PRESENT:

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

Betty Lewis, Deputy County Clerk
John MacIntyre, County Manager
Madelyn Shipman, Legal Counsel

ABSENT:

Mike Mouliot, Commissioner

The Board met in regular session at the Chateau, 955 Fairway Boulevard, Incline Village, Nevada. The Clerk called the roll and the Board conducted the following business:

96-1129 WORK CARD PERMIT APPEAL - SCOTT ALLEN PELZ

This appeal was considered on MONDAY, NOVEMBER 18, 1996, prior to the Caucus meeting, the Board having convened, with all members of the Board present and Chairman Bradhurst presiding, to consider the appeal of SCOTT ALLEN PELZ of the Sheriff's denial of his work permit application as a private security guard with I.T.S., INC.

On motion by Commissioner Sims, seconded by Commissioner Bond, which motion duly carried, the Board convened in closed personnel session to hear testimony as to why the work card should or should not be granted. The appellant was present to offer testimony during the closed personnel session as was Debi Williams, Records Section of the Sheriff's office. Following testimony of both parties, SCOTT ALLEN PELZ voluntarily withdrew his appeal.

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It was noted that ART SHAW, JR., was not present and, therefore, his appeal of the work card permit denial was not heard.

96-1130 AGENDA

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 November 19, 1996 meeting be approved with the following amendments -- Add: Emergency Item 17, Appointment of Howard Reynolds as Interim Acting Register of Voters effective November 22, 1996 at 5:00 p.m.

PUBLIC COMMENTS

Paul Schmidt, Lake Tahoe Public Television, thanked the Board for their past year of service to Washoe County particularly in Incline Village District One stating that Chairman Bradhurst has done an outstanding job serving the Incline Village community.

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the minutes of the regular meeting of October 22, 1996, be approved.
This was the time to consider award of bid, Notice of Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on October 4, 1996, for Printing of the 1997/98 Tax Assessment List on behalf of the Washoe County Assessor.

Proof was made that due and legal Notice had been given.

A bids, a copy of which was placed on file with the Clerk, were received from the following vendor:

Sierra Press, Inc.

North Lake Tahoe Bonanza submitted a "no-bid" response, Sparks Tribune submitted a "late bid" and the Reno Gazette-Journal failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Bid No. 1963-97 for Printing of the 1997/98 Tax Assessment List on behalf of the Washoe County Assessor, be awarded to the lowest responsive, responsible bidder, Sierra Nevada Press, in the amount of $345.11 per page estimated at 111 pages for a total amount of $38,307.21 based on one distribution of the list.

It was noted that funds for the bid award are available in the FY 1996/97 budget account of the Assessor, Account #1021-7303.

96-1132 RETROACTIVE PAY - INCLINE CONSTABLE & JUVENILE PROBATION REORGANIZATION - CLARIFICATION OF PREVIOUS BOARD ACTION

John MacIntyre, County Manager, stated that this item is a request for clarification of previous Board action on October 22, 1996 concerning the Incline Constable and the Juvenile Probation Department [No. 96-1060 Incline Constable] and [96-1051 Juvenile Probation]. He explained that the minutes should reflect that the Incline Constable's compensation included funding for a full year from July 1, 1996 to the present; and that with respect to Juvenile Probation, that the Board should clarify that the Juvenile Probation reorganization previously approved did not involve the elimination of a position but rather reclassified a Probation Officer IV to a Probation Officer III.

Madelyn Shipman, Assistant District Attorney, stated that with regard to the Incline Constable it is her understanding that some payment has been made out of the Court budget between July 1 and the present; and that the clarification is that it is retroactive taking into account any payments that have been received in accordance with that proposal.

Upon recommendation of Brian Mirch, Finance Division, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that retroactive pay for the Incline Constable be approved from July 1, 1996 to present taking into consideration that some of the payment has most likely been made out of the Court budget for the Incline Constable; and that the Juvenile Probation reorganization previously consented to did not involve the elimination of a position but rather the reclassification of a Probation Officer IV to a Probation Officer III.

96-1133 AGREEMENT - SERVICES CONTRACT - INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT - ALCOHOL/BREATH TESTING - SHERIFF

County Manager John MacIntyre, reviewed background information concerning this item and Captain Nadeau, Sheriff's Department, answered questions of the Board regarding the need for this service explaining that this is a requirement of the U.S. Department of Transportation for employees working for the Incline Village General Improvement District.

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that a Sheriff's Service Contract between Washoe County, the Washoe County Sheriff and the Incline Village General Improvement District, concerning authorizing the Sheriff's Office to provide alcohol testing in the form of breath testing to employees working for the Incline Village General Improvement District be approved, and Chairman Bradhurst be authorized to execute.
Upon recommendation of Mary Ann Woolley, Assistant Director, Juvenile Services, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, Chairman Bradhurst ordered that the submittal of an application to the National Gardening Association for a 1997 Youth Garden Grant for use by Wittenberg Hall to maintain a small garden used to feed juveniles detained at Wittenberg Hall, be authorized in the amount of $500.00.

96-1135 WATER RIGHTS DEED - WATER SALE AGREEMENT - PAVICH & ASSOCIATES, INC. - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 3.36 acre-feet of water rights, being a portion of Permit 53248 between Pavich & Associates, Inc., as Grantor and Washoe County as Grantee, be approved; that Chairman Bradhurst be authorized to execute the Water Rights Deed; and that the Chief Sanitary Engineer be directed to record the Deed with the County Recorder.

It was noted that Pavich & Associates are dedicating these water rights on behalf of Gary and Rachel Bullock's Parcel Map, APN 021-140-10.

96-1136 WATER RIGHTS DEED - PAVICH & ASSOCIATES, INC. - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 5.6 acre-feet of water rights from a portion of Permit 53248 between Pavich & Associates, Inc., as Grantor and Washoe County as Grantee be approved; that Chairman Bradhurst be authorized to execute the Water Rights Deed; and that the Chief Sanitary Engineer be directed to record the Deed with the County Recorder.

It was noted that Pavich & Associates, Inc., is dedicating water rights on behalf of Bruno Ferrera's two parcel maps, APN 021-140-05 and 021-140-06.

96-1137 WATER RIGHTS DEED - NELL J. REDFIELD FOUNDATION - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 378.86 acre-feet of water rights from Permit 60128 which abrogates Permit 16845, Certificate 4543, between The Nell J. Redfield Foundation as Grantor and Washoe County as Grantee be approved; that Chairman Bradhurst be authorized to execute the Water Rights Deed; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

It was noted that The Nell J. Redfield Foundation is dedicating these water rights in support of Southwest Pointe Subdivision.

96-1138 WATER RIGHTS DEED - W.R. ROGGENBIHL - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Shaw, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Water Rights Deed for 3.96 acre-feet of surface water rights being a portion of Claim 474/475 between W.R. Roggenbihl as Grantor and Washoe County as Grantee, be approved; that Chairman Bradhurst be authorized to execute the Water Rights Deed; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed with the County Recorder.

It was noted that W.R. Roggenbihl is dedicating surface water rights on behalf of Hawco Investment and Development Company, Inc., in support of future development.

96-1139 WATER RIGHTS DEED - WATER SALE AGREEMENT - SIERRA PACIFIC POWER COMPANY - UTILITY

Upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by
Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Water Rights Deed and Water Sale Agreement between Sierra Pacific Power Company and Washoe County for .68 acre-feet being a portion of Permit 53249 formerly a portion of Claims 480, 481, 482 and 484; be approved; that Chairman Bradhurst be authorized to execute the Water Rights Deed and Water Sale Agreement; and that the Chief Sanitary Engineer be directed to record the Water Rights Deed and Water Sale Agreement with the County Recorder.

It noted that these water rights are being dedicated in support of McGrath Parcel Map, APN 009-422-01 and Washoe County, in turn, is making these rights available to Sierra Pacific Power Company so they may supply water to this residence.

96-1140 PURCHASE ORDER - DEWANTE & STOWELL CONSULTING ENGINEERS - CONSTRUCTION SUPPORT - COLD SPRINGS WASTEWATER TREATMENT FACILITY - SPECIAL ASSESSMENT DISTRICT NO. 21

John Collins, Chief Sanitary Engineer, reviewed a handout in response to questions raised at yesterday's caucus concerning a Purchase Order with Dewante and Stowell Consulting Engineers for construction support of the Cold Springs Wastewater Treatment Facility, Special Assessment District No. 21 in an amount not-to-exceed $38,000.00. Mr. Collins explained that Dewante and Stowell is the design engineer for this project; that their services are required to ensure that the project is constructed in accordance with the original intent of the plans and specifications; that there are 21 tasks being handled under the overall direction of Washoe County; that Dewante and Stowell are being retained for five of these tasks to ensure that the project is completed in accordance with their intentions; and that Dewante and Stowell are held legally responsible for completing the project appropriately.

Following discussion, upon recommendation of John Collins, Chief Sanitary Engineer, through David Roundtree, Acting Public Works Director, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that a Purchase Order with Dewante and Stowell Consulting Engineers for construction support of the Cold Springs Wastewater Treatment Facility, Special Assessment District No. 21 (SAD 21) in an amount not-to-exceed $38,000.00, be approved.

96-1141 PROPOSED TAHOE ALLOCATION FEE - UPDATE TAHOE ALLOCATION PROGRAM


Chairman Bradhurst expressed concern with respect to the residential and commercial allocation system as it appears to be punitive in that it is inappropriate for TRPA to assess penalties and reduce allocations if a community such as Washoe County has been complying with TRPA's rules and regulations.

Ms. Kvas stated that TRPA's rationalization is that they have not received the thresholds expected in air and water quality and that the only way they can ensure that the thresholds are met is to force the Counties to lose allocations. She stated that the punitive clause would kick in each year at 10% and that it is not site specific. She further stated that an emerging issue came about when they were working on the allocation program and a letter was received by TRPA from the Division of Water Resources indicating that IVGID was pumping at their water rights level; that they did not feel there was room for more development; that a policy exists with TRPA which provides that, if sufficient water rights do not exist, there can be no more development or allocations; and that this issue needs to be addressed. In conclusion, Ms. Kvas recommended that the Board delete any punitive provisions contained in the allocation system.

Dan St. John, Director of Engineering, Incline Village General Improvement District, gave an overview of water rights in the District explaining that the State Engineer has expressed concern about their ability to continue with additional growth; that it is a fact that their diversion from Lake Tahoe is approaching their water rights allocation; that they currently have over 4,000 acre-feet including water rights acquired upon a merger with the Crystal Bay GID; that the State Engineer would like them to do some studies characterizing unit demands for single family/multi-family/commercial in order to make some short and long-term
Chairman Bradhurst stated that it is important that the Board go through the two allocation proposals and make a recommendation to be forwarded on to TRPA; that there is a proposed commercial allocation system and a proposed 1997-2001 residential allocation system; and that with respect to both systems, it would be appropriate to delete any punitive provisions since Washoe County has been a model community in following the letter of the law in terms of protecting the environment and environmental improvement projects. He advised that another concern with respect to the commercial allocation is where the responsibility lies if making decisions on allocations concerning jurisdictions who may have special projects in terms of distribution and ranking by TRPA, and he would request that the TRPA Governing Board develop criteria so that everyone would operate under the same rules and regulations.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that a letter be forwarded to the Advisory Planning Commission as well as the TRPA Governing Board expressing the Board's concerns regarding the two allocation systems.

96-1142 UPDATE - SNOW AVALANCHE ASSESSMENT PROGRAM - EMERGENCY MANAGEMENT

Press Clewe, Emergency Manager, updated the Board on Washoe County's Snow Avalanche Assessment Program stating that the Sierra Mountain Range had received large snow accumulations from December 1992 through March 1993 which prompted the County to initiate early alert warnings and public information regarding avalanche hazards. He advised that the County has contracted with Snowbridge Associates, a specialized snow avalanche consultant, to perform specialized assessments and provide public safety to assist residents and agencies in property and personal protection.

Dick Penniman, Avalanche Specialist, Snowbridge Associates, reviewed an Avalanche Hazard Study prepared for Washoe County advising that they were retained in August, 1993 to conduct a terrain analysis of snow avalanche paths in the Third Creek, Crystal Bay and Sand Harbor areas of Washoe County. Mr. Penniman then reviewed maps contained in the report depicting avalanche hazard zones and answered questions of the Board.

Mr. Clewe advised the Board that the Emergency Management Division along with other emergency response agencies have accomplished many tasks to promote a higher level of snow avalanche awareness and safety, and that a data base of residential telephone numbers and addresses for a Community Alert Network (CAN) system has been developed should conditions warrant notification to residents that may be in immediate danger.

96-1143 STATUS REPORT - BUILDING AND SAFETY DIVISION - 1996 ACTION PLAN AND PERFORMANCE

Jess Traver, County Building Official, reviewed background information contained in a staff report concerning various goals accomplished by the Building and Safety Division and improvements to the Incline Village Office to increase customer service levels. He explained that during the past three years there has been a 28% increase in building permit activity in the Building and Safety Division; that the number of building inspections have increased from 30.4% from 1993 to 1996; that since implementation of on-line capabilities with the Tahoe Regional Planning Agency, turnaround time on projects have averaged 10 days compared to 90 days last year; that the work load has been managed more effectively; that the installation of an Automated Voice Response system has reduced staff time in responding to scheduling calls; and that the development of a Procedures Manual and a Code Commentary Manual has greatly enhanced the department.

Steve Gibbons, Senior Plan Examiner, Reno Office of the Building and Safety Division, gave a brief overview of accomplishments and goals met in the Reno office explaining that they have reached a ten-day turnaround time compared to five to six weeks.

Art Johnson, Chief Inspector, Incline Village General Improvement District, stated that they have been working with Mr. Traver throughout this process; that the system is working quite well; and that he would suggest formalizing an agreement with IVGID,
Chairman Bradhurst stated that the success of the Building and Safety Division at Incline Village is due in large part to efforts by the North Lake Tahoe Fire Protection District, IVGID and Mr. Johnson, the Department of Development Review, Engineering, Roads, and the Incline Architectural Board and commended each of these entities.

96-1144 1996 OVERLAY PROGRAM - STATE ROUTE 28 - NEVADA DEPARTMENT OF TRANSPORTATION

Susan Martinovich, State of Nevada, Department of Transportation, advised that NDOT has completed the overlay project on State Route 28; that they received complaints throughout the project regarding road closures; and that they addressed those concerns and hopefully alleviated them as the project progressed. She advised that they are currently in the process of hiring a consultant to do a Master Plan for improvements along Highway 28 and Mt. Rose Highway in conjunction with TRPA and NDEP requirements during 1997.

96-1145 UPDATE - STATE ROUTE 28 PEDESTRIAN PATH PROJECT - INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT

Dan St. John, Incline Village General Improvement District, stated that plans for the Tahoe Boulevard Bicycle/Pedestrian Path are in the beginning stages and discussed various public meetings held concerning this issue. He advised that personal letters had been sent to property owners most impacted by the project inviting them to schedule one-on-one workshops and then he summarized comments received from various individuals regarding the project. Mr. St. John stated that it is not IVGID's role to establish design criteria; that they are looking to the project sponsors, the Visitor's Center, the Chamber of Commerce, TRPA and Washoe County.

Romany Woodbeck, Department of Comprehensive Planning, discussed the Incline Village Commercial Community Plan adopted in April, 1996. She advised that the plan had been worked on for over eight years; that many concerns expressed by residents were worked out through the planning process; that notices and mailers were sent out regarding the community plan and several newspaper articles covered the subject as well.

Ellen and George Toto, owners of The Wildflower Cafe located on Tahoe Boulevard, spoke about many safety factors that have not been considered with respect to the proposed Sidewalk/Bike Path on Tahoe Boulevard. Mrs. Toto distributed photographs to the Board depicting an automobile rolling across the street into her building advising that this was the third time this had occurred. Mr. Toto stated that he and his wife have been involved in this planning process over the last 8 to 10 years; that they have seen many changes; and that they would like to see alternatives to the plan that would not impair businesses along State Route 28 and not impact tax revenues as well.

Steve Satchell, Incline Village resident, stated that the Cooperative Agreement does not contain an assignment of authority regarding the project. He further stated that TRPA is driving the project in order to meet air mitigation rules; and that this is not a project in response to a community demand.

Ms. Woodbeck indicated her intention to meet with legal staff for the purpose of working out details of the Memorandum of Understanding and addressed Mr. Satchell concerning his proposal for alternative routes for the project.

Mr. St. John stated that they will continue to work with NDOT in an attempt to identify drainage improvements that would help enhance the project.

96-1146 NORTH STATELINE BEAUTIFICATION PROJECT - COMPREHENSIVE PLANNING

Romany Woodbeck, Department of Comprehensive Planning, reviewed background information contained in a staff report dated November 7, 1996 concerning the North Stateline Beautification Project and answered questions of the Board concerning the project. She advised that the casinos located at the north end of Lake Tahoe have formed the Crystal Bay Casino Association and have hired consultants to design the North Stateline Beautification Project. Ms. Woodbeck discussed three components of the project including a Community Plan Trigger, County Commitment to the Project and Additional Project Funding further advising that the North Stateline Community Plan was adopted by the Board and the TRPA Governing Board in 1996; that an additional 19,616 square feet of
commercial floor area was allocated to the Plan; and that in order to release additional floor area, one of the following five triggers must be achieved:
1. Establishment of a redevelopment district by Washoe County.
2. Formation of a special assessment district by Washoe County.
3. Execution of a cooperative funding agreement for the urban design project which includes the Crystal Bay Casino Association.
4. Authorization of funding by NDOT for the urban design project.
5. Award of grant funds for the urban design project.

Leah Kaufman, representing the Crystal Bay Casino Association, discussed the proposed project advising that TRPA has required that they be a part of the Community Plan and tied to a signage package wherein the casinos have agreed to remove all of the billboards and reduce signage in Crystal Bay by over 40%. She stated that she would like to see the project area shortened and some of the amenities reassessed in an attempt to get closer to a $1 million figure. Ms. Kaufman then described the project in more detail and answered questions of the Board concerning funding and commercial floor allocation.

Vince Scott, Borderhouse Partners, described a building that he had purchased and restored as a Micro Brewery. He advised that he has the potential of receiving 6,000 feet of commercial floor area so he is very concerned that the triggers are met; that he is willing to put up some money for the project; that he desires to landscape the front of his building; and that it is important to show a commitment in dollars to enable them to approach NDOT and the legislature to request funding for the project.

Deputy District Attorney Madelyn Shipman, discussed the Cooperative Funding Agreement suggesting that the Board go forward with the recommendation subject to the District Attorney's review and suggested that the Agreement contain a provision that if the project should not go forward that there be a trigger for return of the money as the agreement now has the parties placing the money into the County for safekeeping.

Following discussion, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the Board proceed with the North Stateline Beautification Project Cooperative Funding Agreement between Washoe County, the Crystal Bay Casino Association, Borderhouse Partners and the Bal Tavern after review by the District Attorney's Office; that Chairman Bradhurst be authorized to execute the agreement; that the release of $75,000 Washoe County/TRPA Water Quality Mitigation Funds, be endorsed; and that the release of $125,000 Washoe County/TRPA Air Quality Mitigation Funds be endorsed for this purpose.

96-1147 EMERGENCY ITEM - APPOINTMENT OF HOWARD REYNOLDS AS REGISTRAR OF VOTERS - EFFECTIVE NOVEMBER 22, 1996

This item was added as an emergency item on today's agenda.

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Bradhurst ordered that Howard Reynolds, Assistant County Manager, be appointed as Acting Registrar of Voters to be effective November 22, 1996 at 5:00 p.m.

COMMISSIONERS'/MANAGER'S COMMENTS

Chairman Bradhurst stated that this will be his last meeting as a County Commissioner serving Incline Village and that it has been a great pleasure for him to represent this area of the County. He further stated that the Board had previously agreed to hold two meetings per year at Incline and thanked his fellow Board members for adhering to this schedule.

COMMUNICATIONS AND REPORTS

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

96-1148 Communications
A. Material received concerning the Nuisance Complaint Against Cantex, Inc., which was determined by the District Attorney's office to be a City of Reno matter.
B. From Deborine J. Peebles, City Clerk of Sparks, notification of the confirmation by the Sparks City Council of the appointment by Mayor Bruce Breslow of John Moore, 989 Calle Myriam, Sparks, NV, 89436, to the Airport Authority of Washoe County.

C. From the Department of Development Review, Conditions for Tentative Subdivision Map Case No. TM10-15-95 with Site Review for Whispering Pines Subdivision (Minute Item No. 96-205).

96-1149 Monthly Reports (September) 1996

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

96-1150 Quarterly Reports

C. Justice Court, Incline Village, Jul., Aug., Sep., 1996  
E. Justice Court, Gerlach, Jul., Aug., Sep., 1996  
F. Justice Court, Sparks, Jul., Aug., Sep., 1996  
H. Court Clerk/County Clerk, Jul., Aug., Sep., 1996  
I. Washoe County School District, Jul. 1, 1995-June 30, 1996

96-1151 Budget

Regional Transportation Commission for 1997 Fiscal Year

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There being no further business to come before the Board, the meeting adjourned at 7: 20 p.m.

STEPHEN T. BRADHURST, CHAIRMAN  
Washoe County Commission

ATTEST: JUDI BAILEY, County Clerk