

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. JANUARY 16, 1996

PRESENT:

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

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

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

AGENDA

County Manager John MacIntyre noted that a correction is necessary in the wording on agenda item 12.0. so that the word "same" is replaced with "memorandum of second amendment to agreement." In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the agenda for the January 16, 1996, meeting be approved as amended.

PUBLIC COMMENTS

Diana Lang, representing the Sun Valley Water and Sanitation District Board of Trustees advised that their District is intervening in the Public Service Commission action regarding the Sierra Pacific Power Company Alturas Transmission Line Project because of the negative impacts the high-power transmission line will have on the Sun Valley area; and she placed on file with the Clerk documents regarding same.

She urged the Board to become involved and suggested that the Board consider adopting policies and/or ordinances to protect people and property for the future, such as requiring that these lines be placed underground.

Chairman Bradhurst requested that the County Manager prepare a report for the Board regarding this matter and clarifying the Board's authority in regulating the location of utility lines, etc.

MINUTES

Commissioner Bond had a question regarding the December 12, 1995, minutes and approval of same was continued to a future meeting.

96-34 RESOLUTION - SALE OF PROPERTY FROM THE NEW RENO LITTLE THEATER, INC. TO CIRCUS CIRCUS ENTERPRISES

Rusty Nash, Deputy District Attorney, reviewed background information regarding the sale of property located at 690 North Sierra Street, Reno, from Reno Little Theater to Circus Circus.

In response to questions from Commissioner Bond, Jim Woods, Chairman of the Board of The New Reno Little Theater, Inc., described

various alternative sites they are considering.

Following further discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bradhurst authorized to execute on behalf of Washoe County:

#### RESOLUTION

APPROVING SALE OF PROPERTY FROM THE NEW RENO LITTLE THEATER, INC. TO CIRCUS CIRCUS ENTERPRISES, INC.

WHEREAS, the Reno Little Theater, Inc. was incorporated on September 17, 1936, pursuant to a provision of Nevada Revised Statutes which limited its term of existence to 50 years; and

WHEREAS, on April 15, 1941, the corporation purchased a parcel of property located at 690 N. Sierra Street, Reno, Nevada (APN 007-215-12), at which location the Reno Little Theater, Inc. and its successor corporation have been conducting community theater productions since that time (legal description of such property attached to original resolution as Exhibit "A"); and

WHEREAS, apparently because of the provisions governing nonprofit corporations at that time, Reno Little Theater, Inc. recorded a Declaration of Trust on September 9, 1943, in Volume Q of Liens and Miscellaneous, Page 585, as Document No. 114802, Washoe County, Nevada, Records, wherein it declared that it holds title to said property in trust for the County of Washoe, State of Nevada, and that upon dissolution of said corporation, the legal and beneficial ownership of said property shall vest in the County of Washoe, State of Nevada; and

WHEREAS, in 1978, Reno Little Theater, Inc. approached the County to assist it in dealing with the anticipated lapse of its corporate charter at the end of the 50-year period, by forming a new corporate entity, "The New Reno Little Theater, Inc.," to which its property would ultimately be deeded through Washoe County (copy of letter dated September 13, 1978, from the attorney for Reno Little Theater, Inc. to Larry Struve, Chief Civil Deputy of the District Attorney's Office, attached to original resolution as Exhibit "B"); and

WHEREAS, the Board of County Commissioners, at a regular meeting of the Board held on October 28, 1980, considered the documents necessary to effectuate the transfer of the assets of the Reno Little Theater, Inc. to Washoe County and then to The New Reno Little Theater, Inc. and authorized the Chairman to execute a Cooperative Agreement among the County of Washoe, the Reno Little Theater, Inc., and The New Reno Little Theater, Inc.; accepted the Deed from the Reno Little Theater, Inc. to Washoe County; and authorized the Chairman to execute the Grant, Bargain and Sale Deed from Washoe County to The New Reno Little Theater, Inc. (copies of relevant documents attached to original resolution as Exhibit "C"); and

WHEREAS, a Correcting Grant, Bargain and Sale Deed was executed by the Chairman of the Board of County Commissioners on September 19, 1985, to correct a technical error in the 1980 deed (copy of Commissioner's Action and Correcting Grant, Bargain and Sale Deed attached to original resolution as Exhibit "D"); and

WHEREAS, the Board of Directors of The New Reno Little Theater, Inc. has determined that it is in the best interests of the theater to sell its property to Circus Circus Enterprises, Inc. as a part of its new development in that block (copy of letter dated December 29, 1995, from Richard G. Hill, attorney for The New Reno Little Theater, Inc. to the County attached to original resolution as Exhibit "E"); and

WHEREAS, the Board of Directors of The New Reno Little Theater, Inc. is diligently working to find a new and permanent home for the community performing arts in Washoe County and has pledged that the proceeds of the sale of said property will be used solely to keep The New Reno Little Theater, Inc. as an ongoing fixture in the community

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

1. That the sale of the premises located at 690 N. Sierra Street, Reno, Nevada (APN 007-215-12), more fully described in Exhibit

"A", by The New Reno Little Theater, Inc. to Circus Circus Enterprises, Inc., and the use of the proceeds therefrom in furtherance of the objectives of The New Reno Little Theater, Inc. is in accordance with the Declaration of Trust recorded by Reno Little Theater, Inc. on September 9, 1943, and the provision of the Correcting Grant, Bargain and Sale Deed executed on the 19th day of September, 1985 (Exhibit "D"), which provides that "[S]aid grant is made on the condition that all such property conveyed and after acquired shall be held in trust for the benefit of the people of the County of Washoe, State of Nevada."

2. That the County of Washoe, State of Nevada, waives any claim it may have to the property described in Exhibit "A" or to the proceeds of the sale of said property to Circus Circus Enterprises, Inc. so long as said proceeds are utilized in furtherance of the objectives of The New Reno Little Theater, Inc. for the benefit of the people of the County of Washoe, State of Nevada.

3. That the Chairman is authorized to execute a deed from Washoe County to Circus Circus Enterprises, Inc. quitclaiming any interest the County may have in the property described in Exhibit "A".

96-35 KENNEL PERMIT APPEAL - CLAUDIA WHITELEY

Katie Stevens, Animal Control Officer, reviewed background information regarding the kennel permit application of Claudia Whiteley to keep 7 dogs at 440 Casey Court, Reno, Nevada, and answered questions of the Board.

Claudia Whiteley, applicant, stated that she never had any problems until she let a friend with a German Shepherd move in and stated that the friend and his dog are gone now. Ms. Whiteley then answered numerous questions of the Board regarding her animals, kennels, fencing, etc.

Larry Boneck, Animal Control, stated that on the two occasions he was there, the facility was extremely clean and the animals were in good condition; and that there are at least two other kennel permits within a half block of the applicant.

Neighborhood property owners Robert Mooney and Bonnie Prather spoke in opposition to granting the permit citing problems of barking, odor, and some of the dogs running loose.

Ms. Whiteley refuted the charges made by her neighbors.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that the kennel permit for Claudia Whiteley be denied.

96-36 CHILD PROTECTIVE SERVICES - CLARIFICATION AND DIRECTION TO STAFF

County Manager John MacIntyre distributed a report clarifying and detailing staff's understanding of the Board direction given to staff following the January 8, 1996, workshop concerning recommendations regarding Child Protective Services.

Mr. MacIntyre placed the report on file with the Clerk and read the report into the record of this meeting.

Commissioner Sims expressed a concern that the public needs to know that the consultants and task forces will be working for, and reporting directly to, the Board and not Social Services, as there apparently was a misunderstanding about that at previous meetings. Mr. MacIntyre stated that that was always staff's understanding, and that the report he just read into the minutes clearly shows that this is an item that will be managed by the Board of County Commissioners.

It was the consensus of the Board that Mr. MacIntyre's report correctly summarized and outlined the direction given to staff and that the report should be provided to the Grand Jury and any other interested parties.

96-37 LAW LIBRARY ANNUAL REPORT AND APPOINTMENT OF BOARD MEMBERS - LAW LIBRARY BOARD OF TRUSTEES

Pursuant to NRS 380.090, Sandy Marz, Law Library Director, presented and reviewed the Law Library annual report and answered

questions of the Board. On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that receipt of the fiscal year 1994/95 annual report for the Law Library be acknowledged.

Upon recommendation of Ms. Marz, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Chris McCune be reappointed as a non-attorney member on the Law Library Board of Trustees for a term to expire in January, 1998.

Following discussion regarding the Board's policy that appointees serve only two terms on the various Boards and committees, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that Brian Sandoval be appointed as an attorney member of the Law Library Board of Trustees with the term expiring in January, 1998. Chairman Bradhurst further ordered that Bruce Beesley be invited to serve as Member Emeritus and that letters of appreciation from the Board be sent to all the applicants .

#### 96-38 SEXUAL ASSAULT - MEDICAL CARE - PAYMENT

Pursuant to NRS 217.280 to 217.350, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst 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 16 sexual assault victims in an amount totaling \$6,785.16 as set forth in a memorandum from Vickie Wedow, Administrative Assistant, District Attorney's Office, dated December 29, 1995, and placed on file with the Clerk.

#### 96-39 TEMPORARY APPOINTMENT - TAHOE REGIONAL PLANNING AGENCY - JANUARY 24, 1996, MEETING

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that Mike Harper, Director, Department of Development Review, be designated as Washoe County's official representative to the Tahoe Regional Planning Agency Board meeting of January 24, 1996, and empowered to act on behalf of Washoe County at said meeting for any and all agenda items.

96-40 BILL NO. 1120 - AMENDING WCC CHAPTER 5 - PERSONNEL Bill No. 1120, entitled, "AN ORDINANCE AMENDING CHAPTER 5 OF THE WASHOE COUNTY CODE TO AMEND SECTION 5.155, ELIGIBILITY TO COMPETE, TO LIBERALIZE ELIGIBILITY REQUIREMENTS, SECTION 5.169, APPEAL OF EXAMINATIONS, TO CLARIFY APPEAL PROCESS AND SECTION 5.189, CERTIFICATION OF NAMES, TO ALLOW APPOINTING AUTHORITY ABILITY TO SPECIFY NUMBER OF PERSONS TO BE CERTIFIED TO DEPARTMENT, DELINEATING CERTIFICATION PROCESS, ADDING BASIS FOR REMOVAL OF ELIGIBLE'S NAME, AND OTHER MATTERS PROPERLY RELATING THERETO" was introduced by Commissioner Shaw, the title read to the Board and legal notice for final action of adoption directed.

#### 96-41 AWARD OF CONSTRUCTION BID - TIMOTHY DRIVE BRIDGE REPLACEMENT - ENGINEERING

This was the time to consider awarding of construction bid for the Timothy Drive Bridge Replacement Project on behalf of the Engineering Division, notice to Contractors for receipt of sealed proposals having been published in the Reno Gazette-Journal on December 7 and 13, 1995. Proof was made that due and legal Notice had been given.

Pursuant to discussion at Caucus, Dave Price, County Engineer, was present to answer questions. Mr. Price stated that the new bridge will convey at least an equivalent amount of flow as the existing bridge, explaining the design and function of the new structure; and that he is confident this will not cause impacts to either up-stream or down-stream property owners. In response to Commissioner Sims, Mr. Price stated that widening and increasing the size is cost prohibitive and that, because of the topography, staff does not believe that would benefit up-stream property owners; and that in order to alleviate flooding problems down-stream, work would have to be done in the wetlands down there. Chairman Bradhurst requested that Mr. Price provide a written report to the Board detailing the verbal information he has just presented.

Following is a summary of the proposals received:

Engineer's Estimate	\$ 90,000.00
Granite Construction Co.	\$ 99,899.00
Burdick Construction Co.	\$124,635.00
Sierra Nevada Construction	\$134,093.00
Anchor Concrete	\$135,080.00
A & K Earth Movers	\$200,002.02

Upon recommendation of Jim Palabay, Engineering Division, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Sims, which motion duly carried, it was ordered that the base bid be awarded to the lowest, responsive, responsible bidder, Granite Construction Company, in the amount of \$99,899.00; that Chairman Bradhurst be authorized to execute the contract documents when presented; and that staff be directed to prepare a written report as justification for the Board's action.

96-42 APPROPRIATION TRANSFER - TREASURER

Upon recommendation of Tyrone Brooks, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the following appropriation transfers within the existing Treasurer's budget be approved:

ACCOUNT	001-1131-7001	001-1131-7802
DESCRIPTION	Base Salaries	Office Furniture & Equipment
DECREASE AMOUNT	\$3,581.00	
INCREASE AMOUNT		\$3,581.00

96-43 SALE OF GALION ROLLER TO RENO LIVESTOCK EVENTS CENTER - GENERAL SERVICES

Upon recommendation of Bud Fujii, General Services Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that the sale of one 1978 Model 8T, Galion 8-Ton Roller, Serial Number S46AWG59127 to the Reno Livestock Events Center for the amount of \$2,500.00 be approved.

96-44 ACCEPTANCE OF CASH DONATIONS - SHERIFF

Pursuant to questions at Caucus, County Manager John MacIntyre reported that he has been advised that these funds will be deposited into one account, that being the Homicide Trust and Agency Account. Upon recommendation of Sheriff Kirkland, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that cash donations in the amount of \$5,250.00 be gratefully accepted. It was noted that a check for \$250.00 was contributed by Ms. Countess A. Dandini and a \$5,000.00 check was received from a donor who wishes to remain anonymous.

96-45 ACCEPTANCE OF DONATION - D.A.R.E. PROGRAM - SHERIFF

Upon recommendation of Sheriff Kirkland, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that a \$500.00 donation from the Incline Community Action Network to be used for the D.A.R.E. Program be gratefully accepted.

96-46 ACCEPTANCE OF DONATIONS - WASHER & DRYER PURCHASED BY INMATE COMMISSARY FUNDS - SHERIFF

Pursuant to questions at Caucus, County Manager John MacIntyre advised that the balance of funds contained in the inmate commissary accounts totaled \$215,914.34 as of December 31, 1995.



Upon recommendation of John Collins, Chief Sanitary Engineer, who was present and answered questions of the Board regarding the necessity of correcting the original deeds, through Craig McConnell, Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following actions be taken regarding two Grant, Bargain and Sale Deeds recorded as Document Nos. 1753103 and 1788484:

1. The Water Rights Correction Deed between Washoe County, as Grantee, and Robert L Weise, as Grantor, for the sole purpose of correcting the duties and diversion rates of two Grant, Bargain and Sale deeds previously granted to Washoe County be approved and Chairman Bradhurst be authorized to execute;
2. The Chief Sanitary Engineer be directed to record the Water Rights Correction Deed with the County Recorder.

96-53 WHOLESALE WATER SERVICE AGREEMENT - SIERRA PACIFIC POWER COMPANY - CIMARRON SUBDIVISION AND BIGHORN DEVELOPMENT - SPANISH SPRINGS

In response to Commissioner Bond, Chief Sanitary Engineer John Collins, explained how the County determines the rates for the different water systems. He also stated that this agreement specifically provides for the County to wholesale water to Sierra Pacific Power Company to supply service to the Bighorn facilities; that the recharge issue will be covered in another agreement; and that the facilities are being designed so that in the future when Sierra runs the water line out to Bighorn, it can be reversed. Mr. Collins demonstrated on a map the water lines and facilities and stated that the County has 728 acre-feet of ground water available and the projected buildout is for utilizing 390 acre-feet.

Following further discussion, upon recommendation of John Collins, Chief Sanitary Engineer, through Craig McConnell, Public Works Director, on motion by Commissioner Bond seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following actions be taken:

1. The Wholesale Water Service Agreement between Washoe County and Sierra Pacific Power Company for service to Cimarron Subdivision/Bighorn Development be approved and Chairman Bradhurst be authorized to execute;
2. The Chief Sanitary Engineer be authorized to carry out the terms of the Wholesale Agreement.

96-54 SECOND AMENDMENT TO AGREEMENT - WATER SERVICE TO SOUTH MEADOWS PROPERTY - UTILITY DIVISION

John Collins, Chief Sanitary Engineer, stated that as part of the 1984 Water and Wastewater Facility Plan in the South Truckee Meadows, re-use was established as a very high priority; that to that extent staff has included re-use in a second, or "gray," line, or 2-pipe system, in all of the projects being built in the area that have been identified as users of effluent; and that South Meadows Property on the Double Diamond Ranch has been one of the major players in this project. He stated that the problem is that the effluent needed by South Meadows is currently not available because it is all being used on the Damonte Ranch; therefore, South Meadows is proposing to dedicate 200 acre-feet of creek water rights to the County and asking that the County run it through its pumping facilities and provide it back to them through the double pipe system. Mr. Collins demonstrated pipelines and facilities on a map and answered questions of the Board regarding the distribution lines, the water quality standards that the gray water must meet and how those are determined, Special Assessment District No. 9, and completion of the effluent re-use program.

Following further discussion, upon recommendation of Mr. Collins through Craig McConnell, Public Works Director, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that :

1. The Second Amendment to the Agreement between Washoe County and South Meadows Property (SMP) dated July 15, 1992, regarding provision of water service by Washoe County to SMP be approved;
2. Chairman Bradhurst be authorized to execute the Second Amendment to Agreement; and

3. The Chief Sanitary Engineer be authorized to record the Memorandum of Second Amendment to Agreement.

#### 96-55 UPDATE REPORT - REGIONAL WATER PLANNING COMMISSION ACTIVITIES

Steve Walker, Water Management Planner, updated the Board on the activities of the Regional Water Planning Commission (WPC) advising that 165 issues have been identified; that he is currently attending CAB meetings where the issues are being expanded; and that reliability of supply at a reasonable cost seems to be the utmost concern of the citizens. He reviewed his agenda memorandum dated January 5, 1996, which details actions taken by the WPC at their last two meetings.

Chairman Bradhurst asked about the Lawton-Verdi Interceptor plans and the work being done by Corolla and cautioned staff to ensure that a conflict does not arise between the private sector and the public sector regarding this. Also in response to Chairman Bradhurst, Mr. Walker advised that staff is moving aggressively on the water conservation program, water meters with a 12-year build out are still in the plan, and the WPC views the Service Area Agreement as a success.

Commissioner Sims asked Mr. Walker what feedback he is getting from the CAB's. Mr. Walker stated that the citizens are suspicious of all the studies and water modeling because they hear so many different numbers; and that 80 percent of the issues brought up by the citizens are already in the 165 identified issues.

Following further discussion, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that receipt of the update on Regional Water Planning Commission activities be acknowledged.

#### 96-56 HOME OCCUPATION COMPLAINT - THE MIGHTY DISTRIBUTING SYSTEM OF NEVADA, INC./KELVIN LAU - BUSINESS LICENSE DIVISION

Carla Fells, Business License Compliance Officer, reviewed her written report dated January 8, 1996, which detailed the results of the investigation into the business license of The Mighty Distributing System of Nevada, Inc., a home occupation business conducted by Kelvin Lau at 3220 Markridge Drive, Reno, and compliance with other Code provisions, which investigation was directed by the Board in response to a complaint filed by neighboring property owners John and Carol Raphel. Ms. Fells also played a video recording that was taped at the residence on October 18, 1995, showing a truck delivery of merchandise, Mr. Lau operating the forklift, the storage of the merchandise in the garages, the stacks of pallets in the yard, etc. Ms. Fells then answered questions of the Board.

Commissioner Shaw asked about the building and fire code violations.

Chairman Bradhurst stated that the Board should focus on the business license, and those other violations will have to be corrected by Mr. Lau no matter what action is taken regarding the business license.

John Raphel, complainant, stated that the problems began when Mr. Lau expanded his business, started storing even more and larger merchandise, and began using the forklift to unload deliveries and move the merchandise around. Mr. Raphel stated that this activity has created a commercial use in a residential neighborhood; that he contends that when Mr. Lau built the garage on the east side of the house, it was meant to be a warehouse; and that if he had known what Mr. Lau was planning when he applied for the variance, he would have been at that meeting to protest. He further stated that Mr. Lau is encroaching approximately two and a half feet onto his property; that the noise from the deliveries and from the forklift is very disturbing; that there are over 100 pallets stacked in the backyard, which is evidence that he is not getting rid of the trash from the business; and that this business is just too big to be a home business.

Harold Albright, attorney for Mr. Lau, distributed materials to the Board; stated that the first thing he would like to point out is that the truck deliveries to the house have been terminated; that the business actually occupies 32 percent of the property; the total usage on the forklift in three years is 46 hours, which is not excessive; that the forklift is about the size of a large riding lawn mower and is not excessively loud; and that over the years Mr. Lau has made many concessions for the Raphels, but nothing seems to satisfy them. Mr. Albright also disputed that the business has increased, stating that the number of shipments and the amount of merchandise being delivered have not increased. Mr. Albright then answered questions of the Board and pointed

out that there are letters in support of Mr. Lau from seven contiguous neighbors who do not feel Mr. Lau's business operations cause any problems for them.

Chairman Bradhurst asked Mr. Lau if he is now using the forklift sparingly in deference to the Raphels. Mr. Lau stated that he is, and that before the truck deliveries were stopped, he was very conscientious in having the deliveries made only while the Raphels were at work. Chairman Bradhurst summarized the major problems as being the operation of the forklift, the delivery trucks and the stacks of pallets. He stated that it would seem to him that the business license could be conditioned so that there are no more commercial truck deliveries, noting that Mr. Lau has already voluntarily done that, and asked Mr. Lau if he would agree to a condition requiring that the pallets be kept out of sight from the street. Mr. Lau stated that he would agree to that.

Mr. Albright stated that Mr. Lau has enough pallets to make it through the winter and by June he could limit the number of pallets on his property to 25; that he would use the forklift during 9:00 to 5:00 business hours and would try to keep from working when the Raphels are home; that there would be no shipments by the freight company; and that he believes this would address all problems and accommodate everybody's needs.

Mr. Lau commented that over the years he has demonstrated his willingness to bend over backwards and be a good neighbor, which is reflected by the neighbors that have spoken in his behalf.

Chairman Bradhurst asked Mr. Raphael to respond to the offers made to mitigate the situation. Mr. Raphael stated that the main issue is the forklift; that no one would consider this typical equipment for this type of residential zoning; that it is very noisy and the house vibrates when it starts up; and that the forklift is not something they want in their neighborhood.

Chairman Bradhurst asked if Mr. Lau had further suggestions relative to the forklift situation. Mr. Lau stated that he has offered to make a conscientious effort not to use the forklift when the Raphels are home and noted that the forklift use amounts to approximately 16 hours per year.

A discussion commenced relative to the regulations pertaining to Mr. Lau's business license. Legal Counsel Shipman advised that the code in effect when Mr. Lau was originally licensed contains a general condition that a business is to be conducted without generating noise, odors, dust, vibrations or interference of any kind to surrounding properties, but there was nothing relating to forklifts or ancillary machinery used in conjunction with a home business.

Maureen Sheppard-Griswold, Deputy District Attorney, representing the Business License Division, responded to questions regarding Mr. Lau's variance proceedings before the Board of Adjustment and advised that Mr. Lau's home business license falls under the old Chapter 110 of the Washoe County Code which was in effect prior to the adoption of the Development Code. Ms. Fells provided additional information regarding the conditions for a home business license. Upon inquiry, Mike Harper, Director, Department of Development Review, advised that Mr. Lau would have been granted the license even if it had been known that he had a forklift because the effective ordinance did not deal with material or machinery that might be ancillary to the business operations. He advised that this was one of the reasons the ordinance was changed to provide that equipment not normally part of household equipment cannot now be used for business operations in residential areas. Mr. Albright noted that Chapter 110.106.15 of the County Code, which addresses the residential use category relevant to Mr. Lau's license, states that "sound attenuation measures shall be adhered to in areas where levels are exceeded more than 10% of the time." He stated that Mr. Lau's usage of the forklift is much lower than 10%.

Chairman Bradhurst cited Washoe County Code Section 25.01: "Whenever it appears that a business license is violating any of the provisions of the Code or any other applicable law or any conditions of license, the Board may commence proceedings to suspend, cancel, revoke, terminate, or condition such license," and advised that it also sets forth procedures to be followed should the Board conclude that enough evidence exists to warrant revocation of the license.

Legal Counsel Shipman reviewed the Board's options and advised that conditions could not be imposed without agreement by Mr. Lau.

Following further discussion, on motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried,

Chairman Bradhurst ordered that the following conditions be placed on Mr. Lau's business license:

- 1) the hours of operation of the forklift will be Monday through Friday 9:00 a.m. to 5:00 p.m. and preferably when Mr. and Mrs. Raphael are not at home,
- 2) no deliveries on the west side of the home,
- 3) no commercial truck deliveries, and
- 4) a limit of 25 pallets on the property which shall be removed from public view. Upon inquiry, Mr. Lau stated that he would agree to the conditions.

Chairman Bradhurst advised Mr. Lau that he could still find himself back before the Board because of a noise nuisance complaint and urged him to use the forklift as little as possible. Legal Counsel Shipman noted that Fire and Building Code issues will still need to be addressed, but are not part of the business license inquiry before the Board today.

Based on the testimony given and the conditions placed on the business license, on motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was determined that there is no basis on which the Board could revoke, cancel, suspend, or terminate Mr. Lau's business license.

#### 96-57 RENO YWCA ACQUISITION

John MacIntyre, County Manager, reported on this item and recommended that the Board direct staff to obtain an appraisal of the property and explore acquisition or other options with the YWCA. He advised that staff would present a detailed report and analysis of options for the facility in early February.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that staff be authorized to obtain an appraisal of the YWCA property, explore acquisition or other options with the YWCA, and present options regarding the facility to the Board for consideration in February, 1996.

#### 96-58 RESOLUTION - COMPREHENSIVE PLAN AMENDMENT FILING FEES - WAIVER - CERTAIN CASES

Dean Diederich, Principal Planner, Department of Comprehensive Planning, reviewed the staff report dated January 5, 1996 and the draft resolution.

Commissioner Sims stated that he is concerned about the issue of due process for property owners. Mr. Diederich stated that throughout the land use process the District Attorney's Office advised that proper legal procedure was being followed in accordance with Nevada Revised Statutes. He advised that the proposed resolution goes beyond the legal minimum requirement; that the land uses are in conformance with the Regional Plan; that the Comprehensive Plan was based on significant citizen input regarding the important issues in their areas; and that if the proposed resolution does not achieve the Board's desired goals, the issue could be re-explored either with the State Legislature or at the Regional Plan level.

Legal Counsel Shipman advised that the resolution before the Board is only relative to the waiving of fees, and that if the Board desires to move in a different direction, it would need to be done under a different legal process. Mr. Diederich commented that the five-year periodic review of the Regional Plan is currently being conducted and this issue could be presented to that board for review. He also suggested that workshops could be scheduled to explore these issues.

Chairman Bradhurst stated that the resolution is a step in the right direction to provide some relief to property owners. He suggested that Commissioner Sims discuss his concerns with Mr. Diederich and bring suggestions back to the Board as to how those issues can be addressed. He noted this would need to be rather soon as the governing board is in the midst of updating the Regional Plan.

On motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, it was ordered that the following resolution be adopted and Chairman Bradhurst be authorized to execute:

RESOLUTION

ALLOWING FOR THE FEE TO BE WAIVED FOR A COMPREHENSIVE PLAN AMENDMENT UNDER CERTAIN CIRCUMSTANCES

WHEREAS, Section 110.906.05 of the Washoe County Code provides for the adoption by Resolution of a Master Fee Schedule setting forth the fees for processing applications under the Development Code;

WHEREAS, The most recently adopted Amendments to the Master Fee Schedule for Processing Applications under Chapter 110 of the Washoe County Code (Development Code) were adopted on July 26, 1994;

WHEREAS, The Washoe County Commission is concerned about the unfairness of requiring the property owner of a developed parcel, with an existing structure, subject to Section 110.106.10 Transition Process in the Washoe County Development Code, to pay the filing fees for a Comprehensive Plan Amendment request when the use of the structure was considered legal prior to the adoption of the Washoe County Development Code;

WHEREAS, The Washoe County Commission is concerned about the unfairness of requiring the property owner of an undeveloped parcel, subject to Section 110.106.10 Transition Process in the Washoe County Development Code, to pay the filing fees for a Comprehensive Plan Amendment request to achieve a land use designation consistent with the zoning in effect prior to May 26, 1993, the effective date of the Washoe County Development Code;

WHEREAS, Section 110.906.05 of the Washoe County Development Code allows for fees for processing applications to be set, or to be waived, as part of the adoption resolution;

WHEREAS, The waiver of the filing fees for the Comprehensive Plan Amendment request does not release the applicant from the requirement to provide a complete application packet, and would not constitute or guarantee support or approval of the request by the Washoe County Board of County Commissioners; and

WHEREAS, It is the desire of the Washoe County Board of County Commissioners to waive the filing fees for a Comprehensive Plan Amendment request for the following situations:

- 1. Amendment to allow for the expansion of an existing structure or use;
  - a. The parcel(s) must be subject to the provisions of Section 110.106.10, Transition Process, of the Washoe County Development Code;
  - b. The parcel(s) must have an existing structure which would be defined as nonconforming for a use under Section 110.904.30, Nonconforming Structure, as defined in Article 302, Allowed Uses, of the Washoe County Development Code;
  - c. The applicant must request a land use regulatory zone which would allow for the existing use with the structure and thereby eliminate the nonconforming status; and
  - d. The applicant must provide a written statement from the Washoe County Treasurer's Office indicating that all property taxes on the land for the fiscal year have been paid.
  
- 2. Amendment to achieve a land use designation consistent with the zoning in effect prior to May 26, 1993, the effective date of the Washoe County Development Code;
  - a. The parcel(s) must be subject to the provisions of Section 110.106.10, Transition Process, of the Washoe County Development Code;
  - b. The applicant must request a land use regulatory zone which would be consistent with the zoning in effect prior to May 26, 1993, the effective date of the Washoe County Development Code and thereby eliminate the nonconforming status.

The following zone districts in effect prior to May 26, 1993 are equivalent to the land use regulatory zones:

Pre-1993 Zoning District	Equivalent Land Use Regulatory Zone
A-1	Low Density Suburban
A-2	High Density Rural
A-3	Medium Density Suburban
A-4	Medium Density Rural
A-5	Low Density Rural
A-6	Low Density Rural
A-7	General Rural or General Rural Residential
A-8	General Rural or General Rural Residential
A-9	General Rural or General Rural Residential
A-10	General Rural or General Rural Residential
A-11	General Rural or General Rural Residential
E-1	Medium Density Suburban
E-2	Medium Density Suburban
E-3	Low Density Suburban
E-4	High Density Rural
E-5	Medium Density Rural
R-1	High Density Suburban
R-1a	High Density Suburban
R-1b	Medium Density Suburban
R-2	Low Density Urban
R-2a	Medium Density Urban
R-3	High Density Urban
LR	Parks & Recreation or Open Space
AR	Parks & Rec., Gen. Rural or Open Space
RH	Tourist Commercial
TC	Tourist Commercial
C-1	Office Commercial or General Commercial
C-2	Office Commercial or General Commercial
M-1	Industrial
ME	Industrial
MW	Industrial
MS	Industrial
M-3	Any residential regulatory zone, General Rural or General Rural Residential
O-S	Open Space

c. The applicant must provide a written statement from the Washoe County Treasurer's Office indicating that all property taxes on

the land for the fiscal year have been paid.

NOW, THEREFORE, IT IS HEREBY RESOLVED, BY THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY, NEVADA,

That the Board does hereby waive the filing fee for a Comprehensive Plan Amendment request for parcels which meet the conditions as stated above for applications submitted prior to December 31, 1999.

\* \* \* \* \*

It was noted that Commissioner Sims and Mr. Diederich will go over the issues raised relative to due process, etc. and bring information back to the Board at a later date.

96-59 SET PUBLIC HEARING - COMPLAINT ALLEGING NUISANCE - REINDEER LODGE AND OLD TANNENBAUM SKI AREA

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that a Public Hearing be set for January 23, 1996 at 9:30 a.m. regarding the Complaint from Mr. and Mrs. Bob Schmid alleging the existence of a nuisance at the Reindeer Lodge and the Old Tannenbaum Ski Area.

96-60 OPTION/FIRST RIGHT OF REFUSAL - OLD COUNTY ADMINISTRATION COMPLEX AND WITTENBERG PROPERTY - WASHOE HEALTH SYSTEM

John MacIntyre, County Manager, advised that, pursuant to questions raised during this morning's caucus meeting, he would recommend that this item be continued so that the District Attorney's Office and staff could review the issues raised and provide additional information.

On motion by Commissioner Sims, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bradhurst ordered that this item be continued.

96-61 UPDATE REPORT - EMPLOYMENT PROCESS

Joanne Ray, Chief of Personnel, reviewed the Update Report on the Employment Process dated January 5, 1996. Ms. Ray and Laura MacMahon, Personnel Division, responded to questions of the Board.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that receipt of the Update and Report on the Employment Process be acknowledged.

\* \* \* \* \*

John MacIntyre, County Manager, stated that he has just been advised that Item 8 on today's agenda regarding the Drug Court Update has been rescheduled for February.

COMMUNICATIONS AND REPORTS

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

Communications

96-62

A. Notification from the Gerlach General Improvement District that Dan Deveny has resigned from the Board of Trustees, effective December 26, 1995.

B. Notices of Completion on the (1) Springwood Booster Pump Station (Resource Development Company, Contractors), (2) the Thomas Creek Water System Well House Rehabilitation (Resource Development Company, Contractors), and (3) Old Virginia Road Sanitary Sewer Extension, (Q & D Construction, Inc., Contractors).

C. Special Provisions, Proposal, Contract, and Bond, as contained in the original copy of INFORMAL Project No. SP-EQ-5767(6), Boiler Replacement and Asbestos Abatement at the Equipment Repair Shop, Washoe County, Mikennis Mechanical Contractors, Inc., Contractor.

D. Notification by Deborine J. Peebles, City of Sparks Clerk and Clerk of the City Council, that William Isaeff, Deputy Sparks City Manager, was appointed by the Mayor of Sparks on November 27, 1995, as alternate for Shaun Carey to the Regional Water Planning Commission.

96-63 Reports (November 1995)

- A. Animal Control
- B. County Clerk
- C. Court Clerk
- D. Social Services
- E. Sheriff's Detention Bureau

96-64 Comprehensive Financial Reports (FY ending June 30, 1995) Airport Authority of Washoe County

96-65 Comprehensive Financial Report (FY ending June 30, 1995) Regional Transportation Commission

96-66 Comprehensive Financial Report (FY ending June 30, 1995) Reno, City of

96-67 Comprehensive Financial Report (FY ending June 30, 1995) School District of Washoe County

96-68 Comprehensive Financial Report (FY ending June 30, 1995) Sparks, City of

96-69 Comprehensive Financial Reports (FY ending June 30, 1995) Washoe County

96-70 Districts (Fire and General Improvement Districts)

- A. North Lake Tahoe Fire Protection District
- B. Truckee Meadows Fire Protection District
- C. Horizon Hills General Improvement District
- D. Palomino Valley General Improvement District
- E. South Truckee Meadows General Improvement District
- F. Verdi Maintenance District

\* \* \* \* \*

There being no further business to come before the Board, the meeting adjourned at 2:10 p.m.

STEPHEN T. BRADHURST, Chairman  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk