

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 9:00 A.M. MARCH 25, 1997

PRESENT:

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

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

The Board met in regular session in the Commission Chambers of the Washoe County Administration Complex, 1001 E. Ninth Street, Reno, Nevada. Following the pledge of allegiance to the flag of our Country, the Clerk called the roll and the Board conducted the following business:

97-293 WORK CARD PERMIT APPEAL - KENNETH WILLIAM FRISCHE

This appeal was considered on MONDAY, MARCH 24, 1997, prior to the Caucus meeting, the Board having convened with Chairman Sims presiding, to consider the appeal of KENNETH WILLIAM FRISCHE of the Sheriff's denial of his work permit as a process server with RENO/CARSON MESSENGER SERVICE.

On motion by Commissioner Bond, seconded by Commissioner Mouliot, 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 Lurena Horning, Records Section of the Sheriff's office. Following testimony of both parties, the Board convened in open session and the following action was taken.

On motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the Sheriff's denial be overturned and the appeal of KENNETH WILLIAM FRISCHE upheld and the work card for his employment as a Process Server with RENO/CARSON MESSENGER SERVICE be issued.

97-294 AGENDA

John MacIntyre, County Manager, advised that the Legislative Update was presented at yesterday's caucus meeting; and that there would be no closed personnel session for discussion of negotiations with Employee Organizations today. In accordance with the Open Meeting Law, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the agenda for the March 25, 1997 meeting be approved.

PUBLIC COMMENTS

There was no response to the call for public comments.

MINUTES

On motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the minutes of the regular meetings of February 18 and 25, 1997 be approved.

This was the time to consider award of bid, Notice to Bidders for receipt of sealed bids having been published in the Reno Gazette-Journal on February 18, 1997, for 7-Gang Fairway Mowers w/Full-time 4-Wheel Drive for the Parks and Recreation Department. Proof was made that due and legal Notice had been given.

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

West Star Distributing, Inc.
Jenkins Machinery Co.

Sierra Repair & Sharpening, Inc. submitted a "No-Bid" response and Empire Equipment and Reno Ranch and Sprinkler failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Bid No. 1081-97 for two 7-Gang Fairway Mowers w/Full-time 4-Wheel Drive for the Parks and Recreation Department be awarded to the lowest responsive, responsible bidder, West Star Distributing, Inc., in the amount of \$82,345.00, as follows:

Item Number	Quantity	Description	Unit Price	Totals
Bid Item #1:	2 Each	7-Gang Mower	\$39,986.00	\$79,972.00
(Inc. an 11 Blade Cutting Unit on each mower)				
Bid Item #2a:	1 Each	11 Blade Cutting Unit	\$ 1,699.00	\$ 1,699.00
Bid Item #2b:	2 Each	Armrest Kit	Included in Price of Bid Item #1	
Bid Item #2c:	2 Each	Hand Held Diagnostic Tool	\$ 130.00	\$ 260.00
Bid Item #2d:	2 Each	Front Roller Scraper	\$ 207.00	\$ 414.00
Total				\$82,345.00

97-296 ACCEPTANCE OF DONATIONS - SHERIFF

Upon recommendation of Richard Kirkland, Sheriff, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the donation for the Sheriff's Office of \$250.00 by Morrey Distributing Company be accepted with gratitude.

It was noted that the funds will be used to support the participation in Peace Officers Memorial Services and to enhance the overall operational efficiency of the Sheriff's Office.

97-297 PARK CONSTRUCTION PROJECTS - INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT - PARK CONSTRUCTION TAX DISTRICT 4B FUNDS

Upon recommendation of Gene Sullivan, Director, Parks and Recreation, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the following park construction projects for Incline Village General Improvement District to be funded with Park Construction Tax District 4B funds be authorized:

1. Incline Middle School Field Improvements
2. Village Green Athletic Field Improvements
3. Preston Park Playground Construction
4. Incline Park Playground Construction

It was noted that the projects were reviewed and recommended by the Washoe County Park Commission, Incline Village Crystal Bay Citizens Advisory Board and the Incline General Improvement District Board of Trustees; and that the estimated project costs fall within the funds available.

97-298 NEW POSITION - GUARDIAN CASE MANAGER - TRANSFER FROM CONTINGENCY - PUBLIC ADMINISTRATOR/FINANCE

Upon recommendation of Lisa Gianoli, Senior Administrative Analyst, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that one new Guardian Case Manager position at a salary and benefit cost of \$7,055.00, being an estimate based on a 5/5/97 hire date @ \$15.81/hr., be approved. It was further ordered that the following Contingency transfer to cover the costs of this position be authorized:

Decrease Account	Description	Amount
001-1890-7328	Contingency	\$7,055.00
Increase Account	Description	Amount
001-1591-7001	Base Salaries	\$5,695.00
001-1591-7048	Retirement	\$1,067.00
001-1591-7050	Medicare	\$ 87.00
001-1591-7042	Group Insurance	\$ 207.00
	Total	\$7,055.00

97-299 TRANSFER FROM CONTINGENCY - VECTOR CONTROL PROGRAM - HEALTH DEPARTMENT

Upon recommendation of Lisa Gianoli, Senior Administrative Analyst, on motion by Commissioner Shaw, seconded by Commissioner Galloway, which motion duly carried, Chairman Sims ordered that the Comptroller be directed to make the necessary transfer from Contingency to the Health Department Vector Control Program.

97-300 RESOLUTION - REFUND OF TAXES - ASI-RENO, INC. - APN 012-113-30

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6335, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sims be authorized to execute on behalf of Washoe County:

RESOLUTION-Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, ASI-Reno, Inc. (Taxpayer), made application for the refund of 1996-1997 real property taxes because the taxpayer's property, APN 012-113-30, was tax-exempt for part of the 1996-1997 fiscal tax year; and

WHEREAS, ASI-Reno, Inc. has overpaid taxes for fiscal year 1996-1997 in the amount of \$3,304.45; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

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

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to ASI-Reno, Inc. a total of \$3,304.45, that amount being the taxes overpaid by ASI-Reno, Inc. for the tax year 1996-1997 on APN 012-113-30.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

97-301 RESOLUTION - REFUND OF TAXES - CENTER STREET MISSION - APN 007-217-02

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6334, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sims be authorized to execute on behalf of Washoe County:

RESOLUTION-Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, Center Street Mission (Taxpayer), made application for the refund of 1996-1997 real property taxes because the taxpayer's property, APN 007-217-02, was used for a tax-exempt purpose since August 8, 1996 and was purchased too late to apply for a fiscal tax year 1996-1997 tax exemption; and

WHEREAS, Center Street Mission has overpaid taxes for fiscal year 1996-1997 in the amount of \$700.36; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

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

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to Center Street Mission a total of \$700.36, that amount being the taxes overpaid by Center Street Mission for the tax year 1996-1997 on APN 007-217-02.

2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

97-302 RESOLUTION - REFUND OF TAXES - NEW BEGINNINGS CHRISTIAN CHURCH - APN 050-411-22

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6332, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sims be authorized to execute on behalf of Washoe County:

RESOLUTION-Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, New Beginnings Christian Church (Taxpayer), made application for the refund of 1996-1997 real property taxes because its real property, APN 050-411-22, became tax exempt during the 1996-1997 fiscal year; and

WHEREAS, New Beginnings Christian Church has overpaid taxes for fiscal year 1996-1997 in the amount of \$1,629.36; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for

making such application and that the granting of such refund would be equitable.

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

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to New Beginnings Christian Church a total of \$1,629.36, that amount being the taxes overpaid by New Beginnings Christian Church for the tax year 1996-1997 on APN 050-411-22.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

97-303 RESOLUTION - REFUND OF TAXES - A & B PRECISION METALS, INC. - I.D. #2/553-001

Upon recommendation of James Barnes, Deputy District Attorney, as stated in D.A. Opinion No. 6336, on motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the following Resolution be adopted and Chairman Sims be authorized to execute on behalf of Washoe County:

RESOLUTION-Directing the County Treasurer to Refund Taxes

WHEREAS, the Board of Commissioners of Washoe County, pursuant to NRS 354.240, has the authority to direct the County Treasurer to refund to an applicant the amount of money paid into the County Treasury in excess of the amount legally payable; and

WHEREAS, A & B Precision Metals, Inc. (Taxpayer), made application for the refund of 1993-1994, 1994-1995 and 1995-1996 personal property taxes because Taxpayer made reporting errors on its personal property statements submitted to the Assessor's Office pertaining to the Taxpayer's property, I.D. #2/553-001; and

WHEREAS, A & B Precision Metals, Inc. has overpaid taxes for fiscal years 1993-1994, 1994-1995 and 1995-1996 in the amount of \$25,438.58; and

WHEREAS, it is the opinion of the Board of Commissioners of Washoe County that the applicant for a refund has just cause for making such application and that the granting of such refund would be equitable.

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

1. That the Treasurer of Washoe County be and hereby is authorized and directed to refund to A & B Precision Metals, Inc. a total of \$25,438.58, that amount being the taxes overpaid by A & B Precision Metals, Inc. for the tax years 1993-1994, 1994-1995 and 1995-1996 on I.D. #2/553-001.
2. The Treasurer of Washoe County is further directed to debit the account of each governmental entity which has shared in the excess of the taxes collected in error for its pro rata share of the refund.

97-304 BILL NO. 1152 - AMENDING WCC CHAPTER 5 - OVERTIME PROVISIONS

Bill No. 1152 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY REVISING OVERTIME PROVISIONS RELATING TO COMPUTATION OF TIME WORKED, LIMITS ON OVERTIME ACCRUAL, RECORDS AND REPORTS THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO," was introduced by Commissioner Bond, the title read to the Board, and legal notice for final action of adoption directed.

97-305 BILL NO. 1153 - AMENDING WCC CHAPTER 110, ARTICLE 106 (DEVELOPMENT CODE) - REGULATORY ZONES

Bill No. 1153 entitled, "AN ORDINANCE AMENDING THE WASHOE COUNTY CODE TO MODIFY ARTICLE 106 REGULATORY ZONES TO EXTEND THE PERIOD OF TIME THAT THE TRANSITION PROCESS APPLIES TO PARCELS WITH COMPARABLE LAND USE DISTRICT (ZONING) CLASSIFICATIONS AND LAND USE

DESIGNATIONS, AND TO PARCELS WITHSP (SPECIFIC PLAN) LAND USE DESIGNATIONS AND PARCELS WITHIN AN AREA IDENTIFIED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE PREPARATION OF A SPECIFIC PLAN, TO PERMIT TECHNICAL AMENDMENTS TO LAND USE MAPS BY THE DIRECTOR OF COMMUNITY DEVELOPMENT AND OTHER ITEMS PROPERLY RELATED THERETO," was introduced by Commissioner Shaw, the title read to the Board, and legal notice for final action of adoption directed.

97-306 BILL NO. 1154 - ORDINANCE NO. 979 - "1997 VARIOUS PURPOSE BOND ORDINANCE"

John MacIntyre, County Manager, provided background information regarding this item. Katy Simon, Assistant County Manager, advised that sealed bids were opened this morning in accordance with the public notice, and 7 bids were received with the lowest bid being from Paine Webber at an average interest rate of 4.97%.

Following the introduction of Bill No. 1154 by Commissioner Bond, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that Ordinance No. 979, Bill No. 1154, entitled "AN ORDINANCE DESIGNATED BY THE SHORT TITLE "1997 VARIOUS PURPOSE BOND ORDINANCE"; DELEGATING TO THE ASSISTANT COUNTY MANAGER, FINANCE DIVISION OF THE COUNTY THE AUTHORITY TO ACCEPT THE BID SUBMITTED BY THE BEST BIDDER FOR THE PURCHASE OF THE REGISTERED, NEGOTIABLE, WASHOE COUNTY, NEVADA GENERAL OBLIGATION (LIMITED TAX) VARIOUS PURPOSE BONDS, SERIES APRIL 1, 1997; SPECIFYING THE TERMS AND CONDITIONS OF SUCH BONDS AND PROVIDING THE FORM; PROVIDING OTHER COVENANTS, AGREEMENTS AND OTHER DETAILS CONCERNING THE BONDS; DECLARING THAT THIS ORDINANCE PERTAINS TO THE SALE, ISSUANCE AND PAYMENT OF THE BONDS; AND PROVIDING FOR ITS ADOPTION AS IF AN EMERGENCY EXISTS; AND PROVIDING THE EFFECTIVE DATE HEREOF," be approved, adopted, and published in accordance with NRS 244.100.

97-307 RESOLUTION - ALTERNATES TO TAHOE REGIONAL PLANNING AGENCY

Commissioner Galloway suggested that the language in the Resolution be amended for clarification and state that Michael Harper shall be first alternate and Romany Woodbeck would be second alternate unless otherwise advised by him for a particular meeting.

Following discussion, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that the following Resolution be adopted as amended:

RESOLUTION - A resolution Designating Alternates to the Tahoe Regional Planning Agency on Behalf of Washoe County

WHEREAS, Pursuant to NRS 278.792, Washoe County is represented on the governing body of the Tahoe Regional Planning Agency (hereinafter "TRPA") by one member appointed by the Board of County Commissioners; and

WHEREAS, James Galloway, Commissioner for Washoe County District 1, is the appointed Washoe County representative to the TRPA governing board; and

WHEREAS, On the rare occasions when Commissioner Galloway may be unable to attend TRPA meetings due to illness or other absence, it is necessary under TRPA rules to designate an alternate; and

WHEREAS, It is not always possible to know in advance of an absence; and

WHEREAS, From time to time, Commissioner Galloway is requested to attend other, non-governing board, TRPA meetings; and

WHEREAS, Michael Harper and Romany Woodbeck are very knowledgeable regarding TRPA matters and are suitable alternates to sit with the TRPA in Commissioner Galloway's absence; now, therefore, it be

RESOLVED, That Michael Harper and Romany Woodbeck are hereby designated as alternates to sit with the TRPA governing board or other TRPA meetings in the absence of Commissioner Galloway; and be it further

RESOLVED, That Michael Harper shall be the first alternate and Romany Woodbeck the second alternate unless TRPA is otherwise advised by Commissioner Galloway; and be it further

RESOLVED, That the designation of Michael Harper and Romany Woodbeck shall continue until the expiration of Commissioner Galloway's term of appointment to the TRPA governing board or until repealed, whichever occurs earlier; and be it further

RESOLVED, That a copy of this Resolution be forwarded to the TRPA.

97-308 NEYSES VS. BELTRON - RISK MANAGEMENT

Upon recommendation of Raymond Sibley, Risk Manager, on motion by Commissioner Bond, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the Risk Manager and District Attorney's Office be authorized to make an offer of judgment in the above captioned litigation on behalf of Deputy James Beltron and Washoe County, File #96359.

97-309 TEMPORARY STOP SIGNS - LAKESHORE BOULEVARD - INCLINE VILLAGE - PUBLIC WORKS

David Roundtree, Public Works Director, reviewed the proposed alternatives recommended by staff relative to the temporary stop signs installed on Lakeshore Boulevard in November, 1995 on a trial basis, and advised that in almost all cases there has been an improvement in decreasing speeds along the roadway; that there has been no increase in traffic accidents according to the Sheriff's Department and there has been adequate compliance with the stop signs; that a survey of residents indicate that a significant majority would favor the continued use of the stop signs and the Incline Village/Crystal Bay Citizens Advisory Board has also supported retention of the signs; and that in staff's view there is adequate data to support the permanence of the signs. Mr. Roundtree then responded to questions of the Board.

Norman Rosenberg, Incline Village resident and member of the Incline Village/Crystal Bay Citizens Advisory Board, presented and discussed his written statement advising that he is addressing the Board as a concerned citizen and not as a member of the citizens advisory board; that he voted against making the temporary stop signs permanent because he does not believe they improve safety nor will they prevent accidents; that the issue that brought about these stop signs is not safety, but rather is property values; and that he feels this matter is being addressed the wrong way and what is needed is stricter enforcement of the rules that exist, not more stop signs. Mr. Rosenberg then responded to questions asked by Commissioner Galloway.

Commissioner Galloway stated that he is inclined to support making the signs permanent, noting that he does share some of Mr. Rosenberg's concerns and believes that Lakeshore Boulevard should never be closed off and is not just for the personal use of the residents.

On motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Sims ordered that the temporary stop signs installed on Lakeshore Boulevard for speed mitigation purposes be made permanent.

97-310 AGREEMENT - ARCHITECTURAL DESIGN AND CONSULTING SERVICES - MEDIUM SECURITY JAIL EXPANSION - PUBLIC WORKS

John MacIntyre, County Manager, advised that discussion was held on this item at yesterday's caucus and several questions were raised relative to possible additional costs.

David Roundtree, Public Works Director, responded to questions of the Board and advised that the contract is for a not-to-exceed amount for the identified scope of work; and that the services that staff has not been able to include in the contract scope will be fairly nominal in comparison to what staff is requesting that the Board approve today.

Chairman Sims commented that approval of this agreement would in no way establish the Board's support for construction costs associated with this project that have not yet been determined.

On motion by Commissioner Mouliot, seconded by Commissioner Bond, which motion duly carried, it was ordered that the agreement with Ganthner Melby Lee Architects and Planners to provide architectural design and consulting services for the proposed medium security jail expansion at 911 Parr Boulevard in a not-to-exceed amount of \$552,000 be approved.

10:40 a.m. The Board recessed until 6:00 p.m.

6:00 p.m. The Board reconvened with all members of the Board present as before recess.

97-311 SPECIAL USE PERMIT CASE NO. SPW2-9-96 - ALTURAS INTERTIE/SIERRA PACIFIC POWER COMPANY - APPEALS

This was the time set in a Notice of Public Hearing mailed to concerned property owners on March 12, 1997, to consider two appeals of the Washoe County Planning Commission's approval of this special use permit for the Alturas Intertie to Sierra Pacific Power Company to facilitate the construction of a 345 kilovolt overhead electrical transmission line utilizing steel transmission structures ranging in height from 75 to 130 feet which line would traverse 25 miles of Washoe County, first entering the County east of Herlong, California, then re-entering in the vicinity of Bordertown and terminating at the North Valley Road Substation. It was noted furthermore that the proposed line would require a transmission corridor generally paralleling U.S. 395 North varying in width between 30 feet and 160 feet and passing within a 600-foot radius of 300 parcels in Washoe County, Nevada.

Ron Kilgore, Department of Community Development, explained the reasons for the decision of the Planning Commission and explained the position of staff in their recommendation to deny advising that the Planning Commission can consider questions staff is not allowed to consider; that visual intensity was a question; that this was not in compliance with several areas of this plan; that it was detrimental to the characteristics of the area; and that they recommended that the line be underground as they believe the new alignment only shifts the problems and does not solve them. He added that they had slightly more than six weeks to consider this application after its submission which they felt was insufficient.

Chairman Sims advised that the appeals are from Western Investment Real Estate Trust, owners of the North Hills Shopping Center, and R. C. and Nancy O'Massey.

Chairman Sims asked for appellants to give their presentations. No one was present in support of the appeal of Western Investment Real Estate Trust.

Mrs. O'Massey then appeared before the Board, and prior to her presentation, requested that Commissioner Mouliot not participate in this hearing since he owns property which may be affected as his name appeared on a mailing list of the Power Company. It was noted by Sierra Pacific Power Company that he was one of those that owns property within the designated distance requirement and that is why he was notified. Commissioner Mouliot disclosed that he owns three parcels of property, and the only one affected would be the property at 910 Parr Boulevard which is in the control of his ex-wife. He advised that he can make an objective decision in this matter and therefore will not recuse himself from this matter.

Chairman Sims, in laying ground rules for the hearing, advised that one hour will be given to the opponents and one hour to proponents, followed by Board members asking questions and receiving responses.

Mrs. O'Massey, appellant, addressed the issues they are mainly appealing, e.g., the decision of the Planning Commission as they felt that the Planning Commissioner making the motion was biased, and the deletion of Condition 10 which they felt was most important. She presented newspaper articles which were not accurate and may have given the wrong alignment and confused people, stressing the advisability of having an Environmental Impact Statement (EIS) completed. Her opinion that the Power Company will profit and not the people in the area was made known.

Mike O'Massey, son of appellant residing next door thereto, addressed health hazards; Dorothy McAlinden gave area residential statistics and commented on citizenry outrage of this project; Rex Williams proposed an alternate route along the railroad; Peggy Bowen, via telephone communication, expressed concern that this route was not the product of an educated decision and stressed the need for an EIS; and Grace Bukowski, member of the North Valleys Citizen Advisory Board, stated that a supplemental EIS is what is needed and it is required under the law, Cheryl Dudge, read a letter from John Dudge, her husband, who is awaiting a heart transplant, wherein he cited the danger to pacemakers and defibrillators from power lines; Cynthia Mitchell advised that this new route raises new impacts and must be considered through an EIS as the procedure thus far is backward, like the "tail wagging the dog," and although the need is being stressed, it is her contention that eventually the Power Company will use this as cheap

economy energy; Madelyn Sodencrans supported underground lines; Robert Mateas, Shores Homeowners Association, advised that the apartment units in the Shores will be right across the freeway from the megawatt line; Brick Tenk, affiliated with and past president of the Reno Board of Realtors, stressed the negative effect on market value of properties by the existence of power poles adjacent to, near, or on the property; John Bandera addressed the ethics and legalities of what is happening and indicated that perhaps geothermal power should be aggressively pursued.

Chairman Sims read the names of people unable to attend who submitted letters for the record, some being for and some being against the project.

The time for opposed presentation having lapsed, the Board recessed and then accepted testimony from those in favor.

Bill Thomas, Summit Engineering, addressed the issue of hydroelectric power in reference to savings on utility bills which will entail a 25-mile stretch of North U.S. 395 in the new proposed route along the highway. He advised that in this alignment, they looked at minimizing impact, addressing the open space issue and removing any telephone lines in such areas; and to follow the adopted plan as much as possible. He noted that undergrounding power lines of this magnitude is done very infrequently and fluid filled pipes, which are under pressure, are being used when there is no other alternative. He then addressed the increase in costs that an underground transmission line in both construction and maintenance. He noted that cost is considered for fiscal responsibility and the need must be addressed as electrical power is the key for industry in relocating. He also addressed the issues of medical considerations of the 345 kilovolt overhead transmission line, of which there have been no demonstrated adversities, and an adverse effect on property values has also not been shown. The visual impacts, which he noted as a major opposition factor, were demonstrated in pictures presented with the comment that many communities have placed these power lines along the freeway as well as in this community.

Paul Lunos, a young man, addressed the detrimental effects that the underground lines would have on the future generation both financially and environmentally; Herb Chandler commented that an underground power line is essentially "a bomb waiting to go" and stressed the need for this increased power for future needs and the role of the Power Company to address the need for growth which is inevitable; and Cyril Heimple of the Reno Sahara Mobile Home Park, addressed the possibility of deregulation and the ensuing erosion of Sierra's customer base, and therefore the need exists to assure Sierra's continued excellence in providing their service. Georgia Foster stated that additional power is needed and that this route is a good alternate to the previous one..

Chairman Sims then asked that the issues brought forth by the opposition, including compliance with the comprehensive plan, site suitability, and the effect on health and property be addressed by the proponents.

Mark Sperper, Sparks resident, advised that power poles were placed five blocks from his property approximately one year after purchase and that the value of his home still went from \$97,000 to \$160,000 in about a seven-year period, and there has been continual growth to the core of the power line.

Chuck Schemeri, Reno resident, addressed concerns regarding earthquakes and their effect on underground power lines referring to our seismic conditions; Beth Miramand, Prospect Hills, spoke in favor of this route over the previous one noting the grandness of the mountains and voicing a desire to preserve this; Ted Contry, Engineer, favored this route and moving it off the hill; Everett Flagg, Reno resident, said that an underground line would be an abomination; David Morgan, Chairman of the Board, Chamber of Commerce, advised that there is disagreement among members on this and urged that consideration of affordability and dependability be of top priority in the choice of a route; and Jim Caspers stated that he has three power poles in three corners and would allow a fourth to service Northern Nevada.

Bob Jones, Nevada Builders Association, noted that majority rules and that North Valleys is anti as opposed to the whole County; that the Utility will absorb the costs; and that the Planning Commission has heard all this already and, for that reason, he would encourage the Board to uphold their decision. John Madole, lifelong resident stated that this should be done now rather than taxing the next generation. David Howard, Chamber of Commerce, reminded the Board of the courage of a previous Board in approving Ring Road (McCarran Boulevard) twelve years ago when much opposition was voiced, and urged this Board to exercise the same courage. Aurel Lemke, Robert Nielsen, and Charley Pacheto also spoke in favor of this route.

Chairman Sims closed the public hearing and advised that the Board will now ask questions of anyone they feel can help them in reaching a decision. Clarification was requested by Commissioner Bond concerning BLM's feeling on this route, the Notice process, the number of properties affected, and the electrofield effect on pacemakers. Commissioner Galloway delved further into the health effects and Dr. Israel, Pediatric Oncology Professor, explained field strengths in support of his statement that nothing has been proven to show that power lines cause any adversity to the health of individuals. In response to a question, Mr. Owens, SPPCo, advised that there is a whole extensive variety of measures that EIS addresses and all of those would be complied with mitigation's to get that line through.

Kathleen Drakulich, Counsel for Sierra Pacific Power Company, explained that she has been working with the National EIS Act for the last four years on an almost daily basis; that BLM is fully aware that there has been a reroute in Nevada; that she has talked with the project manager of the BLM and has talked with Friends of Peavine; that the Interior Board of Appeals contained a discussion about a supplemental EIS and that it was determined that only if the reroute crossed federal lands would an EIS be required; that since this is not the case, they are not requiring this; and that it is well beyond the jurisdiction of this Commission to require an EIS, but rather, it is the decision of the BLM. In response to inquiry, she also stated that they have tried to resolve property acquisition favorably, but if an impasse is reached with a property owner, the exercise of eminent domain is available.

Austin Tingley, Professional Engineer, gave his background which qualifies him as a consultant for the power industry, and gave a technical explanation of the process of undergrounding power lines and the chemicals which must be used.

Commissioner Bond then asked about installation of the power lines and a possible traffic hazard in the U.S. 395 corridor and was told that they are about to file an application with N-D-O-T and advised that they will not grant an encroachment permit if safety is impaired.

Reese Perkins, Johnson, Perkins & Associates, Appraisers, and a member of the State Board of Equalization, advised that they looked at Danish Hills, Satellite Hill, and Court Heights and advised that the existence of a freeway does have negative impact, and that in his interpretation of data, he sees a negative impact.

Dr. Mark Israel, Professor of Pediatric & Neurological Surgery and Director, Laboratory of Molecular Neuro-oncology at the University of California, San Francisco, stated that he does not see where electromagnetic fields cause cancer; that in an animal study by the National Academy of Sciences, it was not found. He said that also molecular studies were conducted and there were not any results that showed that electromagnetic fields caused cancer.

In response to Commissioner Shaw, it was stated that the map exhibit shows that the alignment at the southern end of Anderson Acres is immediately adjacent to the right-of-way fence and as far away from the O'Massey's as possible; and that in addition, in laying this out, the lines always balance where structures would be placed relative to homes and an effort was made to determine mitigation to the fullest. In rebuttal, Mike O'Massey presented to the Board pictures showing the distance of the power poles from their dwellings.

Following discussion, Commissioner Mouliot made a motion to deny the appeals and to grant SPW2-9-96 based on the five findings of the Planning Commission subject to Sierra Pacific Power Company landscaping the entire corridor to the California State Line. Commissioner Bond seconded the motion indicating the difficulty this has entailed in pitting the North Valleys against the "rest of the world," that conversations with Sierra Pacific Power Company for mitigation has enlightened her somewhat including the issue of undergrounding; that part of U.S. 395 corridor is part of our community; and the utility corridor would help all of us; that the irony is that at the Council meeting not long ago, people were embracing new industry and wanted that to expand; that businesses have tremendous power needs and we want them in our community as a major asset; and that we cannot continue that if we cannot provide them with the power they need to do the business.

Commissioner Mouliot stated that any help to remove the negative impact of these power poles is welcome and that is why he wants SPPCo to do the landscaping.

Tom Gallagher, Summit Engineering Corporation, clarified if this would be from McCarran Boulevard to the State Line and if so, they need about ten minutes to determine what the cost of that would be.

Following a recess, Steve Oldham, Finance officer for Sierra Pacific Power Company, advised that they will try to mitigate the visual impact. He stated that they propose to give \$3,000,000 for that mitigation indicating how they would propose to do this.

Commissioner Bond stated that she would like this in an interest bearing account to fund needs in the North Valleys to be determined with the help of the CABs of the North Valleys and the homeowners associations.

Legal Counsel Shipman advised that there has to be a nexus between projects that may be proposed and the mitigation in the original proposal to take care of the impacts caused by the power poles.

Chairman Sims stated that he would support the motion even without the offer of \$3,000,000 and he wants to remove any perception by anyone that his vote is because of the money. He advised that his yes vote is based on the fact that the following findings have been made:

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

Following discussion, on call for the vote, the vote was unanimous, and Chairman Sims ordered that the recommendation of the Washoe County Planning Commission be upheld and Special Use Permit Case No. SPW2-9-96 for the Alturas Intertie be issued to Sierra Pacific Power Company, based on the following conditions recommended by the Planning Commission with Condition No. 10 amended to include Sierra Pacific Power Company's \$3,000,000 mitigation offer:

CONDITIONS

SPECIAL USE PERMIT CASE NO. SPW2-9-96 ALTURAS INTERTIE

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

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

WASHOE COUNTY RESERVES THE RIGHT TO REVIEW AND REVISE THE CONDITIONS OF THIS APPROVAL SHOULD THEY DETERMINE THAT A SUBSEQUENT

GENERAL CONDITIONS

1. The applicant shall demonstrate substantial conformance to the plans approved as part of this special use permit. Building plans for towers, compressor stations, and other facilities, shall demonstrate that the locations and their spacing are generally along the route approved by the Washoe County Board of County Commissioners. The Engineering Division shall be responsible for determining compliance with this condition.
2. A copy of the Clerks Order stating conditional approval of this special use permit shall be attached to all applications for administrative permits issued by Washoe County.
3. A separate grading permit shall be obtained for all new access roads for the construction of roads to serve the construction and maintenance of towers, power lines, and other facilities.
4. Financial assurances to the satisfaction of the Engineering Division shall be provided to Washoe County for the reclamation of temporary construction roads and for the restoration of existing roads used for construction purposes and for the maintenance of service roads.
5. Maintenance roads shall be gated to prevent uncontrolled access to adjacent properties, unless the maintenance roads are part of a controlled access plan.
6. Any blasting for construction shall require 24 hour advance notice to the County Engineer and occupants of structures within 1000 feet of the area contemplated for blasting.
7. A note shall be placed on all construction drawings and grading plans stating:

NOTE

Should any prehistoric or historic remains/artifacts be discovered during site development, work shall temporarily be halted at the specific site and the State Historic Preservation Office of the Department of Museums, Library and Arts, shall be notified to record and photograph the site. The period of temporary delay shall be limited to a maximum of two (2) working days from the date of notification.

8. Prior to ground-disturbing activity, the developer shall submit a Construction Traffic Haul Route Plan to the County Engineer for review and approval. When existing roadways are to be used as construction haul routes, the Engineering Division requires a geotechnical exploration and analysis to determine load supporting capabilities and, in accordance with the geotechnical report, may require reconstruction sufficient to provide a 20-year design life in accordance with the AASHTO Interim Guide for Flexible Pavements.

9. The applicant shall certify that the excavations for and placement of individual towers and other facilities shall not affect the flow of existing springs and surface water sources. The County Engineer, in consultation with the State Engineer, shall determine compliance with this condition.

10. The Washoe County Board of County Commissioners accepts the offer of Sierra Pacific Power Company's or its successor's, contribution of \$3 million to mitigate visual and quality of life impacts of the Alturas Powerline in the North Valley area, which impacts the Board determined should be mitigated. Payment will be made as follows: \$1 million within 30 days of start of construction in Washoe County on the Alturas line; \$500,000 when the line is energized; \$500,000 per year for three years with payment made on or before the anniversary date of the line being energized. Washoe County will deposit the money in an interest bearing account specific to the North Valley area and Washoe County shall determine how the money is to be used to mitigate visual and quality of life impacts.

10:40 p.m.

There being no further business to come before the Board, the meeting was adjourned.

GRANT D. SIMS, Chairman
Board of County Commissioners

ATTEST: JUDI BAILEY, County Clerk