which are specific to the geographic area represented by the Southeast Truckee Meadows Citizen Advisory Board remain intact and continue to operate; and be it

RESOLVED, That in addition to applications from individuals as described under Sections 5.425 to 5.435, inclusive, of the Washoe County Code, membership nominations may be made by homeowners associations and other neighborhood-based organization; and be it

RESOLVED, That the initial terms of office shall officially begin the date the Board of County Commissioners appoint the members, but shall thereafter run from July 1 through June 30 of the appropriate years; and be it further

RESOLVED, That the Southeast Truckee Meadows Citizen Advisory Board shall be established August 15, 1997.

97-814 APPOINTMENTS - SOUTHEAST TRUCKEE MEADOWS CITIZEN ADVISORY BOARD

Upon recommendation of Chairman Sims, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that Judith Laing be appointed as the Hidden Valley Homeowners Association (HOA) representative and Cheryl Purvis be appointed as the Virginia Foothills HOA representative to the Southeast Truckee Meadows Citizen Advisory Board, effective August 15, 1997, with terms to expire June 30, 1998.

97-815 RESOLUTION - MEMBERSHIP CHANGE - APPOINTMENT - VERDI TOWNSHIP CITIZEN ADVISORY BOARD

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Following

Resolution to change the membership of the Verdi Township Citizen Advisory Board (CAB) from nine members and one alternate to seven members, effective September 1, 1997, be adopted.

RESOLUTION

WHEREAS, The Verdi Township Citizen Advisory Board has requested that the membership of the Citizen Advisory Board be changed from nine members and one alternate to seven members; and

WHEREAS, The Verdi Township Citizen Advisory Board members will be At-Large representatives; no therefore let it be

RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA, That the Verdi Township Citizen Advisory Board consist of seven members as At-Large representatives, effective September 1, 1997.

* * * * *

Upon recommendation of Commissioner Bond, it was ordered that James Kimsey be appointed as an at-large representative on the CAB with term to expire June 30, 1999.

97-816 AMENDED FINAL BUDGET - FISCAL YEAR 1997/98

Upon recommendation of Jerry McKnight, Budget Coordinator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the 1997/98 Amended Final Budget be approved and Chairman Sims be authorized to execute. It was further ordered that the Finance Division be directed to transmit the document to the Nevada Department of Taxation and the Comptroller be directed to post the necessary budget adjustments to the fund accounting system.

97-817 AGREEMENTS - NEVADA HEALTH CARE COALITION - SAINT MARY'S REGIONAL MEDICAL CENTER - NORTHERN NEVADA MEDICAL CENTER

Upon recommendation of Raymond Sibley, Risk Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the Agreements between Washoe County and the Nevada Health Care Coalition for cost-effective medical services with Northern Nevada Medical Center and St. Mary's Regional Medical Center be approved and the Risk Manager be authorized to execute the agreements.

97-818 INTERLOCAL AGREEMENT RATIFICATION - SENIOR SERVICES - HEALTH DEPARTMENT - DAYBREAK PROGRAM

John MacIntyre, County Manager, provided additional information in response to questions asked at yesterday's caucus.

Upon recommendation of David Rice, District Health Officer, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the Interlocal Agreement between the Washoe County Health District and the Washoe County Department of Senior Services concerning the provision of consulting services for the Daybreak Program be ratified and Chairman Sims be authorized to execute.

97-819 CONTRACT - STATE OF NEVADA, EMPLOYMENT SECURITY DIVISION - SHERIFF - FORENSIC SCIENCE SERVICES

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Sheriff's Office Forensic Science Division (Crime Lab) be authorized to contract with the State Employment Security Division for forensic science services.

97-820 AGREEMENT - COUNTY-OWNED WELL AND WELL SITE - DERMODY PROPERTIES- UTILITY SERVICES

John Collins, Manager, Utility Services Division, Department of Water Resources, presented a map of the subject area depicting the location of the Sherwin-Williams facility and the Peek Well. He responded to questions raised at yesterday's caucus and advised

that this firm has been very cooperative and have everything they need to protect the groundwater aquifer; and that from County staff's perspective, this represents a win/win situation.

Mary Lou Capichioni, Sherwin-Williams, advised that she believes this is a win/win situation, noting that it is corporate policy to evaluate a potential site from an environmental perspective; and that they had concerns with the Peek Well being located so close to the facility, and a program was worked out with Utility Services to move the well and provide a new well so that the County would have use of the aquifer and the well would be further away from the facility.

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Bond, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the agreement between Washoe County, The Sherwin-Williams Company and Dermody Properties for relinquishment to Dermody Properties of a County-owned well and well site (Peek Well), in exchange for a new well site, access easement and newly constructed municipal well in Lemmon Valley, be approved and Chairman Sims be authorized to execute.

97-821 CONSULTING ENGINEERING AGREEMENT - RESOLUTION - SOUTHEAST TRUCKEE MEADOWS FLOOD CONTROL IMPACT FEE

John MacIntyre, County Manager, provided additional information relative to questions raised at yesterday's caucus meeting. John Collins, Manager, Utility Services Division, Department of Water Resources, presented a supplemental report relative to the ongoing studies on flood control, wastewater, water, and the number of studies done over the last five years, as well as a list containing professional services engaged by the Utility Services Division over the last couple of years.

Upon recommendation of John Collins, Manager, Utility Services Division, Department of Water Resources, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, it was ordered that the Consulting Engineering Agreement with Kennedy/Jenks Consultants to develop a Southeast Truckee Meadows flood control impact fee in an amount not to exceed \$62,000 be approved. It was further ordered that the following Resolution be adopted and Chairman Sims be authorized to execute:

A RESOLUTION SETTING FORTH THE INTENT OF WASHOE COUNTY, NEVADA, TO REIMBURSE OUT OF BOND PROCEEDS THE COST OF A FLOOD CONTROL FACILITY AND APPURTENANCES

WHEREAS, Washoe County, Nevada (the "County") is authorized to construct, improve and otherwise acquire flood control facilities (the "project") and the Board of County Commissioners (the "Board") of the County anticipates so constructing, improving and otherwise acquiring the Project; and

WHEREAS, the Board expects to incur certain expenses in connection with the Project and intends to reimburse itself for such expenditures with the proceeds of the bonds (the "bonds") issued for the Project in the approximate principal amount of \$14,000,000; and

WHEREAS, regulations promulgated under the Internal Revenue Code of 1986; as amended, require that the County make a declaration of its intent to reimburse expenses with the proceeds of bonds if bonds are to be issued on a tax exempt basis.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA:

Section 1. The County hereby declares its intent to reimburse the costs of the Project out of the proceeds of the Bonds. This is a declaration of official intent under Section 1.150-2 of the Regulations promulgated under the Internal Revenue Code of 1986, as amended.

Section 2. The Board hereby determines and declares that:

(a) The County intends to incur expenditures with respect to the Project prior to the issuance of the Bonds and to reimburse those expenditures from the issuance of the Bonds; and

(b) The payment of costs related to the Project and the reimbursement of such costs from the proceeds of the bonds is consistent with the County's budgetary and financial circumstances as of the date of this Resolution. The County does not currently have moneys which are, nor does the County expect moneys to be, allocated on a long-term basis reserved or otherwise available pursuant to the County's budget to pay the expenditures which the County intends to reimburse.

Section 3. The Board hereby determines that it will authorize and issue the bonds, upon terms satisfactory to the County at the time of the issuance of the Bonds, in one or more series, to pay the cost of the Project, together with the costs incident to the authorization, issuance and sale of the Bonds, and will take all further action which is necessary or desirable in connection therewith.

Section 4. This Resolution shall take effect immediately upon its passage and adoption.

97-822 BURNING MAN FESTIVAL

Chairman Sims stated that he has been advised that the Burning Man staff will not be able to meet the conditions required by the Board by this Friday and discussed possible options for the Board to consider.

Ray Sibley, Risk Manager, advised that the Health Department informed him this afternoon that they met with Skip Canfield, representative for the Burning Man Festival, to review the variety of requirements, and they were not sure they could guarantee that all requirements would be met by Friday. He advised that he is still negotiating with the insurance agent for Burning Man on the liability policies and those issues may or may not be resolved by Friday.

Skip Canfield, CFA, Inc., representing the Burning Man Festival, stated that every contract required will be submitted by Friday at 10:00 A.M.; that the only outstanding issue is the question of a bond versus the letter of credit, which they will not be able to resolve by Friday as the funds for the financial assurance would come from ticket sales; that they have sold approximately 5,000 tickets and have had considerable expenses; and that they respectfully request an extension of time on this issue.

Upon inquiry, Mr. Sibley advised that the dollar amount needed for County services as of this morning is \$259,564 for fire services and \$37,113 for law enforcement services, plus \$25,000 being an estimated amount needed for clean-up, traffic control, etc.

A discussion commenced relative to the requirements for various types of bonds or a letter of credit and the current status of providing same. Commissioner Mouliot commented that the applicant's past payment record is not very good and he would want a demand bond without recourse in lieu of a letter of credit, which bond would have to be acceptable to the District Attorney's office. Commissioner Bond stated that as long as there is some assurance that the County will be able to collect the expenses incurred by providing services, she would be willing to consider something other than the letter of credit.

Chairman Sims commented that an event will occur whether they have a permit or not and the Sheriff's Office and the Fire Department will be spending tax dollars to assure there is some semblance of order, and he would rather have some assurance that the County and the taxpayer will be made whole or partially whole on the costs incurred; and that staff is indicating that obtaining a letter of credit is going to be very difficult for the applicant to provide, and he is comfortable going with staff's recommendation that the applicant provide a bond. Legal Counsel Shipman discussed the differences between a standard bond and demand bond and advised that a demand bond would require more money than a normal bond; and that there may be some question as to whether the applicant could meet the financial obligation of a demand bond.

Commissioner Mouliot stated that, based on current and projected ticket sales, he does not believe a \$300,000 letter of credit or demand bond is unrealistic. Commissioner Galloway requested figures on ticket sales projections in order to estimate how long it would take to raise the funds needed to provide assurance that the County's expenses would be secured. He further stated that if there are delays in collecting the expenses, he believes the County would be entitled to the interest and cost of pursuing the matter.

Upon inquiry of John MacIntyre, County Manager, Mr. Sibley advised that he believes a good faith effort is being made by the Burning Man staff.

Richard Kirkland, Sheriff, stated that he believes Burning Man staff is working very hard to meet the necessary requirements, but there is much that still needs to be done at the site to get ready for the event; that tickets have been sold and there is a lot of interest in the event, and there will be large numbers of people attending; that approximately three different groups of people will be holding events in the same area and he believes it would be a disaster to have 10,000 to 12,000 people in that desert area without any restrictions; and that this is an issue of how the County is going to manage this juggernaut which was unleashed without talking to the County until it was too late. He then stated that if this event happens next year, he would suggest that the applicant be advised that everything needs to be in place with money up front and agreements and permits finalized by January 1, 1998.

Chairman Sims stated that he feels the Board should consider foregoing any decision on the bonding or letter of credit until staff advises the available options relative to how to manage the situation if Burning Man cannot meet the financial assurance condition imposed by the County, which information would need to be presented to the Board at next Tuesday's regular meeting. Further discussion commenced and Commissioner Mouliot stated that if the applicant is unable to obtain a letter of credit or demand bond for the requested amount, he would request a Class A bonding company that would carry one year's interest and any other charges over and above the Sheriff and Fire Department's costs. Sheriff Kirkland commented that another option would be to turn cash receipts from ticket sales at the gate over to the Sheriff's office at the close of each business day until the requirements are met. Mr. Sibley advised that he would obtain all options and related costs as well as what the applicant can or cannot do relative to the financial assurance by next Tuesday's meeting.

Following further discussion, on motion by Commissioner Mouliot, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that compliance with conditions of the permit be continued until Tuesday, August 16, 1997 at 10:00 A.M.; and that if the letter of credit has not obtained by that time, alternatives are to be presented for the Board's consideration.

97-823 BILL NO. 1163 - ORDINANCE NO. 988 - AMENDING EFFECTIVE DATE OF ORDINANCE NOS. 974 AND 975

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on August 1, 1997, to consider the second reading and adoption of Bill No. 1163. Proof was made that due and legal notice had been given.

Chairman Sims opened the public hearing and called on those wishing to speak. There being no response the public hearing was closed.

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Sims ordered that Ordinance No. 988, Bill No. 1163, entitled "AN ORDINANCE AMENDING THE EFFECTIVE DATES OF ORDINANCE NO. 974 AND ORDINANCE NO. 975; AND PROVIDING THAT ALL ACTIONS TAKEN PURSUANT TO SAID ORDINANCES BE VALIDATED, RATIFIED, APPROVED AND CONFIRMED", be approved, adopted, and published in accordance with NRS 244.100.

97-824 ABANDONMENT CASE NO. AB5-7-97- ALBERT GUERRA, JR. (APN 048-091-07 AND 08) - COMMUNITY DEVELOPMENT

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on July 31, 1997 and published in the Reno Gazette-Journal on August 1, 1997, to consider the recommendation of the Washoe County Planning Commission to conditionally approve Abandonment Case No. AB5-7-97 for Albert Guerra, Jr. to abandon twenty-five feet of the right-of-way of Old Mt. Rose Highway running along Lots 29, 30, 31 and 32 of Mt. Rose Bowl Subdivision, Unit No. 1, to facilitate the construction of a garage and addition/remodel of the existing residence. The adjacent homesite, located at 10195 Old Mt. Rose Highway, is a .56-acre property consisting of 2 parcels which are designated Medium Density Suburban (MDS) in the Forest Area Plan and situated in a portion of Section 17, T17N, R19E, MDM, Washoe County, Nevada. Proof was made that due and legal notice had been given.

Cheryl Ryan, Community Development, was present to respond to questions.

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

Jenny Seaver, area property owner, requested clarification of the requested action and Ms. Ryan reviewed the abandonment request.

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

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the private easement described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Abandonment Case No. AB5-7-97 for Albert Guerra, Jr. be approved subject to the following conditions:

1. Prior to recordation of the Resolution and Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements.
2. A 7.5 foot plowed snow storage easement shall be reserved along the remaining right-of-way.
3. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
4. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.
5. A Hold Harmless Agreement shall be recorded to the satisfaction of the District Attorney's Office for the covered portion of the stairway within the snow storage easement prior to the recordation of the Resolution and Order of Abandonment.

97-825 APPEAL - COMPREHENSIVE PLAN AMENDMENT CASE NO. CPA97-SN-1 - SIERRA POINTE- COMMUNITY DEVELOPMENT

7:00 p.m. This was the time set in a Notice of Public Hearing, published in the Reno Gazette-Journal on August 1, 1997, to consider an appeal filed by the applicant, Lewis Braxton and Simla Corporation, to reverse the Washoe County Planning Commission action to deny an amendment to the Sun Valley Area Plan, being a part of the Washoe County Comprehensive Plan, by redesignating Assessor's Parcel Number 035-051-23 from a land use designation of General Rural (max. 1 du/40 ac) and Medium Density Suburban (max. 3 du/1 ac) to Medium Density Urban (max. 21 du/1 ac) and Open Space, located on El Rancho Drive east of Sun Valley Boulevard situated between Sierra Pointe Apartments Phase 2 and the City of Sparks in the Sun Valley Hydrographic Basin in the northwest 1/4 of the southeast 1/4 of Section 30, T20N, R20E, MDB&M. The parcel is designated "Urban" on the Truckee Meadows Regional Plan land use diagram; therefore, a Regional Plan amendment is not required. Case No. CPA97-SN-1 also involves an administrative change of land use on Assessor's Parcel Numbers 085-711-04, 085-711-05, and 085-711-12 from High Density Suburban to General Commercial. Proof was made that due and legal notice had been given.

Commissioner Bond disclosed that she met with the applicants prior to the Planning Commission hearing on this issue.

Cynthia Albright, Department of Community Development, provided background information regarding this item and responded to questions of the Board.

Martin Wohnlich, Simla Corporation, representing applicant/appellant, presented a slide presentation depicting Sierra Pointe Phase III and how the enhancements and amenities would benefit and connect Phase I and Phase II which would include an extended bike path that would connect all three phases without having to use El Rancho Drive, and a recreation center that will benefit the three phases. He advised that the zoning would allow for 418 units, but because of parking requirements and other constraints, 380

units are planned; that existing houses along the property line have a problem with flooding and their proposal will mitigate that problem; and that there would be approximately 6 acres of park land which would contribute approximately \$400,000 in the park fees.

* * * * *

Chairman Sims temporarily left the meeting and Vice-Chairman Bond assumed the gavel.

Mr. Wohnlich discussed proposed improvements to mitigate traffic impacts and advised that the advantages of the project include (1) affordable housing, (2) on-site sewer and water services, (3) an existing bus route, (4) road construction projects either underway, completed, or planned, will essentially mitigate traffic problems, (5) a new school will be opening in the area (6) on-site recreation facilities that will benefit Sierra Pointe Phases I, II, and III, and (7) a new park facility that will greatly benefit all of Sun Valley. He then presented an artist's rendition of the project, advising that the drawing only represents a concept at this point and once the land use has been approved, they will proceed to prepare the necessary detailed drawings. Mr. Wohnlich then responded to questions of the Board.

A discussion commenced relative to various aspects of the project and Ms. Albright responded to questions of the Board.

* * * * *

Chairman Sims returned to the meeting and resumed the gavel.

Dave Winchell, Western Engineering, discussed issues regarding the detention ponds.

Further discussion commenced relative to traffic impacts and Jack Lorbeer, Principal Planner, Regional Transportation Commission (RTC), advised that projects are analyzed from a regional perspective. He discussed traffic problems in Sun Valley and presented a graphic depicting RTC's five-year program of projects designed to mitigate traffic problems in the Sun Valley area. He discussed traffic mitigation issues relative to the project and commented that the project is part of the regional road impact fee system and will contribute approximately \$.5 million to help mitigate regional traffic problems. Mr. Lorbeer then responded to questions of the Board.

Commissioner Shaw expressed concerns that making left turns at the proposed project location would be very difficult and increase the probability of accidents.

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

Marjorie Cutler, Sun Valley resident and member of the Looking Fine in '99 committee and the citizen advisory board, spoke in opposition to the project, stating that they are in the beginning stages of a major clean up in Sun Valley and low income apartments would not be conducive to the quality of people and living conditions they are trying to bring in; that she is concerned about schools, sewer capacity, water availability and traffic impacts; and that she questions the projected traffic figures and is not confident that the five-year traffic improvement plan time frame would be met.

Mary Hansen, Sun Valley resident and member of the Sun Valley CAB read a letter signed by all members of the Sun Valley CAB, a copy of which was placed on file with the Clerk, stating their opposition to any change in zoning relating to the proposed project based on traffic and personal safety concerns. She then advised that development is going on across the road from the subject project which will further add to the horrendous traffic problem.

Jim Cordano, Vernon McCarty, Mr. Serrano, and Michael Fitzpatrick, El Rancho Drive residents, spoke in opposition to the project because of traffic concerns.

Lewis Braxton, Jr., applicant and appellant, stated that the people who have spoken against the project do not understand what

they are trying to do to improve the area; that traffic has been an issue long before this project was submitted; and that they are trying to take a piece of property and utilize it to its best potential and address flood and traffic issues.

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

Following a discussion regarding the findings that need to be made relative to the project, Chairman Sims asked what type of traffic related conditions or questions are asked when an applicant comes in to obtain approval to build to the approved density.

Cheryl Ryan, Department of Community Development, advised that the application is sent to all the various agencies; and that the Engineering Department conducts an analysis of the original traffic study prepared for the Comprehensive Plan Amendment and would request any supplemental information needed to make their determination, which would then become a condition of the project.

Upon the request of Commissioner Bond, Ms. Albright discussed the adopted procedure utilized by staff to analyze land use change requests. Commissioner Bond commented that pedestrians will be walking on El Rancho Drive to the market, etc., which issue has not been addressed and which she believes is a major concern relative to the finding that "existing and planned adjacent land uses will adversely impact the public health, safety, or welfare." She stated that she believes sidewalks should be required at this location, and expressed concerns relative to school overcrowding. Ms. Albright advised that Esther Bennett Elementary School is scheduled to open in September of this year and the statistics and annual report she received from the Washoe County School District has indicated there will be a shifting and redistricting to address the overcrowding concerns of area schools. Commissioner Bond stated that she does not believe Esther Bennett School will open until 1998 and will be overcrowded by the time its doors open. Mr. Lorbeer advised that the RTC does request sidewalks and thinks they are very important especially in this type of location, and unless there is some conflict with the County's Development Code, they would want to provide the residents of this project with sidewalks for safety and access to transit services.

Commissioner Galloway stated that he is concerned about the massiveness of the project, does not see that the project promotes a better pattern for the County, and is not convinced that the traffic projections are accurate.

Further discussion was held relative to traffic issues and Commissioner Mouliot stated that there are serious traffic problems in the subject area; that he does not have much faith in the traffic study; and that he does not believe the traffic problem has been mitigated.

Paul Solaegui, Solaegui Engineers, discussed the accepted traffic study procedures and stated that he began the traffic study for the subject project with a careful exercise with NDOT, RTC, and the County; and that this is an honest study conducted in accordance with standard guidelines and accepted procedures. Commissioner Galloway commented that the Phase I traffic study met standard guidelines and the traffic problems there are severe; and that it cannot necessarily be expected that Phase III will have a better result.

Upon inquiry of Commissioner Mouliot, Ms. Albright advised that the current zoning for Medium Density Suburban would allow 49 single family homes on the subject property.

Following further discussion, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, Chairman Sims ordered that the administrative change of land use on Assessor's Parcel Numbers 085-711-04, 085-711-05, and 085-711-12 from High Density Suburban to General Commercial, to bring the current use and land use designation into compliance, be approved.

On motion by Commissioner Galloway, seconded by Commissioner Bond, which motion duly carried with Chairman Sims voting "no," it was ordered that the appeal be denied and Comprehensive Plan Amendment Case No. CPA97-SN-1 be denied.

Commissioner Galloway reiterated that he is concerned about the massiveness of the project and believes the project is incompatible with the area.

Commissioner Bond stated that she sees no compelling reason to change the land use density, noting that the property can still be developed at the current lower density. Chairman Sims stated that he believes the appeal should be upheld and agrees with the professional staff that the findings can be made to approve the amendment.

97-826 APPEAL - SPECIAL USE PERMIT CASE NO. SPW5-23-97 - SIERRA PACIFIC POWER CO. - SOUTH RENO POWER LINE.

7:00 p.m. This was the time set in a notice of public hearing dated July 31, 1997 mailed to affected property owners by the Department of Community Development to consider the appeal of Lionel, Sawyer & Collins, Attorneys at Law, on behalf of Paul Butler, from the Washoe County Planning Commission's approval for Sierra Pacific Power Company to construct a 120-kilovolt overhead electrical transmission line utilizing transmission poles ranging in height from 57 feet to 97 feet tall. The proposed transmission line would traverse 3.3 miles of Washoe County commencing in the vicinity of the Bella Vista Substation at McCarran Boulevard and terminating at the Mira Loma Substation, and both substations will require minor technological improvements that will not cause an expansion to the current substation boundaries. Furthermore, the proposed transmission line would be placed in the existing 50-foot-wide transmission corridor and would encompass portions of 37 parcels in Washoe County, Nevada. The project is located in the Southeast Truckee Meadows Area Plan in Washoe County, Nevada.

Cheryl Ryan, Department of Community Development, reviewed background information and advised that at the Planning Commission meeting Sierra Pacific modified their original request in order to reduce the impacts to adjacent property owners, which is to co-locate the line the entire length between the Mira Loma and Bella Vista Substation and not ask for any additional easement width; and that basically the only construction that would occur is the replacement of some of the poles on slope property in order to get the second line high enough so there would not be any health or safety risk. Ms. Ryan then responded to questions of the Board.

Ben Veach, Summit Engineering, and John Berdrow, Sierra Pacific Project Manager, responded to questions of the Board regarding pole heights, number of conductors, etc.

Elaine Guenaga, Attorney with Lionel, Sawyer & Collins, appellant representing Paul Butler, Jr., co-owner of Bella Vista Ranch, advised that their concerns regarding health, property devaluation, and aesthetic issues addressed in their written appeal and before the Planning Commission remain the same; that they do not believe the Planning Commission's finding that the permit application is in conformance with the area plan is supportable, as it requires utilities to be placed underground to preserve the scenic nature of the area, if possible, and does not delineate between a new power line placed on an existing pole or within an existing power corridor as being exempt; that Sierra Pacific has placed other lines underground and a portion of this new line will be placed underground; and that if the land were to become part of a subdivision, underground utilities would be required according to Development Code 110.604.30.

She stated that they believe the most important issue is that the finding that the route is physically suitable for a power line is unsupported, especially with regard to the gravel pit on Mr. Butler's property; that the proposed power line cuts directly across the middle of the gravel pit and the Order of Condemnation by which Sierra Pacific obtained the existing power line corridor allowed the property owner to mine under the power lines as long as the stability of the poles was not in danger; that today, the power poles are on mounds of aggregate within the pit that are approximately 18 to 40 feet above the floor of the pit, and the area surrounding these mounds and underneath the power lines are part of the floor of the pit; and that the replacement poles, which will be larger and taller to accommodate the second transmission line will have to be placed on the floor of the pit creating safety concerns relating to the possibility of heavy machinery colliding with those poles, which situation would be a daily occurrence; and that adding the danger of power poles in the paths of these machines is not a prudent or wise course of action. Ms. Guenaga then advised that Mr. Butler has made an offer to Sierra Pacific to exchange land for the relocation of the poles to the eastern and northern edges of the pit and Mr. Butler and Kelly Hiatt, the mine operator, have agreed to pay \$50,000 towards the relocation expense and assist with the excavation if necessary. She further stated that, relative to the metal replacement poles, although they are required to be painted brown, there are no conditions regarding diameter, shape, or height; that some metal poles in the neighborhood are three times the size and diameter of existing wooden poles, which they definitely think would have an adverse aesthetic impact; and that Mr. Butler's first preference is that all the power lines be located underground with an alternative to this being to relocate the power poles outside of the gravel pit on the eastern and northern

edges of the pit. She responded to questions of the Board and advised that negotiations are continuing with regard to the offer to Sierra Pacific for exchange of easement for relocation.

A discussion commenced relative to the offer for exchange and upon inquiry, Legal Counsel Shipman advised that in her opinion the Board cannot condition the project to relocate the line. She noted that any relocation would change the potential impacts to other property which would require renoticing and starting the process all over. Ms. Ryan advised that the land offered for exchange would impact BLM property and private property owners of four parcels.

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

Lowell Patton, Manager, Bella Vista Ranch, discussed concerns relative to preserving the visual acuity of using metal poles around Alexander Lake. He stated that this type of pole can be very unappealing if they are oversized and oddly shaped as some of the poles he has seen in the area; and that he believes the County would be setting a precedent by not requiring all the power line poles to be placed underground.

Ben Veach, Summit Engineering, stated that the project provides increased distribution system capacity in the Southeast Truckee Meadows, increased efficiency at the airport substation, which is the final terminus of the line, and enhanced reliability to the entire south part of Reno. He advised that there has been a high level of cooperation with local entities; that they have been before the Southeast Reno and Mt. Rose/Geiger Grade CABs, through the City of Reno process, met with Washoe County Parks Department, and have approvals from the Army Corps of Engineers, the Regional Transportation Commission, etc.; and that they have satisfied all these agencies by placing all the lines on one set of poles. Mr. Veach then addressed issues brought forth in the appeal. He stated that issues of safety and health were at the forefront of all the planning for this project; that the line does not go through any residential neighborhoods and the gravel pit did not exist when the alignment was placed; that trying to liken the electric lines to the danger of cigarette smoking and asbestos is a scare tactic to try to hide a larger issue; that a large part of the subject area is not suitable for residential development and the property is not master planned or zoned in that manner; that they are in conformance with the Southeast Truckee Meadows Area Plan which is supported by County staff. He further stated that the project is consistent with all programs, policies, standards, maps, etc. contained in the area plan; that the project will ensure conformance with federal wetlands regulations; that a power line is located in the area now which would support site suitability; that influence is not detrimental and safety and property, etc. have been taken into consideration through the conditioning of the project; that they are in conformance with the national electric code which has some very rigid standards, and they will be held to the same safety standards as lines built in residential neighborhoods; that to his knowledge the metal poles will only be installed at the angles where there is a lot of extra stress; and that Parks directed that they co-locate the lines on one pole at Alexander Lake. Mr. Veach then responded to questions of the Board and advised that they are analyzing the offer for exchange and it is possible that something could be worked out, noting that County planning staff has not had the opportunity to look at the exchange issue; and that they will make an effort to mitigate any impact of the poles located in the gravel pit, advising that the party responsible for the safety of the poles within the easement is clearly defined in the easement agreement.

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

Commissioner Galloway stated that he feels that the corridor was pre-existing and the preservation issue is minimal; that he does not think the project is grossly different or substantially more obtrusive than what is already there; that Sierra Pacific already has the easement which existed prior to expansion of the gravel pit and if there is a solution to that issue, it should be negotiated; that the lines will be placed underground where it is most feasible to do so; and that there are no residences close to the line.

Commissioner Mouliot agreed and stated that he does not see any major impact with the project, and it is not feasible to bury the lines in the pit.

Chairman Sims stated that he supports the permit request because he believes the five findings set forth by the Planning Commission pursuant to code can be made.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried with Commissioner Shaw voting "no," Chairman Sims ordered that the appeal be denied and Special Use Permit Case Number SPW5-23-97 be granted subject to the following conditions:

UNLESS OTHERWISE SPECIFIED, ALL CONDITIONS MUST BE MET OR FINANCIAL ASSURANCES MUST BE PROVIDED TO SATISFY THE CONDITIONS PRIOR TO SUBMITTAL FOR A BUILDING PERMIT. THE AGENCY RESPONSIBLE FOR DETERMINING COMPLIANCE WITH A SPECIFIC CONDITION SHALL DETERMINE WHETHER THE CONDITION MUST BE FULLY COMPLETED OR WHETHER THE APPLICANT SHALL BE OFFERED THE OPTION OF PROVIDING FINANCIAL ASSURANCES. ALL AGREEMENTS, EASEMENTS, OR OTHER DOCUMENTATION REQUIRED BY THESE CONDITIONS SHALL HAVE A COPY FILED WITH THE COUNTY ENGINEER AND THE DEPARTMENT OF DEVELOPMENT REVIEW.

COMPLIANCE WITH THE CONDITIONS OF THIS SPECIAL USE PERMIT IS THE RESPONSIBILITY OF THE APPLICANT, HIS SUCCESSOR IN INTEREST, AND ALL OWNERS, ASSIGNEES, AND OCCUPANTS OF THE PROPERTY AND THEIR SUCCESSORS IN INTEREST. FAILURE TO COMPLY WITH ANY CONDITIONS IMPOSED IN THE ISSUANCE OF THE SPECIAL USE PERMIT MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT LICENSE OR PERMIT ISSUED BY WASHOE COUNTY VIOLATES THE INTENT OF THIS APPROVAL.

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. Building plans for all new poles, changes to the substations, and any other related modifications or changes, shall demonstrate that the locations and their spacing are within the corridor as approved by the Planning Commission. The Engineering Division, and Department of Community Development shall be responsible for determining compliance with this condition.
2. The applicant shall obtain building permits for the powerline within two years from the date of approval of the special use permit by the Washoe County Planning Commission.
3. A copy of the Final Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
4. Any blasting for construction shall require 24 hour advance notice to the County Engineer.
5. Provide recorded documentation of the easements for the power lines. The Engineering Division shall be responsible for determining compliance with this condition.
6. Should the alignment of the power line result in any crossings of County sewer or water lines, no part of any power pole shall be located within 25 feet of the underground piping. The Utility Division shall be responsible for determining compliance with this condition.
7. A note shall be placed on all plans and construction drawings approved as part of an administrative permit stating: "Should any prehistoric or historic remains/artifacts be discovered during site development, work shall be halted for no more than two (2) working days unless an extended period of time is agreed to by the developer, in order to provide notice and provide an opportunity for recording and photographing the site by the Division of Historic Preservation and Archeology, Department of Conservation and Natural Resources, State of Nevada."
8. The new power line will be co-located with the existing power line the entire length of the corridor.
9. The installation of any new poles shall be a dark brown color to match the existing poles currently within the corridor.
10. No additional easement width or right-of-way is permitted as a part of this approval.

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There being no further business to come before the Board, the meeting adjourned at 10:05 p.m.

GRANT D. SIMS, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk