

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. MARCH 14, 1995

PRESENT:

Jim Shaw, Chairman (5:55 p.m.)
Steve Bradhurst, Vice Chairman
Joanne Bond, Commissioner
Mike Mouliot, Commissioner
Grant Sims, Commissioner

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

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Vice Chairman Bradhurst presided over the meeting until Chairman Shaw arrived at 5:55 p.m. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

95-165 WORK CARD PERMIT APPEAL - PAUL WOOD

This appeal was considered on Monday, March 13, 1995, at 1:30 p.m., the Board having convened with all Commissioners present and Chairman Shaw presiding.

On motion by Commissioner Sims, seconded by Commissioner Bradhurst, which motion duly carried, the Board convened in closed session to discuss the applicant's character or other matters under NRS 241.939(1).

After reconvening in open session, on motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, it was ordered that the denial by the Sheriff's office of the work permit for PAUL L. WOOD as a private security guard with Burns International Security be overturned and the permit issued conditioned upon disclosure to the employer of the basis of the Sheriff's denial.

AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Vice Chairman Bradhurst ordered that the agenda for the March 14, 1995, meeting be approved.

PUBLIC COMMENTS

There was no response to the call for public comments.

95-166 CORRECTION OF TAX BILLS - 1994 SECURED ROLL

Upon recommendation of Jean Tacchino, Assistant Chief Deputy Assessor, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Vice Chairman Bradhurst ordered that Roll Change Request No. 164, correcting a factual error on a tax bill already mailed for the 1994 Secured Roll, be approved for the reasons indicated and mailed to the property owners, a copy of which is on file in the Clerk's office.

95-167 WAIVER - PROHIBITION OF ALCOHOLIC BEVERAGE - SENIOR SERVICES CENTER

Upon recommendation of Karen Mabry, Senior Services Director, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, Vice Chairman Bradhurst ordered that the prohibition of selling alcoholic beverages be waived for the annual Smorgasbord Dinner sponsored by the Daughters of Norway, Sonja Henie Lodge, to be held on April 29, 1995, at the Reno Senior Services Center.

95-168 TIMBER BRIDGE REPLACEMENT PROGRAM - CALLAHAN RANCH ROAD CROSSING OF GALENA CREEK - AND AMENDMENT TWO TO PROFESSIONAL SERVICES AGREEMENT WITH LUMOS ASSOCIATES, INC.

Pursuant to questions at Caucus, Craig McConnell, Public Works Director, provided additional written information, which he reviewed, regarding the design options and construction costs for replacement of the Callahan Ranch Road timber bridge crossing at Galena Creek and provided a comparison of the original contract hourly rates and the increased hourly rates requested by the consultant. He further stated that Amendment Two also includes authorization to proceed with Option 4, and authorizes final design by the consultant and some construction phase services.

Commissioner Mouliot stated his opposition to increasing the consultant's hourly rate.

Commissioner Bradhurst asked if the estimated fiscal impact of \$52,361.00 is for the additional work that was required as well as the increase in compensation; and Mr. McConnell stated that that would be the total cost of the scour analysis, Phase 2 final design, and Phase 3 construction quality assurance, and this does include the increased hourly rates.

Commissioner Bond asked if the nature of the additional work warrants the increase or if it is a cost-of-living adjustment. Mr. McConnell explained that the original contract, which is in effect, does not have a provision allowing for the consultant's hourly rates to be adjusted annually, as is customarily found in long-term contracts; and that it was anticipated that this work would be completed in August, 1994.

Commissioner Bradhurst stated that the County Manager has advised him that the difference as a result of the increase in the hourly rate would be approximately \$2,200; and that perhaps these contract procedures should be discussed at a later time to determine if they are appropriate.

Commissioner Sims inquired as to whether the fact that this project has exceeded the original estimate is due to the area residents requesting additional work to meet their concerns regarding flood control and aesthetics. Mr. McConnell stated that that is true and that it was a principle consideration.

Commissioner Mouliot questioned if the increased hourly rates apply to the Callahan Ranch Road bridge only. Mr. McConnell stated that that is his understanding, but that if it doesn't, the amendment can be redrafted.

Commissioner Bradhurst asked about the status of the other two bridges in this group. Mr. McConnell said that they are at completion of the preliminary design and that they will be before the Board in the near future for selection of the design option. He added that the Timothy Lane Bridge has some problems and that the Foothill Road bridge suffered some damage during recent rain storms. Commissioner Bradhurst suggested that this recommendation could be approved with the stipulation that the increase in hourly rates for the consultant would apply only to the Callahan Ranch Road bridge.

Commissioner Bond questioned why the Callahan Ranch Road bridge is being done first if the other two have suffered physical damage. Mr. McConnell stated that all of the timber bridges have deteriorated to some degree and that this one was selected to be done first because the current load limit precludes school buses crossing it.

Upon recommendation of David Price, County Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried with Commissioner Mouliot voting "no," it was ordered that:

1. Design Option #4 for the Callahan Ranch Road Bridge replacement be approved.

2. Amendment Two to the Agreement for Professional Services with Lumos Associates, Inc., be approved subject to the increase in hourly rates being applied to the Callahan Ranch Road Bridge only.

3. The Chairman be authorized to sign Amendment Two when presented.

95-169 FIRST AMENDED LEASE AGREEMENT - WASHOE HEALTH SYSTEM - 1205 MILL STREET - GENERAL SERVICES DEPARTMENT

Regarding the lease of County-owned office space to Washoe Health System, Inc., and questions at the Caucus meeting, Commissioner Bradhurst stated his understanding that the reason for extending the lease for six months and then going to a month-to-month basis is to allow the County more flexibility in utilizing the approximately 2,600 square feet of space.

Upon recommendation of Bud Fujii, General Services Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the First Amended Lease agreement between Washoe County and Washoe Health System, Inc., a Nevada non-profit corporation, for the purpose of extending the existing lease of office space at 1205 Mill Street, Reno, Nevada, for an additional six months period retroactive to January 1, 1995, with a provision for a month-to-month basis of tenancy thereafter, be approved and the Chairman be authorized to execute. It was also acknowledged and reaffirmed that the lease may be cancelled with or without cause by either party with a minimum ninety-day written notice, and that the payment of monthly rental amount has been increased.

95-170 FIRST AMENDED LEASE AGREEMENT - WESTERN NEVADA CLEAN COMMUNITIES, INC., - 1001 EAST NINTH STREET - GENERAL SERVICES

Upon recommendation of Bud Fujii, General Services Director, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the First Amended Lease agreement between Washoe County and Western Nevada Clean Communities, Inc., a Nevada non-profit corporation, for the purpose of extending the existing lease of office space at 1001 East Ninth Street, Reno, Nevada, for an additional twelve-month period retroactive to January 1, 1995, providing for a month- to-month basis of tenancy thereafter, with no change in the payment of monthly rental amount due, deleting language in the former arbitration clause in its entirety and replacing it with a new arbitration provision, and increasing the period in which written notice must be provided to the other party in the event of cancellation with or without cause, be approved and the Chairman be authorized to execute.

95-171 TRAVEL

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

Name	Department	Destination	Date	Amount
D. Balaam	Sheriff	Tempe, AZ	4/22/95 - 4/29/95	\$1,029.00
B. Brown	Health	Las Vegas, NV	5/07/95 - 5/10/95	350.00
M. Cavalli	Sheriff	Ontario, CA	5/10/95 - 5/12/95	339.80
S. Crawford	District Court	Redding, CA	3/30/95 - 3/31/95	312.00
J. Ganyon	Sheriff	Las Vegas, NV	3/20/95 - 3/25/95	648.00
S. Hardie	Health	San Francisco, CA	5/07/95 - 5/09/95	700.00
M. Jessop	Health	Sacramento, CA	4/26/95 - 4/27/95	400.00
M. Jessop	Health	Redding, CA	5/01/95 - 5/05/95	850.00
D. Kristie	Building Safety	Pleasanton, Sunnyvale, Fremont, Fairfield, CA	4/04/95 - 4/05/95	149.32
S. Moen	Sheriff	Ely, NV	4/18/95 - 4/22/95	234.00

S. Moen	Sheriff	Houston, TX	7/11/95 - 7/15/95	1,100.00
L. Schostag	District Attorney	Las Vegas, NV	3/19/95 - 3/24/95	422.00
B. Youmans	Health	Sacramento, CA	4/26/95 - 4/27/95	400.00

95-172 ESTABLISH SALARY RANGE - HOUSEPARENT POSITIONS - JUVENILE SERVICES

Pursuant to questions at Caucus, County Manager John MacIntyre explained that the reason the position of House Parent was changed from an independent contractor to a full time County employee is because the position did not meet Internal Revenue Service guidelines for independent contractor status. Commissioner Bond stated that she knows what is required of these house parents; that a 40-hour week is minimal for them; and that because of the requirements of their job, her desire is that they are properly compensated for the time they put in.

Following further discussion, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Vice Chairman Bradhurst ordered that the salary range for Houseparents, Class Code P760, be established at \$11.94 per hour (entry) to \$15.95 per hour (top out).

95-173 REQUEST FOR ADDITIONAL CLERK TYPIST - SPARKS CONSTABLE

Assistant County Manager, Finance, Robert Jasper stated that he is requesting that the Board not take any action at this time on the request by the Sparks Constable to add personnel because they are in the process of preparing the FY 95/96 budget and believe that this request should be included as part of the countywide budget process.

John Langon, Sparks Constable, explained the critical need for an additional part-time Clerk Typist, citing workload statistics and stating that the present situation is that there is only one person in the office, and if she is sick or takes a vacation, there will be no one to man the office.

Vice Chairman Bradhurst explained that the Board has been advised that they will be receiving many requests from elected officials and department heads for additional staff in conjunction with the 95/96 budget and that the Board will begin working on that budget and meeting with all the departments in less than 30 days.

On motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Vice Chairman Bradhurst ordered that consideration of the request of the Sparks Constable for an additional clerk typist position be postponed and that the Finance Department be directed to schedule the Sparks Constable's budget for Board review in an expedited fashion.

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Chairman Shaw arrived and assumed the gavel.

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95-174 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 - 217.350, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that payments with funds from the District Attorney's Account designated Sexual Assault Victims Expenses be authorized for initial emergency medical care and follow-up medical or psychological treatment for six sexual assault victims in an amount totaling \$1,259.13 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated March 1, 1995, and placed on file with the Clerk.

95-175 ACCEPTANCE OF OCCUPANT PROTECTION ENFORCEMENT MINI-GRANT - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion

duly carried, Chairman Shaw ordered that the Occupant Protection Mini-Grant from the Department of Motor Vehicles and Public Safety be accepted and that the following budget adjustments be authorized:

Increase Revenues		
15283G-4301	\$11,300.00	
Increase Expenditures		
15283G-7003		\$ 9,800.00
15283G-7230		1,500.00
Total	\$11,300.00	\$11,300.00

95-176 AUTHORIZATION FOR CAPITAL EXPENDITURE - SHERIFF

County Manager John MacIntyre explained that a number of capital outlay items being brought forward by Sheriff Kirkland were deferred by out-going Sheriff Swinney who recognized the possibility that the new Sheriff would require certain items at the onset of his term; and the capital outlay items were therefore not specifically identified so the newly-elected Sheriff would have an opportunity to formulate his requests.

He stated that this request along with the next two agenda items have been identified by Sheriff Kirkland to best meet the department's needs in fulfilling their mission.

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that a capital expenditure in the amount of \$6,886.20 for the purchase of a camera and light system be authorized.

95-177 AUTHORIZATION FOR CAPITAL EXPENDITURE - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that a capital expenditure in the amount of \$8,021 for the purchase of one Panasonic multi-channel fax gateway to be installed in the main floor telephone closet at the Sheriff's office be authorized.

95-178 AUTHORIZATION FOR CAPITAL EXPENDITURE - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that a capital expenditure in the amount of \$4,425 for the purchase of one 4.0 GigaByte SCSI disk drive to be attached to the video mug shot imaging system at the Sheriff's office be authorized.

95-179 ACCEPTANCE OF DONATION - SOCIAL SERVICES

Upon recommendation of May Shelton, Social Services Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that a \$50 cash donation from the Washoe Express Toastmasters Club be accepted with the Board's gratitude. It was further ordered that the following account transactions be approved:

Increase Revenues		
28-28052-5802	(General Donations)	\$50.00
Increase Expenditures		
28-28052-7205	(Minor Furniture Equip)	\$50.00

95-180 ACCEPTANCE OF DONATIONS - SENIOR SERVICES LAW PROGRAM

Upon recommendation of Karen Mabry, Senior Services Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that the cash donation of \$20,000 from the estate of Eileen Lovelace and the cash donation of \$5,000 from IGT to the Washoe County Senior Services Law Program be accepted with the Board's gratitude. It was noted that the funding will be utilized for the purpose of extending an existing part-time position to a full-time position and that once the funds are expended, the position will revert to its original part-time status.

It was further ordered that the following account transactions be approved:

Increase Revenues

Amount	Account
\$ 6,000.00	2548G -5802
\$13,000.00	25481G-5802
\$ 6,000.00	25482G-5802

Increase Expenditures

Amount	Account
\$ 6,000.00	2548G -7000
\$13,000.00	25481G-7000
\$ 6,000.00	25482G-7000

95-181 ACCEPTANCE OF DONATIONS - SENIOR SERVICES

Upon recommendation of Karen Mabry, Director, Senior Services, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that two cash donations, one from the Guardianship of Wilma Brantner in the amount of \$1,000.00 and one from the Nevada Landmen's Association in the amount of \$1,563.50, be accepted with the Board's gratitude. It was further ordered that the following account changes be made:

Revenues

Amount	Account
\$1,000.00	2548G-5802
\$1,563.50	2501- 5802

Expenditures

Amount	Account
\$1,000.00	2548G-7398
\$1,563.50	2501- 7398

95-182 BUDGET AMENDMENT - FY 1994/95 AIDS PROGRAM - HEALTH DEPARTMENT

Pursuant to questions at Caucus, a lengthy discussion ensued regarding adding positions to the budget as a result of receiving grant monies that were not budgeted in the revenue projections for the Health Department and how the positions and associated funding can be tracked in future budgets and what happens to the positions if the federal funding is not continued.

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that an amendment to the fiscal year 1994/95 AIDS Program budget in the amount of \$34,928 in federal funds be approved and that the following account transactions be made:

Account Number	Description	Amount
02-1700-1712G-4301	Federal Funds	\$34,928.00
02-1700-1712G-7001	Salary	\$10,705.00
-7048	Retirement	\$ 1,596.00
-7050	Medicare	\$ 127.00
-7140	Other Professional Services	\$18,750.00
-7403	Biologicals	\$ 2,250.00
-7418	Outpatient	\$ 1,125.00
-7620	Travel	\$ 375.00
	Total	\$34,928.00

95-183 BUDGET AMENDMENTS - 1994/95 AIR QUALITY MANAGEMENT PROGRAM BUDGET - HEALTH DEPARTMENT

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that an amendment to the fiscal year 1994/95 Air Quality Management Program budget in the amount of \$48,385.00 in federal funds be approved and that the following account transactions be made:

Account Number	Description	Amount
02-1700-1723G-4301	Federal Contributions	\$48,385.00
02-1700-1723G-7140	Professional Services	\$12,025.00
-7620	Travel	\$ 1,460.00
-7825	Misc. Special Equipment	\$24,900.00
-7829	Personal Computer Hardware	\$10,000.00
	Total	\$48,385.00

95-184 BUDGET AMENDMENTS - 1994/95 DAYBREAK PROGRAM - HEALTH DEPARTMENT

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that an amendment to the fiscal year 1994/95 Daybreak Program budget in the amount of \$17,024.00 be approved and that the following account transactions be made:

Account Number	Description	Amount
02-1700-1742G-7140	Professional Services	(\$17,024.00)
02-1700-1742G-7001	Base Salaries	12,012.00
-7042	Group Insurance	1,356.00
-7043	Dependent Insurance	1,044.00
-7046	Workmen's Compensation	217.00
-7047	Unemployment Compensation	30.00
-7048	Retirement	2,190.00
-7050	Medicare	175.00

Total

\$ 17,024.00

95-185 BUDGET AMENDMENTS - 1994/95 IMMUNIZATION PROGRAM BUDGET - HEALTH DEPARTMENT

Upon recommendation of Dave Rice, District Health Officer, on motion by Commissioner Bradhurst, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that an amendment to the fiscal year 1994/95 Immunization Program budget in the amount of \$172,617.00 in federal contributions be approved and that the following account transactions be made:

Account Number	Description	Amount
02-1700-1735G-4301	Federal Contributions	\$172,617.00
02-1700-1735G-7001	Base Salaries	\$ 88,095.00
-7003	Overtime	\$ 2,000.00
-7042	Group Insurance	\$ 8,133.00
-7043	Dependent Insurance	\$ 6,240.00
-7046	Workmen's Compensation	\$ 1,329.00
-7047	Unemployment Compensation	\$ 180.00
-7048	Retirement	\$ 16,051.00
-7050	Medicare	\$ 1,277.00
-7140	Professional Services	\$ 15,961.00
-7205	Minor Furniture	\$ 3,000.00
-7234	Meals Lodging	\$ 2,900.00
-7245	High Risk	\$ 2,000.00
-7250	Office Supplies	\$ 600.00
-7261	Postage Express	\$ 750.00
-7307	Auto Expense	\$ 800.00
-7322	Copy Machine	\$ 800.00
-7329	Registration	\$ 200.00
-7357	Printing	\$ 4,500.00
-7358	Licenses Permits	\$ 100.00
-7382	Telephone	\$ 2,000.00
-7620	Travel	\$ 2,000.00
-7802	Office Furniture Equipment	\$ 3,000.00
-7815	Medical Equipment	\$ 3,500.00
-7829	P C Hardware	\$ 7,200.00
	Total	\$172,617.00

Bill No. 1102, entitled, "An Ordinance amending Ordinance No. 801 by revising a schedule of rates and charges for provision of water service by Washoe County within the Lemmon Valley Service Area of Washoe County; requiring the Department of Public Works, Utility Division, to submit billings to all water users within the certain areas, requiring payment thereof; and providing other matters properly relating thereto," was introduced by Commissioner Bradhurst for the Board as a whole, the title read to the Board and legal notice for final action of adoption directed.

95-187 ABANDONMENT CASE NO. AB9-11-94 - ARCHIE JACQUELINE DE RYCKERE (APN: 125-141-22)

6:00 p.m. This was the time set for continuation of the Public Hearing to consider the recommendation of the Washoe County Planning Commission to approve Abandonment Case No. AB9-11-94 requested by Archie and Jacqueline De Ryckere to abandon a 20- x 200-foot snow storage easement on the south side property line and to replace it with a 20- x 60-foot snow storage easement on the north side property line, the new easement being adjacent to a County owned parcel utilized for snow storage and site of a water detention basin, to allow an increased building pad on property located at 434 Valerie Court, Lot 7, Block T, Incline Village Subdivision, Unit No. 2, a .531-acre parcel designated Medium Density Suburban (MDS) in the Tahoe Area Plan and situated in a portion of Section 9, T16N, R18E, MDM, Washoe County, Nevada.

Bob Katai, Department of Development Review, stated that since the continuation of this hearing at the February 14, 1995 meeting, a compromise has been reached that satisfies the concerns of the Road Department and the applicant.

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

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the private easement described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Bradhurst, seconded by Commissioner Bond, which motion duly carried, Chairman Shaw ordered that Abandonment Case No. AB9-11-94 be approved subject to the following conditions:

1. Prior to recordation of the Resolution and Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal description shall be prepared by a registered professional for the area of abandonment involving a 20 foot x 200 foot snow storage easement along the south property line. A legal description shall be prepared by a registered professional for the replacement snow storage easement 20 feet wide by 60 feet long beginning at the front property line and continuing along the north side property line.
2. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
3. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

It was further ordered that upon execution and recordation of the orders of abandonment voted herein, the Engineer's Office is authorized to prepare a plat incorporating the changes in question and to duly record same.

95-188 ABANDONMENT CASE NO. AB10-14-94 - JOHN C. BINNEWEG - (APN: 45-571-26)

6:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on March 3, 1995, and published in the Reno Gazette-Journal on March 3, 1995, to consider the recommendation of the Washoe County Planning Commission to approve Abandonment Case No. AB10-14-94 for John C. Binneweg to abandon a 15-foot x .900-foot drainage easement shown on Parcel 3 and 4 on Parcel Map No. 1271 with a replacement easement proposed to be created as part of a proposed tentative parcel map further dividing Parcel 4. The .961-acre parcel is located southeast of Cedarwood and Cherrywood Drive, designated

Low Density Suburban (LDS) and General Rural (GR) in the Forest Area Plan and situated within Section 2, T17N, R19E, MDM, Washoe County, Nevada. Proof was made that due and legal Notice had been given.

Bob Katai, Department of Development Review, distributed a map of the property showing existing easements and proposed replacement easements, provided background information, and answered questions of the Board.

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

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment of the private easement described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Abandonment Case No. AB10-14-94 be approved subject to the following conditions:

1. Prior to recordation of the Order of Abandonment, the applicant shall submit to the County Engineer for review and approval, legal descriptions, prepared by a registered professional, for the area of abandonment, the portion reverting to each abutting property owner, and the replacement easement(s).
2. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
3. The applicant shall comply with all conditions necessary to effect the Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

It was further ordered that upon execution and recordation of the orders of abandonment voted herein, the Engineer's Office is authorized to prepare a plat incorporating the changes in question and to duly record same.

95-189 ABANDONMENT CASE NO. AB12-15-94 - HIDDEN VALLEY PROPERTIES, INC./BRADDOCK LOGAN ASSOCIATES - (APN: 51-400-04 -12)

6:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to abutting property owners on March 3, 1995, and published in the Reno Gazette-Journal on March 3, 1995, to consider the recommendation of the Washoe County Planning Commission to approve Abandonment Case No. AB12-15-94 requested by Hidden Valley Properties, Inc., and Braddock Logan Associates to abandon a sanitary sewer, storm drain, and drainage easement within Hidden Canyon Unit 1 and a sanitary sewer easement within the proposed Hidden Canyon Unit 2. The subdivision was approved under Tentative Subdivision Case No. TM4-4-91 for Hidden Valley Properties, Inc. and Unit 1 has been recorded. Hidden Canyon Unit 2 will provide the necessary sanitary sewer, storm drain, and drainage easements to replace the easements to be abandoned. The subdivision is located to the south and east of Hidden Valley Golf Course within Section 27, T19N, R20E, MDM, Washoe County, Nevada. Proof was made that due and legal Notice had been given.

Commissioner Sims disclosed that the company he works for has done work for this applicant, but that the Ethics Commission has ruled that there is no conflict of interest in the relationship.

Bob Katai, Department of Development Review, displayed a map of the existing easements that the applicant has requested be abandoned, and also the proposed replacement easements, reviewed background information, and answered questions of the Board. He also stated that in order to do this, the applicant has had to put in a sewer lift pump to overcome the difference in elevation. Mr. Katai also distributed a handout of the site plan and explained that on the original plan there were several homes proposed to be built on Hidden Valley Drive; that those lots have since been eliminated; and that the street has been moved down the hill. He noted that there is nothing to preclude a developer from building less than what was approved on a tentative subdivision map.

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

James Hardesty, attorney and President of Hidden Valley Country Club, stated that if the Board action at this time is only to abandon the easement, he does not have a problem, but if the action taken also endorses the proposed replacement easements, there is a serious problem. Mr. Hardesty stated that the Planning Commission has approved the necessary sewer lift station and that he will be appealing that action to the Board of County Commissioners. He then explained the history of this project going back to the tentative map in August of 1991 and the Country Club's continual concern regarding the placement of the roadway adjacent to the golf course.

He stated that the 14th tee is located right on the boundary line of the golf course; that the original plan depicted the roadway 25 to 40 feet away from the golf course boundary; and that somehow between the time the tentative map was approved and the recordation of the final map, the roadway is now only 9 feet away from the golf course property line. He also relayed his concerns of not being informed of meetings or when these decisions were made when he had specifically asked the Design Review Committee to consider the adverse impacts on the golf course. Mr. Hardesty also expressed his frustration regarding his attempts to obtain information from staff as to how this occurred.

Mr. Katai confirmed that the Board action at this time is only to abandon existing easements and that the action will not accept any new easements.

Kevin Kossol, Summit Engineering, representing applicant, stated that all they are requesting is the abandonment of the existing easement so that it will not encumber certain lots, which he displayed on another map; and stated that they are actually 45 feet away from the 14th tee. Commissioner Bond asked if the new proposed roadway is very close to the golf course.

Mr. Kossol stated that the measurement from the roadway curb to the golf course property line is 9 feet.

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

A lengthy discussion then ensued between the Board, Mr. Katai, and Mr. Hardesty regarding the easements shown on the tentative map, the construction drawings and the final map, and the differences between the tentative map and the final map. Mr. Katai stated that State law says that a final map must be in substantial conformance with the tentative map; that the Director of the Department of Development Review is responsible for making that determination; and that a question has been raised regarding appealing that decision. Mr. Hardesty noted that the problem with that process is that adjoining property owners are not notified and have no knowledge of any changes until construction is actually occurring, and that at that point their only recourse is to bring suit against the County. Mr. Kossol stated that they are working from a set of plans that have been approved by the County Engineer and the Utility Division and that the process is 90 percent completed.

Following further discussion, Commissioner Sims stated that he feels the Board can make the same findings as the Planning Commission and uphold the Planning Commission recommendation. On motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that Abandonment Case No. AB12-15-94 be approved subject to the following conditions:

1. Prior to recordation of the Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment and any required replacement easements.
2. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
3. The applicant shall comply with all conditions necessary to effect the Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.

It was further ordered that upon execution and recordation of the orders of abandonment voted herein, the Engineer's Office is authorized to prepare a plat incorporating the changes in question and to duly record same.

95-190 SPECIAL USE PERMIT CASE NO. SPW11-24-94 - JIM KELLEY'S TAHOE NUGGET SPECIAL EVENTS - APPEAL (APN: 123-042-12)

6:00 p.m. This was the time set to consider the appeal of Jim Kelley's Tahoe Nugget from the recommendation of the Washoe County Planning Commission to deny Special Use Permit Case No. SPW11-24-94, a request to hold 10 special event outdoor concerts involving a maximum of 1500 spectators and support personnel for each event to be held between May 1, 1995 and December 31, 1995. The events will take place in an existing outdoor theater erected in an amphitheater setting behind the Tahoe Nugget at Crystal Bay. The project involves a .84-acre parcel on State Route 28 at Stateline in Crystal Bay on property designated Specific Plan (SP) in the Tahoe Area Plan and situated within Section 30, T16N, R18E, MDM, Washoe County, Nevada. Notice of said hearing was mailed to affected property owners by the Department of Development Review in accordance with the Washoe County Development Code.

Bob Katai, Department of Development Review, reviewed background information stating that the Planning Commission did not feel they could make the required findings that the proposed project would not be detrimental to surrounding properties and specifically cited noise and traffic impacts as their concerns. He further stated that since that time the applicant has indicated that they will downscale the proposal, but that he will let the applicant address that. Mr. Katai also reviewed the Tahoe Regional Planning Agency's (TRPA) requirements, stating that the applicant would be exempt from obtaining a permit from TRPA if the project does not exceed 14 days in duration or does not occur more than 4 times per year and if it does not create noise in excess of the limits stated in Chapter 23 of the TRPA Code of Ordinances or those set by the area's Community Plan.

He stated that that community plan is only in draft form at this point, but it does state a noise level of 60 cumulative noise event level (CNEL's).

Mr. Katai also stated that TRPA has indicated that they would like to review this application to determine whether their permit would also be required.

He then answered questions of the Board.

Commissioner Sims requested an opinion from legal counsel as to whether the Board should consider this request or send it back to the Washoe County Planning Commission since the request has been changed and the information being presented at this meeting is substantially different from what was presented to the Planning Commission. Madelyn Shipman, Assistant District Attorney, stated that it is within the Board's discretion to consider the project as it was presented to the Planning Commission, to consider the project with the supplemental information, or, if the Board feels the changes are substantial enough to warrant Planning Commission review, to send it back to that board.

Edward Miller, advocate for the Tahoe Nugget, distributed additional information regarding five concert events that are scheduled, stating that the fifth one is optional; that a variety of events such as these is vital for North Lake Tahoe to compete for the tourist dollar; that there will be no concerts on weekends or holidays in July or August; that performances will be limited to between the hours of noon and 9:00 p.m. and will be approximately three hours long; and that attendance will be limited to a maximum of 1,000 people instead of 1,500. Mr. Miller then discussed in detail the concerns regarding traffic and noise and mitigation measures that are proposed to lessen those impacts, such as traffic control officers directing traffic and maintaining the flow of traffic, signage, and instructions regarding parking for the concert goers being printed on their tickets, stating that these methods have been successfully used at other high attendance events on the north shore. In regard to noise mitigation measures, Mr. Miller reviewed the report prepared by Lakeside Associates which included replacing the venue gate with a solid wall, constructing a roof over the stage and enclosing the rear of the stage, covering concrete walls with sound absorbent curtains and redirection of the speakers. He stated that those measures would assure compliance with the County standards regarding noise level to 70 dB at the property lines and that there will be constant on-site sound level monitoring with hand-held meters.

Leah Kaufman, Kaufman Planning and Consulting Services, representing applicant, stated that they have had several meetings with

area residents trying to identify and mitigate their concerns, as well as working with both NDOT and the Tahoe Transportation Management Association (TMA) to assure that traffic and parking impacts will be reduced as much as possible. She further stated that they obtained a report of the ambient noise levels done in 1992 which states that the existing noise level at the highway is 65 dB.

Ms. Kaufman stated that they have made every possible effort to address the concerns of the neighbors and the community. Ms. Kaufman and Mr. Miller then answered specific questions of the Board as to exactly how they plan to mitigate traffic, parking and noise problems.

Chairman Shaw then opened the public hearing by calling on those wishing to speak regarding this special use permit.

Ronald Code stated that he is a full-time area resident living within 300 feet of the proposed concert location and that he was not contacted by anybody. He expressed his concerns regarding the noise, the crowds, the parking, the traffic problems, and odor from the outdoor toilets, and stated that he feels approval of this request would establish a precedent for expanding such activities and that he believes this would violate the master plan that is being developed for the North Lake Tahoe area. Mr. Code further stated that there are better locations to have these events, such as Sand Harbor; and that the lack of opposition should not be construed as an endorsement for the proposal.

Stephen Mollath, attorney representing Bruce James, who is now the owner of the former Howard Hughes property, stated that Mr. James is adamantly opposed as his property is 20 feet away from the proposed location of the stage and the noise would be devastating. Mr. Mollath also stated that a good deal of new information has been presented by the applicants at this meeting; that he has not had a chance to review any of the new information; and that he believes this should be sent back to the Planning Commission so that the changes can be adequately addressed.

Geno Menchetti, attorney representing Stillwater Corporation, stated that this is now an entirely new proposal that none of the opponents have had a chance to review; that he does not believe the proposed mitigation measures are going to address the traffic problems that will be associated with these events; that TRPA does have regulations to address sound standards; and that he has had an expert prepare a sound analysis report, which he distributed to the Board, and cited noise level limits much lower than those presented by the applicant.

Harold Eastridge, President of Stillwater Cove Homeowner's Association, stated that he represents 48 families who all have concerns about the same issues.

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

Commissioner Bradhurst stated that he is not comfortable with this situation; that a great deal of new information has been presented at this meeting that should be reviewed by the Planning Commission; that it is not clear if TRPA will require a permit for this activity, which should be determined first; that it is also not clear what TRPA sound level regulations are in case a permit is required from them; and that it appears to him that the issues still need to be addressed. He also expressed concern regarding receiving information, especially technical reports, at the meeting, which does not allow the Board the opportunity to properly review such information in order to make a good decision. Commissioner Sims agreed stating that receiving a flurry of information at the last minute just confuses the decision-makers.

On motion by Commissioner Bradhurst, seconded by Commissioner Sims, which motion duly carried, Chairman Shaw ordered that Special Use Permit Case No. SPW11-24-94 be referred back to the Washoe County Planning Commission for their review and consideration of all the new information that has been presented. It was further ordered that all of the information, including TRPA sound level regulations, be provided to the Planning Commission at least a week prior to the meeting, and that additional information cannot be accepted with less than a week's time for review.

Upon recommendation of Richard Gammick, District Attorney, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Shaw ordered that permission be granted pursuant to Washoe County Code Section 5.389(2) for John B. Brown, a legal intern in the District Attorney's office, to use a County vehicle in his investigative and process serving efforts.

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There being no further business to come before the Board, the meeting adjourned at 8:25 p.m.

JAMES M. SHAW, Chairman
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk