

**BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA**

TUESDAY

2:00 P.M.

SEPTEMBER 12, 2006

PRESENT:

**Bonnie Weber, Vice Chairman**  
**Jim Galloway, Commissioner**  
**David Humke, Commissioner**  
**Pete Sferrazza, Commissioner**

**Amy Harvey, County Clerk**  
**John Sherman, Acting County Manager**  
**Melanie Foster, Legal Counsel**

ABSENT:

**Bob Larkin, Chairman**

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 East 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:

**06-953      AGENDA**

In response to the call for public comment, Sam Dehne objected to the two-minute time limit for speakers. He commented the camera angles had improved and were now citizen friendly. Gary Schmidt objected to the approval of the agenda. He suggested all persons take an oath before speaking.

In accordance with the Open Meeting Law, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the agenda for the September 12, 2006 meeting be approved with the following changes: **Delete** Item 6H(4), accept a grant from the Human Services Consortium/Community Development Block Funds, and Item 9, award base bid and add alternates for the construction of the North Spanish Springs Floodplain Detention Facility.

**06-954      PUBLIC COMMENTS**

Acting County Manager John Sherman stated, "The Chairman and Board of County Commissioners intend that their proceedings should demonstrate the highest levels of decorum, civic responsibility, efficiency, and mutual respect between citizens and their government. The Board respects the rights of citizens to present differing opinions, views and even criticism; but our Democracy cannot function effectively in an

environment of personal attacks, slander, threat of violence, and willful disruption. To that end, the Nevada Open Meeting Law provides the authority for the Chair of a public body to maintain the decorum and to declare a recess if needed to remove any person who has disrupted the meeting, and notice is hereby provided of the intent of this body to preserve the decorum and remove anyone who disrupts the meeting. The County Commission does request the maintenance of decorum and civility during its proceedings and provides notice that anyone who fails to respect that decorum may be removed from the proceedings."

Guy Felton submitted a statement that dealt with fraud within the system, which was placed on file with the Clerk.

Tyrus Cobb applauded the continuing relationship between the County and the Cities of Reno and Sparks. He suggested the Chairman of the Board be appointed for two years to allow for more consistency or allow for the possibility of creating a sixth at-large Commission member to be Chairman.

Sam Dehne spoke on the voting system in Washoe County and voter fraud.

Gary Schmidt requested his comments be placed in detail within the minutes. He submitted a copy of the agenda and explained one could speak in opposition or support under the approval of the agenda. Mr. Schmidt noted everything listed under the title "agenda" was the meeting agenda. He listed what was noticed, and he said some, but not all, of the rules were listed on the agenda. Mr. Schmidt said all speakers, including staff, should be required to testify under oath.

### **COMMISSIONERS'/MANAGER'S ANNOUNCEMENTS**

Commissioner Galloway commented that Washoe County was a pioneer in the Country on using the paper trail for electronic voting and followed the recommendations of the Verified Vote Coalition, a national group in accordance with John Hopkins University's recommendations. He requested a future agenda item to discuss improving the system in the event paper trails could be used for possible recounts. Commissioner Galloway said, in regard to general district representation, he never agreed that any local government should have at-large representation. He said the best system for local government would be a district or a ward so government would be closer to the people. He stated this was a business meeting, not a forum for the interrogation, attack, or badgering of elected officials in a manner to disrupt the business of the Commission. Commissioner Galloway announced a one-year pilot program for a shuttle service that would be put into place to operate from the North Shore of Lake Tahoe to the Reno-Tahoe International Airport. He requested the decorum statement read before public comments be brought before the Board for discussion and vote.

Commissioner Humke announced that the MGM Mirage Casino, a Nevada Company, had opened in Mississippi on the anniversary of Hurricane Katrina. He said

3,800 people were put back to work in Mississippi, and he felt this was a positive approach. He said he attended a majority of the court hearings concerning the Sharron Angle versus Dean Heller lawsuit. He said Judge William Maddox ruled against the proponents and found there was no malfeasance on behalf of the County's voting officials.

Commissioner Sferrazza requested an item be placed on the October 12, 2006 agenda concerning culverts in Golden Valley. He commented, once the County exceeded 400,000 in population, there should be seven commissioners seated that would be elected by districts and be in concurrence with Commissioner Galloway's suggestion. Commissioner Sferrazza stated he did not agree with the removal of Guy Felton at the August 22, 2006 meeting. Although he disagreed with what Mr. Felton said, Commissioner Sferrazza felt he should have been permitted to complete his comments.

Vice Chairman Weber requested a future agenda item to discuss the possibility of the Chairman being appointed for two years and an item discussing stormwater ditch maintenance in the Verdi/Mogul area. Vice Chairman Weber said the Cities of Reno and Sparks had dropped their ordinances regarding "doggy-court," and that made additional requirements for the County's District Attorney. She suggested more attorneys or judges may be needed to deal with animal services. She announced that September 15th would be National POW/MIA Recognition Day. Vice Chairman Weber said a member resigned on the Verdi Citizen Advisory Board, and she requested an agenda item to appoint a new member.

**06-955            MINUTES**

Gary Schmidt and Sam Dehne requested clarification on their comments from the July 18, 2006 minutes; therefore, those minutes were pulled and would be placed on a future agenda.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the minutes of the special meeting of July 24, 2006, and regular meeting of July 25, 2006 be approved.

**06-956            CASH AND JUROR FEE DONATIONS**

Commissioner Galloway acknowledged the donations and extended the gratitude of the Board to the donors.

Upon recommendation of Mike Capello, Social Services Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the following cash donations in the amount of \$1,603.93 and the juror fee donations in the amount of \$360.00 be accepted. It was further ordered that the Social Services

Department be authorized to expend the following funds to benefit children in care and families who are clients:

**General Donations**

<b>Cash Donors</b>	<b>Amount</b>
Adams & House, Inc.	\$ 32.50
A and H Insurance, Inc.	956.50
United Way of Northern Nevada	614.93
<b>Total</b>	<b>\$1603.93</b>

<b>Juror Donations</b>	<b>Amount</b>
Juror Donations	\$ 360.00

**06-957            TRANSFER OF WATER RIGHTS - PIONEER HOTEL CASINO/911 PARR BOULEVARD - PUBLIC WORKS**

In response to Commissioner Sferrazza, Vahid Behmaram, Water Rights Manager, replied the Truckee Meadows Water Authority (TMWA) required restrictive covenants since the water rights were previously attached to the Pioneer Hotel location. He said, by recording the covenants and placing it on the public record, it became clear that some of those credits were removed from the Pioneer site for the benefit of the new location.

Upon recommendation of David Solaro, Capital Projects Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the restrictive covenant transferring 9.91 acre-feet of water rights from the former Pioneer Hotel Casino property to 911 Parr Boulevard, be approved. It was further ordered that a deed transferring 15.86 acre-feet of water rights from Washoe County to TMWA, concerning use at the Washoe County Sheriff’s Office Detention Center Expansion project at 911 Parr Boulevard, be approved and the Chairman be authorized to execute the documents upon presentation.

**06-958            EXPENDITURE - ENHANCED 911 FUND - AT&T - READERBOARD UPGRADE - 911 EMERGENCY RESPONSE ADVISORY COMMITTEE**

Upon recommendation of Tom Miller, 911 Emergency Advisory Committee Chair, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the expenditure from the Enhanced 911 Fund to AT&T for the Readerboard Upgrade at the Reno Emergency Communications Center, in the amount of \$11,141.27, be approved.

**06-959      RESOLUTION - INCREASE CHANGE FUND - RECORDS  
DIVISION OF WASHOE COUNTY SHERIFF'S DEPARTMENT -  
TREASURER**

Upon recommendation of Bill Berrum, Treasurer, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**RESOLUTION**

**INCREASE CHANGE FUND FROM \$200 TO \$600 FOR THE RECORDS  
DIVISION OF THE WASHOE COUNTY SHERIFF'S DEPARTMENT**

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

**WHEREAS,** The Washoe County Sheriff's Department has requested an increase in their change fund from \$200.00 to \$600.00 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 \$400.00 increase in the change fund (for a total of \$600.00) for the Washoe County Sheriff's Department.
2. That the above additional \$400.00 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 Sheriff's Department.
4. That the Records Manager of the Washoe County Sheriff's Department 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, Internal Auditor, Sheriff's Department and the Nevada Department of Taxation.

**06-960**            **PURCHASE - REFRESHMENTS FOR SENIOR SERVICES**  
**PUBLIC MEETINGS AND EVENTS - SENIOR SERVICES**

Upon recommendation of Marietta Bobba, Senior Services Director, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the purchase of refreshments for the Senior Services Department sponsored public meetings and events for fiscal year 2006/07, in an amount not to exceed \$3,000, be authorized.

**06-961**            **ACCEPTANCE OF PROPOSAL - E911 REVIEW AND AUDIT**  
**REPORT - RFP NO. 2545-06 - PURCHASING**

This was the time to consider proposals received in response to Request for Proposal No. 2545-06 for an E911 Review and Audit Report for the Purchasing Department. The Notice to Proposers for receipt of sealed proposals was published in the *Reno Gazette-Journal* on June 19, 2006. Proof was made that due and legal Notice had been given.

Proposals were received from the following vendors:

RCC Consultants, Inc.  
Networks West Telecommunications Consulting Firm  
Matrix Consulting Group  
Advanced Concepts, Inc.  
TriData Division, System Planning Corporation  
L. Robert Kimbal & Associates Architects and Engineers  
MTG Management Consultants, LLC

Upon recommendation of Mike Sullens, Senior Buyer, through John Balentine, Purchasing and Contracts Administrator, and Tom Miller, E911 Advisory Board Chair, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the proposal from Matrix Consulting in response to Washoe County RFP No. 2545-06 for an E911 Review and Audit Report be accepted. It was further ordered that the Purchasing and Contracts Administrator be authorized to execute an agreement for same in the estimated amount of \$49,000.

**06-962**            **AGREEMENT -TRANSCOR AMERICA - TEMPORARILY**  
**HOUSE IN-TRANSIT PRISONERS - SHERIFF**

Upon recommendation of Craig Callahan, Assistant Sheriff, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that an agreement between the Washoe County Sheriff's Office and Transcor America, concerning temporarily housing in-transit prisoners, be approved and the

Chairman be authorized to execute the same. It was noted that the agreement shall be in force and effect for an indefinite period of time, subject to cancellation by either party, with or without cause, upon thirty days written notice.

**06-963            GRANT - NEVADA JUVENILE JUSTICE COMMISSION - ENFORCEMENT OF UNDERAGE DRINKING - SHERIFF**

Commissioner Humke disclosed that he sits on the Nevada Juvenile Justice Commission.

Upon recommendation of Marshall Emerson, Patrol Division Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the grant award from the Nevada Juvenile Justice Commission to cover overtime costs for enforcement of underage drinking laws, in the amount of \$12,000 (no County match), be accepted. It was further ordered that the Budget Division be directed to make the following budget adjustments:

<b>ACCOUNT NUMBER</b>	<b><u>DESCRIPTION</u></b>	<b>AMOUNT OF INCREASE</b>
<b>Increase Revenues</b>		
10118-431100	Enforcing Underage Drinking Laws - Federal Grants	\$12,000
<b>Increase Expenditures</b>		
10118-701300	Enforcing Underage Drinking Laws - Overtime	\$12,000

**06-964            GRANTS - DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE - MULTI-JURISDICTIONAL GANG UNIT TASK FORCE - SHERIFF**

Upon recommendation of Marshall Emerson, Patrol Division Commander, through Dennis Balaam, Sheriff, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the two Justice Assistance Grant (JAG) Awards from the Department of Justice, Bureau of Justice Assistance, for the Multi-Jurisdictional Gang Unit Task Force to cover overtime costs, in the amount of \$6,500 (no cash match), and for the Regional Street Enforcement Team to cover overtime costs, in the amount of \$5,000 (no cash match), be accepted. It was further ordered that the Finance Department be directed to make the following budget adjustments:

**MULTI-JURISDICTIONAL GANG UNIT TASK FORCE**

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT OF INCREASE</b>
<b>Increase Revenues</b>		
10546-431100	Multi-Jurisdictional Gang Unit - Federal Grants	\$6,500
<b>Increase Expenditures</b>		
10546-701300	Multi-Jurisdictional Gang Unit-Overtime	\$6,500

**REGIONAL STREET ENFORCEMENT TEAM**

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT OF INCREASE</b>
<b>Increase Revenues</b>		
10547-431100	Regional Street Enforcement-Federal Grants	\$5,000
<b>Increase Expenditures</b>		
10547-701300	Regional Street Enforcement - Overtime	\$5,000

**06-965      INTRASTATE INTERLOCAL CONTRACT - DEPARTMENT OF PUBLIC SAFETY DIVISION OF RECORDS AND TECHNOLOGY, RECORDS AND IDENTIFICATION BUREAU - ALTERNATIVE SENTENCING**

Upon recommendation of Joe Ingraham, Alternative Sentencing Chief, through John Berkich, Assistant County Manager, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Intrastate Interlocal contract between Washoe County Department of Alternative Sentencing and the Department of Public Safety Division of Records and Technology, Records and Identification Bureau, concerning the use of the Nevada Criminal Justice Information System (NCJIS), beginning September 12, 2006 until terminated by either party as provided for in the contract, be approved. It was further ordered that the Chairman be authorized to execute the agreement.

**06-966      PAYMENT - TAHOE REGIONAL PLANNING AGENCY - MANAGEMENT SERVICES**

Upon recommendation of Gabrielle Enfield, Community Support Administrator, through John Slaughter, Management Services Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that payment to the Tahoe Regional Planning Agency pursuant to the Tahoe Regional Planning Compact (Article VIII, Public Law 96-551, December 1980), in the amount of \$21,186, be authorized.

**06-967**            **INTERLOCAL CONTRACT - UNIVERSITY OF NEVADA  
SCHOOL OF MEDICINE - JUVENILE SERVICES**

Upon recommendation of Joe Haas, Juvenile Services Psychologist, through Mike Pomi, Juvenile Services Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that an interlocal contract with the University of Nevada School of Medicine, concerning provision of psychiatric evaluation and consultation services to the Juvenile Services Department and its clients from July 1, 2006 through June 30, 2007 with two possible one year term extensions subject to continued funding, in an amount not to exceed \$14,030 per year, be approved and the Chairman be authorized to execute the same. It was further ordered that the Chairman be authorized to execute a related Business Associate Agreement (Health Insurance Portability and Accountability Act, HIPPA) between Washoe County and the University of Nevada School of Medicine.

**06-968**            **CHANGE ORDER NO. 2 - MOUNT ROSE WATER SYSTEM  
IMPROVEMENTS - 2005 CAPITAL IMPROVEMENT PROJECT -  
WATER RESOURCES**

Upon recommendation of Joe Stowell, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that Change Order No. 2 for additional work at Mount Rose Water System Improvements - 2005 Capital Improvement Project to Z7 Development, in the amount of \$17,480, be approved. It was further ordered that the Water Resources Director be authorized to execute the same.

**06-969**            **CONVEYANCE OF WATER RIGHTS - NORINE M.  
GALLAGHER - WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the conveyance of 25.36 acre-feet of groundwater rights from Norine M. Gallagher to Washoe County in support of future development in the Washoe Valley area and the associated water banking agreement, be approved. It was further ordered that the Chairman be authorized to execute the water rights deed and water banking agreement and the Water Rights Manager be directed to record both documents.

**06-970            ADJUSTMENTS - 1996 SERVICE TERRITORY BOUNDARIES - TRUCKEE MEADOWS WATER AUTHORITY - WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the adjustments to the 1996 service territory boundaries between Washoe County and the Truckee Meadows Water Authority for two parcels located in the Mogul area be approved.

**06-971            CORRECTIVE WATER RIGHTS DEED - UTILITIES, INC. OF NEVADA - WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Corrective Water Rights Deed between Washoe County, a political subdivision of the State of Nevada, as grantor, and Utilities, Inc. of Nevada, a Nevada Corporation, as grantee, be approved. It was further ordered that the Chairman be authorized to execute the Corrective Water Rights Deed and the Water Rights Manager be directed to record the document with the County Recorder's Office.

**06-972            WATER SALE AGREEMENT - SUN VALLEY GENERAL IMPROVEMENT DISTRICT - HIGHLAND RANCH HOMEOWNERS ASSOCIATION - WATER RESOURCES**

Upon recommendation of Vahid Behmaram, Water Rights Manager, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the Water Sale Agreement leasing water rights to the Sun Valley General Improvement District (SVGID) in support of the common area irrigation for the Highland Ranch Homeowners Association, located in the Sun Valley area, be approved. It was further ordered that the Chairman be authorized to execute the Water Sale Agreement and the Water Rights Manager be directed to record the agreement.

**06-973            AFFIDAVIT OF WAIVER AND CONSENT NO. 34 - ARROWCREEK SUBDIVISION UNIT 27 - WATER RESOURCES**

Upon recommendation of Mark Johnson, Environmental Engineer II, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the

Affidavit of Waiver and Consent No. 34, ArrowCreek Subdivision Unit 27, Reversion to Acreage Tract Map No. 4665, and Parcel Map No. 4578, SAD 23, ArrowCreek area, be approved and executed. It was further ordered that the Water Resources Director be directed to record the document.

**06-974            AFFIDAVIT OF WAIVER AND CONSENT NO. 33 -  
ARROWCREEK SUBDIVISION UNIT 3 - WATER RESOURCES**

Upon recommendation of Mark Johnson, Environmental Engineer II, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the Affidavit of Waiver and Consent No. 33, ArrowCreek Subdivision Unit 3, Reversion to Acreage Tract Map No. 4664, and Parcel Map No. 4578, SAD 23, ArrowCreek area, be approved and executed. It was further ordered that the Water Resources Director be directed to record the document.

**06-975            CORRECTION OF FACTUAL ERRORS - ASSESSOR**

Upon recommendation of Ivy Diezel, System Support Analyst, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that the following Roll Change Requests correcting factual errors and the Order directing the Treasurer to correct the error be approved and the Chairman be authorized to execute the same:

<b>Property Owner</b>	<b>Parcel No.</b>	<b>Amount</b>	<b>Roll</b>
Toscana Community Association	402-110-02	[-\$25,562.94]	2006 Secured
Golden Apartments I	019-242-07	[-\$ 7,897.15]	2005 Secured
Berry Patch Enterprises LLC	232-341-02	[-\$ 6,711.92]	2006 Secured
GMAC Model Home Finance Inc.	234-401-02	[-\$ 6,091.88]	2006 Secured
Robert & Marjorie Stewart	009-040-35	[-\$ 3,515.88]	2005 Supp.(Imp. Only).
Seeno Enterprises LLC	019-202-23	[-\$ 3,164.00]	2005 Secured
Reno-Sierra Vista Partners LLC	007-441-02	[-\$ 1,780.51]	2006 Secured
Timothy T. Gant	514-241-12	[-\$ 1,000.56]	2005 Secured
Timothy T. Gant	514-241-12	[-\$ 2,739.25]	2006 Secured
Andelin Investments LLC	035-572-04	[-\$ 623.18]	2006 Secured
Lottie L. Adams ETAL	077-320-12	[-\$ 354.57]	2005 Secured
Vera Bahr ETAL	514-571-03	[-\$ 330.25]	2005 Secured
Albert Pheneger	514-571-04	[-\$ 323.20]	2005 Secured
Hector & Matilde Pascual	514-571-08	[-\$ 227.53]	2005 Secured
Karen Depaoli	031-341-21	[-\$ 138.32]	2006 Secured
Karen Depaoli	031-341-21	[-\$ 128.07]	2005 Secured
Karen Depaoli	031-341-21	[-\$ 147.32]	2004 Secured
Daniel Corbet	125-185-10	[-\$ 76.63]	2005 Secured
Daniel Corbet	125-185-10	[-\$ 74.40]	2004 Secured

Daniel Corbet	125-185-10	[-\$ 74.58]	2003 Secured
Scott & Windee Crow TR	078-253-12	[-\$ 26.14]	2006 Secured
Sharon S. Moiola	506-043-15	[-\$ 0.00]	2005 Secured
Matthew E. & M. Hope Meek TR	011-282-14	[-\$ 0.00]	2005 Secured
Oscar L. & Penelope R. Sanders	001-311-02	[-\$ 0.00]	2005 Secured
Ding G. Hyang	516-365-03	[-\$ 213.64]	2004 Secured
Ding G. Hyang	516-365-03	[-\$ 199.05]	2005 Secured

06-976

**STATUS REPORT - NORTH LEMMON VALLEY WATER  
SYSTEM IMPROVEMENT PROJECT - HEPPNER SUBDIVISION  
WATERLINE EXTENSION PROJECT - WATER RESOURCES**

Steve Bradhurst, Water Resources Director, reviewed the status report for the North Lemmon Valley Water System Improvement Project as stated in the agenda memorandum dated August 23, 2006.

Alexis Strauss, Environmental Protection Agency (EPA) Region 9 Water Director, said this project embodied the Washoe County strategic priorities. She stated the EPA had awarded over \$1.3 million in funding for this project. Ms. Strauss explained the EPA was now awarding the next increment for the subsequent phase of the project to present their grant in conjunction with the State of Nevada Department of Conservation and Natural Resources and the Water Resources funds. She noted the long-term approach for the well being of the community water system was in place. Ms. Strauss said the grant award of \$143,400 would provide a significant improvement in the quality and quantity of the drinking water supply in the Heppner Subdivision. She acknowledged that EPA considered the Washoe County Department of Water Resources a leader in integrating water resource management and solving water resource problems. She thanked the Board and the Nevada Department of Conservation for their support in this project.

Alan Biaggi, Department of Conservation and Natural Resources Director, said this project addressed public health, environmental quality, and the economic well being of the residents of Washoe County. He commended the Commission on their proactive approach on projects and for taking the initiative to address problems within their jurisdiction. He added it was a pleasure to be part of this project.

Leo Drozdof, Division of Environmental Protection Administrator, said the leadership the County had shown was exceptional. He remarked some difficult issues had been tackled throughout the years, and it was a pleasure to work with the County and staff since the end result would be first rate.

In response to the call for public comment, Sam Dehne stated there was not enough water to justify all of the new water projects. Gary Schmidt remarked when citizens hook up to municipal water systems, the cost should be monitored and considered.

Upon recommendation of Dan Dragan, Program Manager, and Joe Stowell, Licensed Engineer, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the status report on the North Lemmon Valley Water System Improvement Project, also known as the Heppner Subdivision Waterline Extension Project, be accepted.

**06-977**            **GRANT AMENDMENT - U.S. ENVIRONMENTAL PROTECTION AGENCY ASSISTANCE NO. XP-96909501 - NORTH LEMMON VALLEY WATER SYSTEM IMPROVEMENT PROJECT - WATER RESOURCES**

On behalf of the Board, Vice Chairman Weber accepted a check for the second grant amendment, concerning the North Lemmon Valley Water System Improvements, Heppner Subdivision Waterline Extension Project, in the amount of \$143,400, from Alexis Strauss, Environmental Protection Agency (EPA) Region 9 Water Director, Alan Biaggi, Department of Conservation, Natural Resources Director, and Leo Drozdof, Division of Environmental Protection Administrator.

Commissioner Humke thanked the State and Federal partners of the County for their assistance with this project.

Upon recommendation of John Nelson, Licensed Engineer, and Paul Orphan, Engineering Manager, through Steve Bradhurst, Water Resources Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the execution of the second grant amendment for U.S. EPA Grant Assistance No. XP-96909501 for the North Lemmon Valley Water System Improvements, Heppner Subdivision Waterline Extension Project, in the amount of \$143,400, be ratified. It was noted this amendment increased the previous EPA grant for this project from \$1,156,700 to \$1,300,100.

**06-978**            **GRANT - WALTER S. JOHNSON FOUNDATION - MULTIDIMENSIONAL FAMILY THERAPY - JUVENILE SERVICES**

In response to Commissioner Humke, Carey Stewart, Juvenile Services Division Director, replied multidimensional family therapy was the evidenced model. He said, in applying for the grant from the Walter S. Johnson Foundation, staff wanted a service provider within the community who had experience working with kids. He said at the time the grant was requested, Quest Counseling and Consultants, Inc. was the sole organization within the community that provided this service. Mr. Stewart said the County did not have the resources in-house to implement that level of therapy, and he said it was the intention of staff to continue this on an annual basis.

Commissioner Humke stated this was a prestigious foundation, and he was proud of Juvenile Services for applying for and successfully attaining the grant.

Upon recommendation of Joe Haas, Juvenile Services Psychologist, through Mike Pomi, Juvenile Services Director, on motion by Commissioner Humke, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin absent, it was ordered that the grant from the Walter S. Johnson Foundation to implement Multidimensional Family Therapy, an evidence-based treatment program for juveniles with substance abuse and mental health difficulties, in the total amount of \$143,000, be accepted. It was further ordered that the Chairman be authorized to execute a Professional Services Agreement for Multidimensional Family Therapy Services between Washoe County and Quest Counseling and Consulting, Inc., (sole source) effective September 20, 2006 through September 19, 2007, in the amount of \$123,000, and the Finance Department be directed to make the following budget adjustments:

<b>ACCOUNT NUMBER</b>	<b>DESCRIPTION</b>	<b>AMOUNT OF INCREASE</b>
IN20287-484000	Increase Donation/Contribution	\$143,000
IN20287-710400	Increase Payments to Other Agencies	\$ 20,000
IN20287-710100	Increase Professional Services	\$123,000

**06-979            RESOLUTIONS - COMMUNITY EVENTS SPONSORSHIP GRANTS - MANAGEMENT SERVICES**

Upon recommendation of Julie Skow, Project Coordinator, through John Slaughter, Management Services Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin absent, it was ordered that the grant awards for community events sponsorship to Nevada Econet, Northern Nevada Minority Alliance, Nevada Hispanic Services, Family Resource Centers, Big Brothers Big Sisters, Boys and Girls Club of Truckee Meadows, and the Note-Ables be accepted. It was further ordered that the following resolutions be approved and the Chairman be authorized to execute the same:

**RESOLUTION**

**AUTHORIZING THE GRANT OF PUBLIC MONEY FOR THE 18TH ANNUAL EARTH DAY CELEBRATION IN WASHOE COUNTY**

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose: and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/07, to make a

grant of money to Nevada Econet - \$5,000 for costs associated with production of Earth Day, and that by providing this grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of County Commissioners of Washoe County that the Board hereby grants to Nevada Econet - \$5,000 for costs associated with production of Earth Day, a grant for fiscal year 2006/07 in the amount of \$5,000.

**RESOLUTION**

**AUTHORIZING THE GRANT OF PUBLIC MONEY FOR THE SUPPORT OF  
BLACK HISTORY MONTH IN WASHOE COUNTY**

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose: and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/07, to make a grant of money to Northern Nevada Minority Alliance - \$5,000 for costs associated with production of Black History Month, and that by providing this grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of County Commissioners of Washoe County that the Board hereby grants to Northern Nevada Minority Alliance - \$5,000 for costs associated with production of Black History Month, a grant for fiscal year 2006/07 in the amount of \$5,000.

**RESOLUTION**

**AUTHORIZING THE GRANT OF PUBLIC MONEY FOR HISPANIC  
HERITAGE DAY IN WASHOE COUNTY**

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose: and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/07, to make a grant of money to Nevada Hispanic Services - \$4,500 for costs associated with production of Hispanic Heritage Day, and that by providing this grant of money a

substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of County Commissioners of Washoe County that the Board hereby grants to Nevada Hispanic Services - \$4,500 for costs associated with production of Hispanic Heritage Day, a grant for fiscal year 2006/07 in the amount of \$4,500.

**RESOLUTION**

**AUTHORIZING THE GRANT OF PUBLIC MONEY FOR THE FAMILY TO FAMILY PROGRAM IN WASHOE COUNTY**

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose: and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/07, to make a grant of money to Family Resource Center Coalition - \$3,650 for costs associated with production of the Family to Family Program, and that by providing this grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of County Commissioners of Washoe County that the Board hereby grants to Family Resource Center Coalition - \$3,650 for costs associated with production of the Family to Family Program, a grant for fiscal year 2006/07 in the amount of \$3,650.

**RESOLUTION**

**AUTHORIZING THE GRANT OF PUBLIC MONEY FOR THE BIG BROTHERS BIG SISTERS FAIR IN WASHOE COUNTY**

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose: and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/07, to make a grant of money to Big Brothers Big Sisters of Northern Nevada - \$2,500 for costs associated with production of Big Brothers Big Sisters Fair, and that by providing this

grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of County Commissioners of Washoe County that the Board hereby grants to Big Brothers Big Sisters of Northern Nevada - \$2,500 for costs associated with production of Big Brothers Big Sisters Fair, a grant for fiscal year 2006/07 in the amount of \$2,500.

**RESOLUTION**

**AUTHORIZING THE GRANT OF PUBLIC MONEY FOR AMERICA'S DAY FOR KIDS IN WASHOE COUNTY**

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose: and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/07, to make a grant of money to Boys and Girls Club of Truckee Meadows - \$2,500 for costs associated with production of America's Day for Kids, and that by providing this grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of County Commissioners of Washoe County that the Board hereby grants to Boys and Girls Club of Truckee Meadows - \$2,500 for costs associated with production of America's Day for Kids, a grant for fiscal year 2006/07 in the amount of \$2,500.

**RESOLUTION**

**AUTHORIZING THE GRANT OF PUBLIC MONEY FOR HOT AUGUST NOTES IN WASHOE COUNTY**

**WHEREAS**, NRS 244.1505 provides that a board of county commissioners may expend money for any purpose which will provide a substantial benefit to the inhabitants of the County and that a Board may make a grant of money to a private organization, not for profit, or to a governmental entity, to be expended for a selected purpose: and

**WHEREAS**, The Board of Commissioners of Washoe County has determined that a certain amount of money is available in fiscal year 2006/07, to make a grant of money to the Note-Ables - \$500 for costs associated with production of Hot

August Notes, and that by providing this grant of money a substantial benefit will be provided to the inhabitants of Washoe County; now, therefore, be it

**RESOLVED**, By the Board of County Commissioners of Washoe County that the Board hereby grants to the Note-Ables - \$500 for costs associated with production of Hot August Notes, a grant for fiscal year 2006/07 in the amount of \$500.

**06-980**                    **PURCHASE AND SALE AGREEMENT - SPANISH SPRINGS  
INVESTMENT, LLC - GALENA SCHOOL HOUSE - PARKS**

Doug Doolittle, Regional Parks and Open Space Director, explained this was a commitment made through the Washoe County 1 (WC-1) Bond of \$300,000 and matched by an additional \$300,000 from the State Question 1 through Nevada State Lands.

In response to Commissioner Humke, Mr. Doolittle replied the appraised amount for the property was \$600,000. He said the estimated cost in 2000 was approximately \$300,000, and staff had to seek additional funding to acquire the land. Mr. Doolittle said the holding company purchased the property when it became available; however, they decided to sell. He said the Callahan family's wish was for this property to be owned by the County. Mr. Doolittle stated the Real Estate Fee were fees the seller brought forth. He explained additional funds were brought back through WC-1 to offset those costs.

Commissioner Humke asked if there was an escalation of value with historic structures. Mr. Doolittle said he did not have experience with historic appraisals but would look into that issue.

Commissioner Galloway said he was not aware of added value being awarded for historic structures.

Commissioner Sferrazza asked why the County did not buy the property when it was originally offered, and how the school became property of a private party. Mr. Doolittle replied he was uncertain when the land was acquired and developed into a school; however, it was private and not Washoe County School District property. Mr. Doolittle explained the history of the property as stated in the agenda memorandum dated August 22, 2006.

Commissioner Galloway stated the buildings were suitable to convert to public use and felt there would be community support.

Commissioner Humke said this appeared to be a ranch/school private property. He said this was on the WC-1 list, and he would support a motion for the purchase.

In response to the call for public comment, Gary Schmidt said this was an indication of how government did not work and stated examples.

Upon recommendation of Kristine Bunnell, Park Planner, and Rosemarie Entsminger, Fiscal Compliance Officer, through Mr. Doolittle, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that:

- the Purchase and Sale Agreement between Washoe County and Spanish Springs Investments, LLC for the purchase of 1.003 acres of property, APN 045-472-28 commonly known as the Historic Galena School House property, in the amount of \$600,000, be approved;
- a deed restriction on this APN as required by the Nevada State Lands Division be accepted;
- an additional grant from the Nevada Division of State Lands-Conservation and Resources Protection Grant Program (Q1), in the amount of \$15,400, which requires a match of \$18,330.25 including in-kind labor (\$6,880.25), appraisal and title fees (\$7,350) and seller paid environmental and well review (\$4,100) be accepted.

It was further ordered that the Chairman be authorized to sign upon presentation the Purchase and Sale Agreement, Deed Restriction, and to sign all necessary escrow closing documents on or before close of escrow. It was also ordered that the Finance Department be authorized to make the appropriate budget adjustments.

**3:57 p.m.** The Board recessed.

**4:12 p.m.** The Board reconvened as the Sierra Fire Protection District Board of Directors with Commissioner Sferrazza temporarily absent.

**06-981**      **SILVER LAKE FIRE STATION – COMMUNITY CENTER  
IMPROVEMENTS - AWARD OF BID - PUBLIC WORKS**

John Sherman, Acting County Manager, reviewed the agenda memorandum dated August 30, 2006 concerning the operation of a community center on property owned by the Truckee Meadows Fire Protection District (TMFPD). He noted the funding was located in the County's budget, which would total \$151,559 under Option 2 in the staff report. He pointed out TMFPD could not operate a community center, and a way to deal with that would be to have them negotiate a lease agreement with the County to operate that facility. Mr. Sherman said staff was recommending that Regional Parks and Open Space (Parks) would do this because the department currently operated County facilities for general purpose use. He added staff was also recommending that Parks would operate the facility in the same manner that they operated other like facilities under a similar fee structure with reservations being required and fees being paid to use the facility. Mr. Sherman acknowledged there was an issue as

to whether or not the same rules should apply, and staff sought guidance from the District Attorney as to this matter.

Melanie Foster, Legal Counsel, explained community groups would like to use this room without the fees that were normally charged for public use of County facilities. She said there were difficulties in the various means that had been proposed. She stated the County did not have the ability to make a gift of an interest in real property; therefore, if the Board wanted to allow control by a community group, the property would need to be put up for lease. Ms. Foster added that would be done through a public process following two appraisals due to the changes from the last Legislative session. She remarked that was not a practical solution for what the community needed in the area. She said the County did not have the ability to waive fees for non-profits, and she noted case law on these issues. Ms. Foster confirmed the County had a fee schedule in place that set certain fees for the use of its facilities, and staff could explore the ability to allow use of these kinds of community rooms by groups beyond those that were affiliated with the government and establish a separate fee schedule for them.

Vice Chairman Weber commented there were facilities in the rural areas that were too expensive for some groups. She said there needed to be a way for taxpayers and community members to use the buildings they worked so hard to obtain.

Ms. Foster remarked staff would look to establish a different set of fees across the board for facilities like this one for any user who came in. She emphasized this could not be based upon who was using the facility.

Vice Chairman Weber pointed out, after years of working on this project, the parties involved only came upon the fact that they would have to pay to use the community room within the last month. She commented the people thought they would be maintaining and cleaning the facility. She said that was the hardest part about this situation, and she hoped there would be a way to allow another fee structure.

Commissioner Galloway asked if the lease between Parks and TMFPD would have to be for a substantial amount of money, and if Parks would charge fees that would correspond with what would be necessary to maintain the premises. Ms. Foster replied the fee for use of the room would be part of the Parks fee schedule.

Commissioner Galloway inquired if anyone leasing the building would need insurance. Ms. Foster concurred. She explained people who use County facilities for events obtain insurance for those events and the amount of insurance was based upon the number of people involved in the event.

Commissioner Galloway said he did not think there was any way around paying money to use the room. Ms. Foster confirmed staff desired to explore if rooms of this sort in rural communities should be treated differently than other facilities in terms of the fees for use.

Commissioner Galloway asked about an approximate cost for a one-day meeting for a room similar to this that Parks currently operates.

Doug Doolittle, Regional Parks and Open Space Director, explained the facility fee schedule that was brought to the Board each fall outlined the fees for all the buildings that Parks provided for public use in the Truckee Meadows. He explained fees depended on the size of the building and what facilities were used, and this room would be about \$200 for a five-hour rental. He noted fees were not based on the size of a group, but they were determined by the use of the building.

Commissioner Sferrazza commented he used his Commission District Funds to help support facilities in the past. He asked about the Sun Valley facility that was turned over to the Boys and Girls Club through a lease agreement.

Mr. Doolittle clarified the agreement in Sun Valley was done prior to the new legislation, and at some point it would come to the Board because the new law would have to be followed. He said the County would have to obtain two appraisals, go through the public process, and provide for a lease at that time.

In response to Commissioner Sferrazza, Mr. Sherman clarified a lease agreement between the County and TMFPD was necessary; and staff could return to the Board at a future date with a companion item to address how the County would manage and operate the building. He said this item presently concerned the selection of an option, how the building would be funded, awarding the bid on the building, and establishing the lease agreement.

In response to the call for public comment, Don Coon stated the community raised 80 percent of the money; therefore, whatever the County normally charged for use of the facilities, 80 percent should be waived. John Howe suggested the community meeting room description should be reassigned to the original fire department request of four years ago to a classroom, training, and meeting room. He said the classroom would belong to the Volunteer Fire Department for its own use, and he believed there was an obligation to the people of Silver Knolls in the case of the room. Elisabeth Howe thanked the Commissioners, staff, and TMFPD for the time given to the project. She said a survey was sent out four years ago to the residents of Silver Knolls, and 92 percent of the people voted for a firehouse community room. She suggested placing the community room under the jurisdiction of Community Relations because that would allow for more flexibility.

Commissioner Galloway asked if two appraisals would be required if a lease was authorized between the County and TMFPD. Ms. Foster clarified the lease would be between governmental entities, and it would be exempt from those requirements.

Commissioner Galloway moved that staff be directed to negotiate an interlocal agreement with the TMFPD to lease and operate a community center; that

funds totaling \$212,975 from the TMFPD be accepted; and that the balance from a specific capital project that would be deferred be transferred to augment the budget for the Silver Lake Fire Station and Community Center Improvements, in the amount of \$151,559, for a total of \$364,534. Commissioner Galloway further moved that the contract for the Silver Lake Fire Station and Community Center Improvements be awarded to the lowest, responsive, and responsible bidder, Reyman Brothers Construction, in the amount of \$960,784 and the Chairman be authorized to execute the contract documents upon presentation. Commissioner Sferrazza seconded the motion.

Vice Chairman Weber stressed it was important to move forward and get the building on the road to completion.

On call for the question, the motion passed on a 4-0 vote with Chairman Larkin absent.

**5:42 p.m.** The Board recessed.

**6:22 p.m.** The Board reconvened.

**06-982** **APPEAL CASE NO. AX06-006 – WAYNE FORD – VARIANCE**  
**CASE NO. VA06-009 – HIDEAWAY PROPERTIES –**  
**COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on September 1, 2006 to consider Appeal Case No. AX06-006 (Wayne Ford), an appeal of the Board of Adjustment's approval of Variance Case No. VA06-009 (Hideaway Properties), a request to reduce the front yard setback from 15 feet to 1 foot 6 inches, to facilitate the construction of a two-car detached garage and office space located below the garage. The project is located at 434 Gonowabie Road, approximately 1,300 feet from the western (entrance) intersection of State Route 28 and Gonowabie Road, Crystal Bay, Nevada. The ±0.191-acre parcel is designated High Density Suburban (HDS) in the Tahoe Area Plan, and is situated in a portion of Section 19, T16N, R18E, MDM, Washoe County, Nevada. The property is located in the Incline Village/Crystal Bay Citizen Advisory Board boundary and Washoe County Commission District No. 1. (APN 123-145-09). Proof was made that due and legal Notice had been given.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak.

Nick Exline, Planning Intern, presented a PowerPoint presentation giving background on Appeal Case No. AX06-006. He confirmed staff was recommending that the Commission deny the appeal and uphold the Board of Adjustment's (BOA's) approval of Variance Case No. VA06-009 (Hideaway Properties).

In response to Commissioner Galloway, Eva Krause, Planner, clarified the County amended the Tahoe Modifier Codes by adding three conditions. She said one condition was that any construction must be 15 feet back from the edge of pavement. Ms. Krause remarked the applicant could not make 15 feet in this project; therefore, they had to request a variance.

Robert Angres, attorney for the appellants Robert and Maureen Kassel and Laurence and Carla Lusvardi, explained the appellants had documented a case where Elise Fett (Hideaway Properties) submitted materials that misrepresented vital information used by the Incline/Crystal Bay Citizen Advisory Board (CAB) and the BOA to find that a hardship existed to support the grant of a variance. Mr. Angres outlined the Arguments on Appeal as detailed in the materials provided by the appellants that demonstrated how the process was subverted. He concluded the appellants believed the Board should overturn the BOA decision and sustain the appeal.

Wayne Ford, residential designer and representative of the appellants, displayed Exhibit M, surveys that were submitted by Ms. Fett and Sierra Survey. He said the survey submitted to development review had areas that lacked proper information for accuracy and findings to support a variance for exceptional topography. Mr. Ford pointed out the elevation points on the original survey that were critical in determining the proper elevation of a structure and noted 16 of the relevant points were omitted from the applicant's survey. Mr. Ford discussed the information received from two experts that reviewed the conditions on the site and referenced Exhibits 7 and 14. He stated the hardship that was determined in the applicant's statement was based on the fact that 30 and 37 percent slopes were present, and they do not exist; therefore, the finding for this variance should not exist and be supported by the slope. Mr. Ford said the application was flawed and should not have been deemed complete. He referenced the packet that was presented to the Incline/Crystal Bay CAB and pointed out that the drawings were not at scale. Mr. Ford noted the same drawings were used before the BOA to represent what the scope of the project would be. He submitted this variance should not be upheld because the application was incomplete and misleading to the Incline/Crystal Bay CAB and the BOA in determining the scope and scale of the project, and the site plan and the slopes on the site plan could not support the representations made by the applicant.

Ms. Fett stated survey points were not shown because the points that were used to generate the survey were confusing, and they were not used in the typical presentation. She displayed the survey and specified how the 37 percent slope was calculated. Ms. Fett discussed in detail the slope of the lot and the different contours involved in relation to the placement of the garage and the house. She displayed pictures and talked about their relevance in relationship to the slope of the land. She read a letter from Catherine Oppio, neighbor, who was in support of the project.

In response to the call for public comment, Eric Ronning, area property owner, read a letter from Grable Ronning, neighbor, who voiced support of the project. Mr. Ronning stated the variance request was reasonable, and it should be granted.

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

In response to Commissioner Galloway, Mr. Exline stated there was no garage on the property and no reasonable parking. He said the Board is being asked to decide if the existing structure could have this garage. He confirmed the relevant slope was the least slope between the street and the garage site; and the number staff arrived at for the slope was close to what the applicant had stated, which was over 20 percent.

Commissioner Sferrazza and Mr. Ford discussed the survey map submitted by Ms. Fett. Commissioner Sferrazza asked if the elevation points were normally turned off as suggested by the applicant. Mr. Ford replied he never took elevation points off. He said there was no reason to leave them off the site plan, and it was a decision made by the designer to leave them off.

In response to Commissioner Humke, Ms. Fett and Ms. Krause explained the justification to move the garage forward towards the street was based on the location of a tree and a large rock around which the house was built, and an existing retaining wall from which point a bridge would need to be built to get to the garage.

Commissioner Galloway asked if it would be too close to the existing house if the garage was moved back a couple of feet. Ms. Fett said the garage could be moved closer to the rock. Commissioner Galloway inquired about clearance between the buildings and the required minimum clearance. Ms. Fett replied there was enough clearance, and the required minimum between each building was six feet.

Commissioner Galloway inquired about the Argument on Appeal concerning, "Variance approval representing a violation of the Development Code – Home Business." Ms. Krause clarified that was not part of this variance. Commissioner Galloway asked about the argument, "Life/safety issues were not properly considered." He inquired if there would be an adequate place for snow if the variance was granted. Ms. Krause confirmed the Incline Roads Department reviewed this, and they did not have any comments. She added the garage would be 11 feet from the road, which would make the area safer. Ms. Krause verified the garage would be slightly larger than a small two-car garage.

In response to Commissioner Sferrazza, Ms. Fett confirmed she had submitted what the surveyor provided on the adjacent project.

In response to Commissioner Sferrazza, Mr. Ford referenced Exhibit 11 and Exhibit K. He stated Ken Barrow, land surveyor, measured the natural slope in the front yard and found it to be approximately 26 percent.

Commissioner Humke asked for further explanation concerning the Arguments on Appeal. Mr. Angres explained, "Unethical/illegal actions of the applicant," referenced the rules that a certain scale was required; and those rules were not followed.

He said the item was postponed in order to try to come to an arrangement, and Ms. Fett objected to variances that were proposed in the same neighborhood. He remarked she later applied for the same type of variance and received it based on information that was incomplete and incomprehensible. Concerning, "The timing and content of staff commentary prejudiced determination," Mr. Angres stated a staff member made commentary that confused the issue and contradicted what they were trying to propose with regard to incomplete information and the elevations after the public hearing had been closed. He proposed the Board take a stand for the proposition that the regulations be followed. Mr. Angres said, if the Board would stand up for the integrity of the process, the applicant could come back and present it correctly.

Commissioner Galloway asked what life/safety issues were not considered. Mr. Angres commented the Road Department did not get involved until a plan for the driveway and the attachment to the garage were submitted. He stated snow removal would be an issue. Commissioner Galloway inquired if the scale objection was to the submittal to Community Development, the CAB, or both. Mr. Angres explained the objection was to both because the BOA relied heavily on the opinion of the CAB. He questioned how the CAB could give an informed opinion without accurate information. Commissioner Galloway asked if Community Development had the required, correct scale drawings; and Ms. Krauss concurred. She said Community Development asked for six copies of the large-scale drawings and gave the CAB the reduced scale drawings as requested.

In response to Vice Chairman Weber, Ms. Krause verified the Roads Department received a set of the plans before every variance, and comments were given if there were any concerns. She noted there was special equipment to plow Gonowabie Road, and the area was handled differently than other snow removal areas.

Commissioner Sferrazza asked if staff had reviewed Exhibit K in the appellant's packet. Ms. Krause stated she had not been given a copy of any of the appellant's information, and she had received the original application only. Commissioner Sferrazza pointed out Exhibit K and asked if she agreed with the information. Ms. Krause said she disagreed. She explained the front property line to the mid-point of the lot was measured to determine the average slope according to County Code. She said slope was calculated from the highpoint to the mid-point and an average was done over the entire lot. She had never seen elevation points on trees on any site plan. Commissioner Sferrazza asked if the staff recommendation would be the same if 26 percent was the correct slope with respect to the variance. Ms. Krause said under County Code an owner could reduce their front yard set back to 15 feet if their property had over 20 percent slope. She said this case dealt with a detached garage, moving the garage closer to the road for easier access, and providing covered, off-street parking. She confirmed staff would recommend approval of the variance.

Commissioner Sferrazza asked Mr. Ford if he disagreed with staff that the proper measurement was to the mid-point of the lot. Mr. Ford replied the matter

concerned where the garage was going to be built, and he did not agree that the entire front half of the property had to be looked at.

Commissioner Galloway commented originally no points were on the map given to Community Development; however, there were contours lines, and they were sufficient to establish a slope that was in the range of a hardship. He agreed with Mr. Ford that the placement of the garage should be discussed and not the front half of the property. Commissioner Galloway stressed there was no existing legalized parking at present. He noted the owner would plow the space in front of the driveway, and the County's snow removal equipment would not dump snow in front of an area that the owner had to plow. Commissioner Galloway acknowledged the CAB did receive the reduced scale drawings; however, Community Development had the full-scale drawings, which were presented to the CAB. He said the CAB should have asked for clarification if they could not make sense out of the drawings. He added full-scale drawings could be provided, but he heard complaints from people that it was hard to work with them.

Commissioner Sferrazza said this variance should not be used to gain a variance to connect the house to the garage at a later date. Ms. Foster commented that could be included in the decision made by the Board that the garage would be approved as an independent, freestanding construction. Commissioner Sferrazza asked for this to be included in the conditions.

In response to Commissioner Galloway, Ms. Krause clarified a variance was granted for the proposed project only. She stated a new variance would have to be obtained if anything else were to be done to the project. Following discussion, the Commissioners agreed to add Commissioner Sferrazza's requested conditions.

Commissioner Humke believed the seven points on appeal had been disposed of through discussion. He believed the system worked as it was intended to, and the BOA relied on the CAB's input appropriately. Commissioner Humke pointed out staff was fair and helpful to both sides, and their interpretation of County policy was not politically based.

Commissioner Sferrazza indicated the real concern was the degree of slope, and he was satisfied that it was at least 26 percent however it was measured. He said it was sufficient to grant a variance according to staff.

Based upon the following findings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that Appeal Case No. AX06-006 be denied, the Washoe County Board of Adjustment's decision be upheld, and Variance Case No. VA06-009 be approved:

1. Special Circumstances. Because of the special circumstances applicable to the property, including the steep slope of the subject property, the existing

home not currently having a garage, the strict application of the regulation is an exceptional and undue hardship of the property;

2. No Detriment. The relief will not create a substantial detriment to the public good, substantially impair affected natural resources or impair the intent and purpose of the Development Code or applicable policies under which the variance is granted;

3. No Special Privileges. The granting of the variance will not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and the identical regulatory zone in which the property is situated;

4. Use Authorized. The variance will not authorize a use or activity which is not otherwise expressly authorized by the regulation governing the parcel of property;

5. Reasoned Consideration. That the Board of Adjustment gave reasoned consideration to the information contained within the staff report and information received during the meeting; and

**CONDITIONS OF APPROVAL FOR  
VARIANCE CASE NO. VA06-009  
Hideaway Properties LLC  
(As recommended by Department of Community Development  
and attached to Staff Report dated 5-19-06)**

**\*\*\* IMPORTANT - PLEASE READ\*\*\***

**FOR THE PURPOSES OF CONDITIONS IMPOSED BY WASHOE COUNTY,  
“MAY” IS PERMISSIVE AND “SHALL” OR “MUST” IS MANDATORY.**

**GENERAL 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 COMMUNITY DEVELOPMENT.**

**COMPLIANCE WITH THE CONDITIONS OF THIS VARIANCE IS THE RESPONSIBILITY OF THE APPLICANT, 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 VARIANCE MAY RESULT IN THE INSTITUTION OF REVOCATION PROCEDURES.**

**ANY OPERATIONAL CONDITIONS IMPOSED BY THIS VARIANCE APPROVAL ARE SUBJECT TO REVIEW BY THE DEPARTMENT OF COMMUNITY DEVELOPMENT TO THE ANNUAL REVIEW OF A BUSINESS LICENSE. FAILURE TO COMPLY WITH THE CONDITIONS MAY RESULT IN WITHHOLDING RENEWAL OF THE BUSINESS LICENSE UNTIL THE DEPARTMENT OF COMMUNITY DEVELOPMENT HAS DETERMINED COMPLIANCE HAS BEEN ACHIEVED.**

**ALL CONDITIONS LISTED WITHIN THIS APPROVAL MUST BE SATISFIED TO EFFECTUATE THIS VARIANCE APPROVAL. THE PROPERTY OWNER AND/OR APPLICANT ARE RESPONSIBLE FOR COMPLYING WITH ALL RELEVANT RULES, REGULATIONS, DEVELOPMENT STANDARDS, POLICIES AND PROCEDURES OF WASHOE COUNTY. WASHOE COUNTY RETAINS THE RIGHT TO ENFORCE ALL APPLICABLE ORDINANCES THAT ARE NOT WAIVED OR VARIED BY THE APPROVAL OF THIS APPLICATION.**

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

**SPECIFIC CONDITIONS FOR VARIANCE NO. VA06-006**

1. The applicant shall obtain a valid Washoe County building permit or other administrative permit in the time period set forth as follows:
  - a. For projects which require a Tahoe Regional Planning Agency (TRPA) permit and the applicant has used due diligence in perusing, within one year from the date of approval by TRPA; or
  - b. For projects which require a TRPA permit and which have TRPA approval (or conditional approval), within one year from the date of approval by Washoe County; or
  - c. For projects which do not require a TRPA permit, within one year from the date of approval by Washoe County.

The applicant shall commence and complete construction in accordance with the time periods required by said permit(s). The Department of Community Development shall determine compliance with this condition.

2. The applicant shall demonstrate conformance with the plans approved as part of this variance. Modification to the site plan may require amendment to and reprocessing of the variance. The Department of Community Development shall determine compliance with this condition.
3. A copy of the Final Order and approved site plan for the variance shall be attached to all building permit applications issued by Washoe County. Building plans will not be reviewed unless the Final Order and site plan are attached.
4. The use of straw bales shall be prohibited during construction of the project. A filter-fabric fence or other acceptable alternative shall be utilized for erosion control. The staff of the Department of Community Development shall determine compliance with this condition.
5. The applicant shall execute a hold-harmless agreement with the Community Development office for road maintenance purposes. A copy of the agreement shall be recorded prior to the issuance of a building permit. The staff of the Department of Community Development shall determine compliance with this condition.
6. The applicant shall install an automatic garage door opener prior to the issuance of the certificate of occupancy from Washoe County Building and Safety Division. The staff of the Department of Community Development shall determine compliance with this condition.
7. Site plan shall show an infiltration trench in accordance with TRPA Best Management Practices. Infiltration trenches shall retain all roof runoff on the applicant's property and assuring the runoff will not drain to the adjacent property. The staff of the Incline Building Department shall determine compliance with this condition.
8. The applicant shall complete a Washoe County encroachment permit prior to the issuance of a building permit. The staff of the Department of Public Works, Roads Division, shall determine compliance with this condition.
9. The project shall comply with the Uniform Fire Code provisions, including access and water supply for fire protection as established by the Code and local ordinances. The North Lake Tahoe Fire Protection District shall determine compliance with this condition.

10. Accessible driveway and roadway shall comply with Section 110.436.30 (4)(1)(ii) and (iii) of the Washoe County Development Code. The North Lake Tahoe Fire Protection District shall determine compliance with this condition.
11. The North Lake Tahoe Fire Protection District reserves the right to establish additional requirements on any project, when such requirements are identified as part of the building or construction plan review process. The North Lake Tahoe Fire Protection District shall determine compliance with this condition.
12. The property owner, contractor or any other parties shall not use or disturb the National Forest lands adjacent to the property for personal reason as stated in the letter from the Forest Supervisor. The Forest Service personal shall determine compliance with this condition.
13. Prior to issuance of a building permit the property owner shall contract Clara Lawson P.E., Washoe County Public Works Department Traffic engineer to establish that there are no line-of-site issues created with the construction of the proposed detached garage.
14. The applicant shall develop a parking plan that directs construction vehicles, including construction workers personal vehicles not to park on the access easement, Anaho Road, Gonowabie Road or in the private driveways surrounding the project area. The developer shall submit the plan to Washoe County Community Development for review; the plan must include contract names and numbers. The developer shall be responsible for enforcement of the parking plan.
15. The approval of the variance is based on a detached stand-alone garage. Should the garage be attached to any other structure the variance shall become null and void, and the garage will be modified or reconstructed to comply with current development codes.

**7:42 p.m.** The Board recessed.

**7:45 p.m.** The Board reconvened.

**06-983** **APPEAL CASE NO. AX06-008 – DAVID AND JANE HOOVER,  
ET AL - ROCKIN' LJ ARENA – AKA WASHOE VALLEY  
RANCHES – COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing mailed to affected property owners on September 1, 2006 to consider an appeal of the Board of Adjustment's actions approving the Consolidation of Cases (Cases Nos. AP6-4-97, AP03-008, and AC04-001) and the Modifications to the Conditions of Approval that govern the operation of a commercial stable offering horse boarding and equestrian activities to either affirm the Board of Adjustment's approval of consolidating the cases together with the modification of conditions as detailed in the Action Order dated August

7, 2006, or concur with the appellants and deny the modifications approved by the Board of Adjustment, and to have new conditions imposed by the Board of County Commissioners. The facility is located on two parcels (previously five parcels, ±25 acres) at 3185 and 3365 Lakeshore Drive, almost one-half mile north of the entrance to the Nevada State Park boat launch ramp at the end of Lakeshore Drive. The total property size is ±14.55 acres, is designated Low Density Rural (LDR) in the South Valleys Area Plan, and is within Section 31, T17N, R20E, MDM, Washoe County, Nevada. The property is within the East Washoe Valley Citizen Advisory Board boundary and Washoe County Commission District No. 2. (APNs 050-320-13 and 15). Proof was made that due and legal Notice had been given.

Paul Kelly, Planner, reviewed the agenda memorandum dated August 18, 2006 giving background on Appeal Case No. AX06-008.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against Appeal Case No. AX06-008.

In response to Commissioner Humke, Mr. Kelly reviewed the final conditions put forward by the Board of Adjustment (BOA). He confirmed the solid waste policies were regulated by the District Health Department. Mr. Kelly explained how the BOA arrived at 58 horses as the maximum number that could be boarded on the property. He noted anything over an acre could have an unlimited number of farm animals according to the Development Code; therefore, the number of cattle on site was not regulated. Mr. Kelly stated the Engineering Department did not require a traffic analysis because they were nowhere near the requirement of 80 trips per day. He confirmed a suitable parking area would have to be provided.

Commissioner Sferrazza asked about the original conditions of approval. Mr. Kelly explained the BOA voted on the conditions in March 1999. He clarified there was no appeal to the Board of County Commissioners at that time, so it only came before the BOA.

Jeanne Ruefer, speaker for the appellants, explained she and her husband and their two neighbors had joined in this appeal because recently they started asking questions about the operation of the arena when the impacts of the arena became overwhelming to them. She stressed their intent was not to close down the arena as they supported the use of the arena. She pointed out the facilities of the arena and the location of the homes of the appellants on the Johnson/Hodges Arena map. She commented the appellants were the nearest neighbors to the facility, and their homes were located on the open side of it. Ms. Ruefer stated the impacts of the arena were far greater than they ever imagined, and that was why they appealed the conditions of the BOA. She noted they came before the BOA earlier this year and voiced the following concerns about the arena operation: visual impact of the lights from the arena in the evenings and from the parking lot, the noise impact caused by the loud speaker during events and the heavy equipment used to maintain the arena and the parking lot, and the odor from the arena. She added when they measured the decibel level from those operations at the property line, they

exceeded 90 decibels. Ms. Ruefer stated the BOA issued the permit for a commercial stable and arena adjacent to a residential property area, and the appellants were asking for the mitigation they were entitled to under the Development Code.

Lorne Johnson, property owner, presented petitions and letters in support of the arena operation. Mr. Johnson displayed pictures showing the visual impact from the street, and he noted the arena was placed back as far as possible in order to minimize the visual impact. He discussed the measurements of the lights and said they were measured in foot-candles. Mr. Johnson commented the arena fully lit was measured at 14 foot-candles as compared to his porch light that measured at 11 foot-candles. He presented pictures of the lights at night and noted they shine directly down into the arena, and they did not shine across the parking lot. He commented they completed their own decibel ratings and found they were well below 85 decibels, which rated the same as a noisy restaurant. Mr. Johnson added the heavy equipment was operated for 30 minutes in the arena area and the same amount of time was allotted for the parking lot. He explained it was required by Environmental Health that the manure be worked into the ground to minimize the odor and the waste in the parking lot. Mr. Johnson added that they had hired an attorney to meet with the County to bring the permits together. He presented a copy of a report to the Board concerning the procedures they were following for the arena operation. It was noted this report was not placed on file with the Clerk.

In response to the call for public comment, the following people spoke in support of the arena operation: Tina Mudd, Linda Daley, Jeanette Schwerefeger, Jacquie Wyllie, Hannah Chalk, Lars Sterner, Jill Paperno, Reed Simmons, Justin Geney, Genevieve Hodges, Jennifer Behrendt, Peter O'Hara, Paula Wichman, Helen Brickner, and Elizabeth Gioja. They pointed out that the facility was well maintained; and the owners attempted to work with the neighbors in terms of the lighting, noise, and odor concerns. Twenty-eight additional people signed up in support of the arena, but they did not wish to speak. Those in support asked that the appeal be denied.

Dave Hoover, Barry Cernoch, Jane Hoover, and Bonnie Evans spoke in opposition to the arena operation in regard to the issues of lighting, noise, and odor. They asked for mitigation due to the visual impacts, noise, and odor. Letters and pictures were presented, which were placed on file with the Clerk.

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

In response to Commissioner Sferrazza, Mr. Kelly remarked the activities listed in the staff report dated August 18, 2006 were allowed under Case No. AP6-4-97. He explained it was discovered, following a complaint submitted to Code Enforcement in 2003, that no administrative or special use permit could be found that allowed the facility on the property. He said the department required Mr. Johnson to obtain a special use permit despite the assertion by Mr. Johnson that he had one, and that permit was Case No. AP03-008. Mr. Kelly confirmed Mr. Johnson had a special use permit under Case No. AP6-4-07, but he could not provide a copy of the action order and the department

could not find the 1997 case file. He commented a year after this the old case files surfaced and department management determined that the conditions of the 1997 permit had been in effect all along, and the conditions of the new special use permit that was required of Mr. Johnson were deemed invalid. He noted the third permit was an amendment of condition to build the arena that Mr. Johnson received in 2003. Mr. Kelly clarified the BOA recognized the three permits in their meeting in August 2006; they went through all conditions and selected the ones they felt applied to the facility; and these were adopted as part of condensing the files and the new list of conditions. He stated the conditions were not relaxed. He said the BOA felt the 1997 conditions applied with modifications and not the 2003 conditions that the County imposed on Mr. Johnson because the original permit could not be found.

Commissioner Galloway and Mr. Kelly discussed the allowed uses for areas designated Low Density Rural (LDR) concerning noise and lighting requirements. Commissioner Galloway pointed out the situations homeowners could face when they lived in LDR areas. Mr. Kelly noted there was a general code requirement that light would not spill over on to adjacent properties.

In response to Commissioner Galloway, Mr. Johnson clarified he was directly under the porch light when he measured it; and he was directly under the lights in the arena when he measured the lighting. He added he did not get any reading at all when he stepped 50 feet away from the arena.

Commissioner Humke commented on the complaints of the appellants as to sound, light, and odor and the solution of landscape mitigation. He said the conditions from the BOA stated the owners would have to comply with the District Health Department and submit a solid waste plan. He asked if that would require removal of the manure to another site. Mr. Kelly clarified the requirement was to plow it into the soil, and that was the procedure they were following. Commissioner Humke asked if the BOA established conditions as to additional landscaping. Mr. Kelly stated there was a BOA condition that they prepare a landscaping plan and go before the Design Review Committee and gain their approval for a plan to be implemented. Mr. Kelly said the Design Review Committee would look at height of trees, rate of growth, and ground coverage. Commissioner Humke asked what solution could be reached to deal with the sound issues. Mr. Kelly stressed they were not violating a standard when it came to sound; however, the landscaping would mitigate a lot of the sound by acting as a sound barrier.

Vice Chairman Weber emphasized the importance of working together to solve the issues. She questioned how the Development Code could be used to help mitigate the situation to make it positive for everyone. Mr. Kelly replied landscaping was the mitigation the BOA stressed, which was available through the Development Code. He said it would not be an immediate fix, but it would work.

Commissioner Galloway asked if the owners could plant young trees that would form a visual barrier over time and narrow the hours that the grading equipment

was used. Mr. Johnson replied there were already trees planted that varied from three feet to 12 feet, and he believed they would provide a better barrier as they filled out. He acknowledged they would have to go before the Design Review Committee to make sure the plan was acceptable to them. Mr. Johnson stated it would be difficult to set time limits on the use of the heavy equipment.

Commissioner Sferrazza referenced a letter from Community Development dated July 11, 2005 that was sent to Mr. Johnson and Ms. Hodges. He asked if they had a special use permit for outdoor recreation. Mr. Kelly said they did not have that permit. Commissioner Sferrazza questioned how they could operate commercial events without that permit. Mr. Kelly stressed this was not a rodeo or commercial operation. Commissioner Sferrazza commented it was mentioned during public comment that the operation would go broke without commercial events bringing in money. Mr. Kelly stated the final order of the 1997 permit said it was unlimited as to groups and types of groups that would be allowed. Commissioner Sferrazza asked for further clarification. Mr. Kelly noted the department determined that the activities they were holding did not trigger the special use permit because they did not require an admission fee at the door.

Mr. Johnson clarified the arena operation generated revenue by holding events. He remarked there was a daily fee charged for the use of the arena, and that fee did not cover insurance or taxes. He said whoever put on the event would be charged the fee. Mr. Johnson explained people come to the arena to put on a barrel-racing event, and a portion would be paid to the arena from the money they derived from the barrel racers.

Commissioner Galloway commented there was a judgment call involved regarding the number of events and at what level it would go beyond minimal impact upon the surroundings. He stated the landscaping should be given a chance to grow. He asked the owners to look into obtaining quieter machinery. He commented the item would be up for review in one year, and he hoped measures would be taken concerning the sound issues. He remarked looking at a wall of light was not good, but that could be mitigated by the growth of the shrubbery.

Commissioner Sferrazza said he did not have a problem with the arena, but he believed the uses had gone beyond what was originally permitted and that the operation was in violation of the July 11, 2005 letter. He stated there was a lot of confusion, and the conditions should be clarified. He indicated there should be limited activities having minimal impact on surrounding neighbors, and that was not the present situation.

Vice Chairman Weber agreed the issues needed to be clarified, and she believed the parties should work with staff and each other to make it positive for all involved.

Commissioner Galloway said the review period was an incentive for the people to work out whatever they could prior to the review of the permit. He noted the

appellants asked for the review period to be six months. Commissioner Galloway suggested changes to the wording of the conditions. He desired to rely on the review period and see if Mr. Johnson could obtain quieter machinery and get the landscape plan approved. He stated it would not be fair to Mr. Johnson to say that he could not operate the facility because he has property rights too. Commissioner Galloway pointed out there were far worse possibilities allowed in the zoning of the area, and he gave examples.

In response to Commissioner Sferrazza, Mr. Kelly clarified the only applicable conditions at present were the 12 conditions set by the BOA in August 2006. He stated these were the only conditions staff would go by. He said the parties had attempted to resolve the issues; however, they had not reached agreement.

Commissioner Humke asked if staff was willing to mediate some of the concerns of the residents. He suggested exploring the use of the Neighborhood Mediation Center.

Vice Chairman Weber stated it would be better to allow them to continue their operation and ask for neighborhood mediation.

Commissioner Galloway pointed out the only person that could be required to do anything was the permit holder. He said a condition could be added that the permit holder be required to make himself available for mediation. He said the review could be moved up to six months. Commissioner Galloway suggested denying the appeal, upholding the decision of the BOA subject to changes and conditions, and requiring the permit holder make himself reasonably available for mediation.

Following discussion, Commissioner Galloway stated the following modifications to the conditions: Condition No. 4 would read no activity, including amplified sound, shall commence before 8 a.m. or continue after 9 p.m. and the lights associated with those activities shall be turned off outside those hours. The Department of Community Development shall be responsible for determining compliance with this condition. No amplified sound shall be allowed except for competitive, commercial events permitted under Condition No. 6. Condition No. 6 would read competitive, commercial, amplified sound events shall be limited to five days per month and shall include no more than 50 participants, with no more than a total of 75 attendees (including participants) at any event. Practices and 4-H events are excluded from this condition. Events with more than 50 participants must first be reviewed and approved by the Washoe County BOA. The Department of Community Development is responsible for determining compliance with this condition. Condition No. 12 would read the BOA shall review this permit in six months. The additional Condition No. 13 would read the permit holder would make himself reasonably available for mediation with objecting parties through the Neighborhood Mediation Center during the six month period prior to review, and the first invitation to such mediation shall be issued for a date no later than 60 days from the date of this action.

Commissioner Humke disclosed that he spoke with Mr. Johnson and several of the appellants and exchanged e-mails with quite a few people. He disclosed his nephew, who lives with them, was a roper. He said his nephew did not work at the arena; however, he had participated in events at the facility. Commissioner Humke asked Melanie Foster, Legal Counsel, if that would be a conflict of interest. Ms. Foster stated the Code of Ethical Standards would prohibit him from voting on a matter in which he or a member of his household had a pecuniary interest or a commitment in his private capacity to the interest of others. She said the use described by his relative did not rise to that level.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the appeal be denied and the decision of the BOA be upheld subject to the following conditions as amended by the Board. The motion was based on the Board having made the following findings:

### **FINDINGS**

1. **Consistency.** That the proposed use is consistent with the action programs, policies, standards and maps of the Comprehensive Plan and the applicable area plan;
2. **Improvements.** That adequate utilities, roadway improvements, sanitation, water supply, drainage, and other necessary facilities have been provided, the proposed improvements are properly related to existing and proposed roadways, and an adequate public facilities determination has been made in accordance with Division Seven;
3. **Site Suitability.** That the site is physically suitable for the type of development and for the intensity of the development;
4. **Issuance Not Detrimental.** That issuance of the permit will not be significantly detrimental to the public health, safety or welfare; injurious to the property or improvements of adjacent properties; or detrimental to the character of the surrounding area; and
5. **Reasoned Consideration.** That the Board of County Commission gave reasoned consideration to the information contained within the staff report, the minutes of meetings of the Board of Adjustment and information received during the meeting.

<p><b>CONDITIONS FOR MODIFICATION OF ADMINISTRATIVE PERMIT CASE NO. AP6-4-97 ROCKIN LJ ARENA/WASHOE VALLEY RANCHES (As approved by the Board of County Commission on September 12, 2006)</b></p>
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**UNLESS OTHERWISE STATED, ALL CONDITIONS MUST BE MET FOR**

**CONTINUING OPERATION OF THE FACILITY. COMPLIANCE WITH EACH CONDITION SHALL BE DETERMINED BY THE RESPONSIBLE AGENCY.**

**GENERAL CONDITIONS**

1. The project shall comply with all applicable statutes, ordinances, rules, regulations, and policies in effect at the time of submittal of the request or, if requested by the developer and approved by the applicable agency, those in effect at the time of approval of the Administrative Permit.
2. A copy of the Final Order and approved site plan for the Administrative Permit shall be attached to all permit or license applications to be issued by Washoe County. The Department of Community Development shall be responsible for determining compliance with this condition.
3. The applicant shall comply with the applicable solid waste regulations of the Washoe County District Health Department. Specifically, the applicant shall provide the District Health Department with information regarding the disposal of manure. The requirements of the District Health Department may stipulate that all manure must be removed on a weekly basis and taken to an approved disposal site.
4. No activity may commence before 8 a.m. or continue after 9 p.m. and the lights associated with those activities shall be turned off outside those hours. No amplified sound shall be allowed except for commercial competitive events permitted under Condition 6. The Department of Community Development shall be responsible for determining compliance with this condition.
5. The applicant shall annually apply a dust palliative to the arena and interior roads. The Department of Community Development is responsible for determining compliance with this condition.
6. Competitive, commercial, amplified-sound events shall be limited to five days per month and shall include no more than 50 participants, with no more than a total of 75 attendees (including participants) at any event. Practices and 4-H events are excluded from this condition. Events with more than 50 participants must first be reviewed and approved by the Washoe County Board of Adjustment. The Department of Community Development is responsible for determining compliance with this condition.
7. The applicant shall maintain a business license for the life of the operation. The Department of Community Development shall be responsible for determining compliance with this condition.
8. The applicant and any successors shall direct any potential purchaser/operator of the site and/or the Administrative Permit to meet with the Department of Community Development to review conditions of approval prior to the final sale of the site or other change of operator under the Administrative Permit. Any

subsequent purchaser/ operator of the site and/or the Administrative Permit shall notify the Department of Community Development of the name, address, telephone number, and contact person of the new purchaser/operator within 30 days of the final sale.

9. The maximum number of horses that may be boarded on the property, including those of the property owner, will be limited to 58. The Department of Community Development shall determine compliance with this condition.
10. No commercial tack and feed sales, or regular farrier, equine therapy or veterinary services are permitted. The Department of Community Development shall be responsible for determining compliance with this condition.
11. The applicant shall provide a landscape plan to the Design Review Committee to attenuate sound and shield light. The Department of Community Development shall determine compliance with this condition.
12. The Board of County Commission shall review this permit in six months.
13. The permit holder shall make themselves reasonably available for mediation with objecting parties through the Neighborhood Mediation Center during the six-month period prior to review, and the first invitation to such mediation shall be issued for a date no later than sixty days from the date of this action.

**9:38 p.m.** The Board recessed.

**9:42 p.m.** The Board reconvened.

**06-984**      **RESOLUTION - GENERAL OBLIGATION (LIMITED TAX)**  
**FLOOD CONTROL BONDS - FINANCE**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on August 25, 2006 to consider issuance of General Obligation (Limited Tax) Flood Control Bonds, additionally secured by pledged revenues. Proof was made that due and legal Notice had been given.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak. There being no response, the hearing was closed.

On motion by Commissioner Humke, seconded by Commissioner Sferrazza, which motion duly carried with Chairman Larkin absent, it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

**RESOLUTION NO. 06-984**

**A RESOLUTION AUTHORIZING THE COUNTY  
FINANCE DIRECTOR TO ARRANGE FOR THE**

**SALE OF THE WASHOE COUNTY, NEVADA  
GENERAL OBLIGATION (LIMITED TAX) FLOOD  
CONTROL BONDS (ADDITIONALLY SECURED  
BY PLEDGED REVENUES) IN THE MAXIMUM  
PRINCIPAL AMOUNT OF \$60,000,000 FOR THE  
PURPOSE OF FINANCING FLOOD CONTROL  
PROJECTS; AND PROVIDING OTHER DETAILS  
IN CONNECTION THEREWITH.**

**WHEREAS**, the Board of County Commissioners (the "Board") of Washoe County, Nevada, (the "County," and the "State," respectively), proposes to issue up to \$60,000,000 of general obligation bonds of the County in one or more series (the "Bonds") to acquire, establish, construct and expand projects for the management of flood plains or the prevention of floods as set forth in the plan adopted pursuant to NRS 377B.100 (the "Project"); and

**WHEREAS**, such Bonds will be additionally secured by a pledge of the infrastructure tax imposed pursuant to Chapter 377B on the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used or otherwise consumed in the County (the "Pledged Revenues"); and

**WHEREAS**, the Board determines that it is necessary and advisable that the County incur a bonded indebtedness pursuant to NRS 244A.011 to 244A.065, inclusive (the "Project Act") and the Local Government Securities Act, NRS 350.500 to 350.720, inclusive (the "Bond Act"), for the purpose of paying all or a portion of the cost of the Project.

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

Section 1. This resolution shall be known and may be cited by the short title "2006 Flood Control Bond Sale Resolution."

Section 2. The County Finance Director or his designee is hereby authorized to arrange for the issuance and sale of the Bonds in a total aggregate principal amount of not more than \$60,000,000, in accordance with the Project Act and the Bond Act.

Section 3. The County Finance Director or his designee is authorized to specify the terms of the Bonds, the methods of their sale, the final principal amount of the Bonds (not in excess of \$60,000,000), the terms of their repayment and security therefore, and other details of the Bonds, and if deemed appropriate by the County Finance Director or his designee, to advertise the Bonds for sale, or select an underwriter(s) in accordance with the County's debt management policy, subject to the ratification by the Board by the adoption of a bond ordinance or ordinances specifying the bond terms and details and approving their sale (the "Ordinance").

Section 4. The officers of the County are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, assembling of financial and other information concerning the County, the Project, the Pledged Revenues and the Bonds, and, if deemed appropriate by the Finance Director or his designee, preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the Finance Director, or his designee. The Finance Director or his designee is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the County for the purposes of Rule 15(c)2-12 of the Securities and Exchange Commission.

Section 5. The Finance Director shall, after arranging for the sale of the Bonds, present the proposed final terms of the Bonds to the Board for its approval by adoption of the Ordinance, which shall not be effective until after the expiration of the 90-day petition period as set forth in NRS 350.020(3).

Section 6. The officers of the Board be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 7. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 8. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

Section 9. This resolution shall become effective and be in force immediately upon its adoption.

**06-985            ORDINANCE NO. 1315 - BILL NO. 1494 – DEVELOPMENT  
AGREEMENT CASE NO. DA06-003 – HOWARD AND DEBRA  
BENNETT – COMMUNITY DEVELOPMENT**

**5:30 p.m.** This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* on September 1, 2006 to consider second reading and adoption of Bill No. 1494. Proof was made that due and legal Notice had been given.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against adoption of said Ordinance. There being no response, the hearing was closed.

On motion by Commissioner Sferrazza, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that Ordinance No. 1315, Bill No. 1494, entitled, "**AN ORDINANCE PURSUANT TO NEVADA REVISED STATUTES 278.0201 THROUGH 278.0207 ADOPTING THE DEVELOPMENT AGREEMENT CASE NO. DA06-003 FOR TENTATIVE PARCEL MAP CASE NO. PM05-001, APPROVED BY THE PARCEL MAP REVIEW COMMITTEE OF WASHOE COUNTY ON FEBRUARY 18, 2005,**" be approved, adopted and published in accordance with NRS 244.100.

**06-986                    COMPREHENSIVE PLAN AMENDMENT CASE NO. CP06-011**  
**(KEVIN LANE) – COMMUNITY DEVELOPMENT**

**5:30 p.m.**        This was the time set in a Notice of Public Hearing published in the *Reno Gazette-Journal* and mailed to affected property owners on September 1, 2006 to consider a request to amend the Tahoe Area Plan, being a part of the Washoe County Comprehensive Plan, as authorized in Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code. The amendment request would change the land use designation from Public and Semi-Public Facilities (PSP) to Low Density Urban (LDU). The property is located at 800 College Drive, directly north of the intersection College Drive and Lucille Drive on the north side of College Drive. The ±1.65-acre parcel was previously part of the Sierra Nevada College Mountain Campus. The college has relocated its facilities to the Lake Campus and no longer owns the parcel. The property is situated in a portion of Section 10, T16, R18, MDM, Washoe County, Nevada. The property is located in the Incline Village Citizen/Crystal Bay Advisory Board boundary and Washoe County Commission District No. 1. The proposed amendment is consistent with the Tahoe Regional Planning Agency's (TRPA) Plan Area Statement 041 – Incline Village #3, which allows single-family residential uses. Therefore, TRPA approval is not required. To reflect the changes requested within this application and to maintain currency of general area plan data, administrative changes to the area plan are proposed. These administrative changes may include: a revised map series with updated parcel base and revisions to the Planned Land Use Table. (APN: 129-280-21) Proof was made that due and legal Notice had been given.

The Vice Chairman opened the public hearing by calling on anyone wishing to speak for or against Comprehensive Plan Amendment Case No. CP06-011.

In response to Commissioner Sferrazza, Eva Krause, Planner, clarified 16 units could be built on the parcel if it were rezoned.

Kevin Lane, applicant, voiced his support of the recommendation made by staff. He explained 10 units were proposed, and the application had been submitted to the Tahoe Regional Planning Agency (TRPA). He noted a revised subdivision map would be submitted to the County.

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

Based on the following findings, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, it was ordered that Comprehensive Plan Amendment Case No. CP06-011 be approved, the resolution for the updated area plan be adopted, and the Chairman be authorized to execute the same:

### **FINDINGS**

1. The proposed amendment to the Tahoe Area Plan is in substantial compliance with the policies and action programs of the *Washoe County Comprehensive Plan*.
2. The proposed amendments to the Tahoe Area Plan will provide for land uses compatible with existing and planned adjacent land uses and will not adversely impact the public health, safety or welfare.
3. The proposed amendment to the Tahoe Area Plan responds to changed conditions that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable use of land.
4. The proposed amendment to the Tahoe Area Plan will not adversely affect the implementation of the policies and action programs of the Conservation Element, the Population Element and/or the Housing Element of the *Washoe County Comprehensive Plan*.
5. The proposed amendment to the Tahoe Area Plan will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
6. The proposed amendment to the Tahoe Area Plan is the first amendment to the Plan in 2006, and therefore does not exceed the three permitted amendments as specified in Section 110.820.05 of the Washoe County Development Code.
7. The Washoe County Planning Commission public hearing, prior to action on the proposed amendment to the Tahoe Area Plan, and the related changes to the text and maps of the plan, has been properly noticed in a newspaper of general circulation in the County as prescribed under NRS 266.210(1).

8. The Washoe County Planning Commission gave reasoned consideration to information contained within the staff report and information received during the public hearing.
9. The Washoe County Board of County Commissioners gave reasoned consideration to the information transmitted from the Washoe County Planning Commission and to the information received during the public hearing.

## **RESOLUTION**

### **ADOPTING THE AMENDED TAHOE AREA PLAN (CP06-011) A PART OF THE WASHOE COUNTY COMPREHENSIVE PLAN**

**WHEREAS**, Sections 278.150, 278.170 and 278,210, Nevada Revised Statutes, specify that the Washoe County Planning Commission may prepare, adopt and amend a master (comprehensive) plan for all or any part of the County, subject to County Commission approval;

**WHEREAS**, Section 278.160, Nevada Revised Statutes, specifies that the master plan shall include the following subject matter or portions thereof as deemed appropriate: community design, conservation plan, economic plan, historic properties preservation plan, housing plan, land use plan, population plan, public buildings, public services and facilities, recreation plan, safety plan, seismic safety plan, solid waste disposal plan, streets and highways plan, transit plan, and transportation plan, and such other plans as judged necessary;

**WHEREAS**, A public hearing on the adoption of the amended TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, was held on July 18, 2006, by said Planning Commission;

**WHEREAS**, The Washoe County Planning Commission has found that the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, and the most recent amendment, together with the applicable maps and descriptive matter, provide a long-term general plan for the development of the County including the subject matter currently deemed appropriate for inclusion in the Comprehensive Plan, and has submitted the amendment to the TAHOE AREA PLAN to the Board of County Commissioners, Washoe County, with the recommendation for approval and adoption thereof;

**WHEREAS**, Section 278.220, Nevada Revised Statutes, specifies that the Board of County Commissioners of Washoe County, Nevada, may adopt and endorse plans for Washoe County as reported by the Planning Commission, in order to conserve and promote the public health, safety and general welfare;

**WHEREAS,** A public hearing on the adoption of the Washoe County Comprehensive Plan, including the TAHOE AREA PLAN, was first held on May 21, 1991, with the most recent amendment to the TAHOE AREA PLAN being held on September 12, 2006, by the Board of County Commissioners of Washoe County, Nevada;

**WHEREAS,** At the conclusion of the public hearing, the Board of County Commissioners endorsed the amendments to the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan;

**WHEREAS,** The amendment to the TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, has completed all the necessary requirements for adoption as specified in the Nevada Revised Statutes and Article 820, Amendment of Comprehensive Plan, of the Washoe County Development Code; now, therefore, it is hereby

**RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA,** That the Board does hereby adopt and endorse the amended TAHOE AREA PLAN, a part of the Washoe County Comprehensive Plan, to serve as a guide for the orderly growth and development of Washoe County, Nevada.

**06-987            RESOLUTION – I-80 USA PARKWAY INTERCHANGE – PUBLIC WORKS**

Roger Van Alyne, Public Works Deputy Director, stated this item was presented to the Board at the August 22, 2006 meeting. He confirmed staff had reviewed the Environmental Assessment, New USA Interchange/I-80 Tracy-Clark, Nevada, dated June 2002; and staff requested the Board concur through the resolution with the finding of no significant impact. He stated this would not harm anything the County owned in that area, and staff believed it was a good project.

Commissioner Galloway remarked the objectionable parts of the previous resolution had been edited out and a copy of the Environmental Assessment was provided.

Commissioner Sferrazza stated he would not support the resolution because of the potential impact on the Spaghetti Bowl (I-80/US 395 Interchange). He said it indicated that any impacts would come from continuing development of the industrial park and other properties in that area. He remarked some of the projects could not occur absent this interchange; and the end result would be more traffic on I-80, which would impact the Spaghetti Bowl.

On motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent and Commissioner Sferrazza voting "no," it was ordered that the following resolution be adopted and the Chairman be authorized to execute the same:

## RESOLUTION

**WHEREAS**, the State of Nevada, in cooperation with the Federal Highway Administration, the Regional Transportation Commission of Washoe County, Storey County, and Washoe County, is advertising for construction of a new full interchange and other improvements to provide improved access to and from Interstate 80 in the Tracy-Clark area of Washoe County, Nevada, known as the USA Interchange; and

**WHEREAS**, the advertised project to be constructed is located within the Counties of Washoe and Storey; and

**WHEREAS**, the Nevada Department of Transportation performed an Environmental Assessment of the USA Interchange project, soliciting and receiving comments on the Draft Environmental Assessment from Washoe County in 2001; and

**WHEREAS**, the Nevada Department of Transportation completed the Environmental Assessment of the USA Interchange project, identifying the USA Interchange, USA Parkway Extension, and the reconstruction of the Tracy-Clark Interchange as the preferred alternative for construction, including a full diamond-style interchange (with two on-ramps and two off-ramps), two bridges (one over the interstate highway and one over the Truckee River), an extension of the USA Parkway road, a connector road to frontage road WA-16, and removal of the existing ramps at the Tracy-Clark Interchange; and

**WHEREAS**, the Environmental Assessment made a "Finding of No Significant Impact" (FONSI) in June 2002 and received Federal Highway Administration concurrence in April 2003; and

**WHEREAS**, Washoe County reviewed the Environmental Assessment in 2006, finding no impacts to County-owned or maintained facilities; now, therefore, be it

**RESOLVED**, that the Washoe County Board of Commissioners does hereby concur with the "Finding of No Significant Impact" and endorse the construction of the USA Interchange project.

**06-988**      **DONATION – RACHEL ROSEMANN – REGIONAL ANIMAL SERVICES – PUBLIC WORKS**

Commissioner Galloway recognized the donation and thanked the donors.

Upon recommendation of Jean Ely, General Services Division Director, through Tom Gadd, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Humke, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that the donation from Rachel Rosemann on behalf of the Rosemann Family to Washoe County Regional Animal Services, in the

amount of \$2,000, be accepted with the gratitude of the Board. It was further ordered that the budget amendment to the account for the donation be approved and the Finance Department be directed to make the following budget adjustments:

<b>Account Number</b>	<b>Description</b>	<b>Amount of Increase</b>
205-CC-500000-484000	Donation Revenue	\$2,000
500200-710500	Shelter – Other Expense	\$2,000
<b>Total Expense</b>		<b>\$2,000</b>

**06-989            CONTRACT RENEWAL – LAKESIDE PAVING, INC. - PWP-WA-2006-341 – 2006/07 STREET CUT PAVEMENT REPAIR PROJECT – INCLINE VILLAGE – PUBLIC WORKS**

Upon recommendation of David Price, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin absent, it was ordered that the contract between Washoe County and Lakeside Paving Inc., concerning the 2006/07 Street Cut Pavement Repair Project in the amount of \$112,300, be renewed and the Chairman be authorized to execute the contract documents upon presentation.

**06-990            CHANGE ORDER – INTERMOUNTAIN SLURRY SEAL, INC. – 2006/07 SLURRY SEAL OF SELECTED STREETS – PUBLIC WORKS**

Upon recommendation of David Price, Engineer, through Tom Gadd, Public Works Director, on motion by Commissioner Sferrazza, seconded by Commissioner Galloway, which motion duly carried with Chairman Larkin absent, Vice Chairman Weber ordered that a change order to Intermountain Slurry Seal, Inc., concerning the 2006/07 Slurry Seal of Selected Streets in Washoe County, Nevada PWP-WA-2006-236 in the amount of \$230,000, be approved. It was further ordered that the Public Works Director be authorized to execute the necessary documents.

**REPORTS/UPDATES FROM COUNTY COMMISSION MEMBERS**

Vice Chairman Weber complimented Community Relations on the Washoe County Connections Fall 2006 newsletter.

Commissioner Sferrazza indicated he would not be in attendance at the Truckee Meadows Water Authority (TMWA) meeting on September 20, 2006, and he asked staff to arrange for the attendance of a fellow Commissioner. He acknowledged a staff person was authorized to attend the meeting.

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There being no further business to come before the Board, the meeting adjourned at 9:58 p.m.

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**BONNIE WEBER**, Vice Chairman  
Washoe County Commission

**ATTEST:**

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**AMY HARVEY**, County Clerk  
and Clerk of the Board of  
County Commissioners

*Minutes Prepared by  
Stacy Gonzales and Lori Rowe  
Deputy County Clerks*