

BOARD OF COUNTY COMMISSIONERS, WASHOE COUNTY, NEVADA

TUESDAY 5:15 P.M. SEPTEMBER 8, 1998

PRESENT:

Joanne Bond, Chairman  
Mike Mouliot, Vice Chairman  
Sue Camp, Commissioner  
Jim Galloway, Commissioner  
Jim Shaw, Commissioner

Betty J. Lewis, County Clerk  
Katy Simon, 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:

98-874 AGENDA

In accordance with the Open Meeting Law, on motion by Commissioner Shaw, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that the agenda for the September 8, 1998, meeting be approved. It was noted that the meeting of the Truckee Meadows Fire Protection District has been canceled.

PUBLIC COMMENTS

There was no response to the call for public comments.

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THE BOARD CONVENED AS THE COUNTY LIQUOR BOARD

98-875 BUSINESS/LIQUOR LICENSE APPEAL - PETER S. BAKER

On motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the action taken by the Board, as the Washoe County Commission, on August 10, 1998, in which Peter S. Baker was granted a County Business/Liquor License, be confirmed.

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THE BOARD RECONVENED AS THE WASHOE COUNTY BOARD OF COUNTY COMMISSIONERS

MINUTES

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the minutes of the regular meetings of August 11 and 18, 1998, be approved.

98-876 ACCEPTANCE OF DONATION - K-MART - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that a donation in the amount of \$2,000 from the K-Mart Corporation, to be used for the D.A.R.E. Program, be accepted with the Board's gratitude.

98-877 ACCEPTANCE OF DONATION - LEE BROTHERS LEASING - SHERIFF

Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the donation by Lee Brothers Leasing of one (1) 1996 Chevy Camaro, (VIN # 2G1FP22P1T2165790) for the specific use of the Washoe County Sheriff's D.A.R.E. Program for the sum of One Dollar (\$1.00) be accepted with the Board's gratitude.

It was further ordered that the Sheriff and the Purchasing and Contracts Administrator be authorized to jointly execute an agreement to purchase the vehicle for \$1.00 from Lee Brothers Leasing with the provision that the County shall agree to sell back the vehicle to Lee Brothers at the conclusion of the twenty-four (24) months for the equal amount of \$1.00.

98-878 ACCEPTANCE OF GRANT FROM HUMAN SERVICES CONSORTIUM - JUVENILE SERVICES

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the grant from the Human Services Consortium to the Juvenile Services Department in the amount of \$10,000 to be used to pay kids who participate in the department's job training and anti-graffiti program be accepted and that the following account transactions be authorized:

Increase	Amount
12767G-4301 - Grants	\$10,000.00
12676G-7389 - Undes Exp.	\$10,000.00

98-879 ACCEPTANCE OF GRANT FROM HAZEL COOK VAN ALLEN TRUST - JUVENILE SERVICES

Upon recommendation of Carol Galantuomini, Assistant Director, Juvenile Services, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that a grant from the Hazel Cook Van Allen Trust in the amount of \$32,700 be gratefully accepted. It was further ordered that one new Community Outreach Aide position be approved for a one year period from September 1, 1998 through August 31, 1999, and that the Comptroller be directed to make the following account changes:

Increase Revenues:		Increase Expenditures:	
Account	Amount	Account	Amount
12959D-5802	\$32,700.00	12959D-7001	\$22,528.84
		12959D-7042	2,410.00
		12959D-7048	4,237.28
		12959D-7050	357.58
		12959D-7376	3,166.30
TOTAL	\$32,700.00	TOTAL	\$32,700.00

98-880 TRAVEL FOR NON-COURT/COUNTY EMPLOYEE - DISTRICT COURT

Board members asked several questions concerning whether there are any closer locations, such as Sacramento, where the person providing Hispanic Interpreter services could be certified; and Brian Mirch, Finance Division, responded that he will check into this.

Following discussion, upon recommendation of Cathy Krolak, Court Administrator, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that travel for a non-Court/County employee under contract by the District Court to provide Hispanic Interpreter Services be approved as follows:

NAME	TRAVEL DATES	DESTINATION
Marco Contrearras	1) July 30, 1998 - August 2, 1998	Salem, OR
	2) September 11 - 13, 1998	Portland, OR
	3) October 1998 (dates unknown)	Portland, OR

98-881 APPROPRIATION TRANSFER - TRAVEL - COLLECTIONS DIVISION

Upon recommendation of Brian Mirch, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the following transfer in the Collections Division to cover staff training and travel be approved:

Increase	
1015-7620 Travel	\$1,000.00
Decrease	
1015-7181 Service Contracts	\$1,000.00

98-882 CONTINGENCY TRANSFER - PERSONNEL

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the following Contingency transfer of \$4,600 to the Personnel Department, in order that a new scanner can be purchased, be approved:

Account	Description	Amount
DECREASE		
001-1890-7328	Contingency	\$4,600.00
INCREASE		
001-1091-7205	Minor Furniture & Equipment	\$4,600.00

98-883 TRANSFER OF APPROPRIATIONS - PERSONNEL

Upon recommendation of Anna Heenan, Senior Administrative Analyst, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the following transfers within the Personnel Division budget for fiscal year 1998-99 be approved:

Account	Description	DECREASE Amount	INCREASE Amount
001-1091-70021	Pooled Positions	\$ 6,096.00	
7076	Employee Assistance	5,000.00	
7353	Pre-Employment Physicals	5,000.00	
7304	Advertising		\$ 1,500.00

7322	Copy Machine Expense	500.00
7329	Dues	1,500.00
7344	Orientation Program	300.00
7376	Special Department Expense	800.00
7385	General Training	4,000.00
7620	Travel	1,000.00
7105	Consulting Services	6,496.00
		\$16,096.00
		\$16,096.00

98-884 SPECIAL ASSESSMENT DISTRICT NO. 23 - ARROW CREEK - ACCEPTANCE OF AFFIDAVIT OF WAIVER AND CONSENT

Upon recommendation of John Collins, Manager, Utility Services Division, through Ed Schmidt, Director, Department of Water Resources, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the Affidavit of Waiver and Consent and Apportionment Report to redistribute SAD 23 (Arrow Creek) assessments be accepted and the Manager of the Utility Services Division be directed to record the Affidavit with the County Recorder's Office.

98-885 LOCKWOOD ACQUISITION PROJECT - ACCEPTANCE OF ADDITIONAL FEMA GRANT FUNDS - PUBLIC WORKS

Upon recommendation of David Price, County Engineer, through Dave Roundtree, Public Works Director, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that additional funds granted by FEMA (Federal Emergency Management Agency) in the amount of \$125,000 be accepted. It was noted that the preliminary budget prepared by FEMA for Residential Acquisition/Physical Relocation of Flood Damaged Properties in the Lockwood Area underestimated the final project cost and FEMA has approved additional funding.

98-886 AWARD OF BID - DE-ICING SALT - BID NO. 2102-99 - ROADS DEPARTMENT

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 July 28, 1998, for road maintenance de-icing salt for the Roads Division of the Public Works Department in joinder with the City of Reno. 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:

Huck Salt Co.

Morton International Inc. - no bid response

A-1 Industrial Supply, Granite Construction Co. Inc., Harco Company, Kernite, Division of NCH, Mining Environmental Service, Paiute Pit Aggregates, Q & D Construction Inc., Reed & Graham, Inc., Rilite Aggregate Co., and Sha-Neva, Inc. failed to respond to the invitation to bid.

Upon recommendation of John Balentine, Purchasing and Contracts Administrator, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Bid No. 2102-99 for road maintenance de-icing salt for the Roads Division of the Public Works Department in joinder with the City of Reno be awarded as follows:

Washoe County Roads Division:

BIDDER

Huck Salt Company

BID

ITEMS

COST

#1	De-icing Salt Delivered	\$ 33.09/per ton
#1A	De-icing Salt Total	\$61,216.50
#1B	De-icing Salt F.O.B. Plant (25 miles east of Fallon)	\$ 21.00/per ton
#1B	De-icing Salt F.O.B. (5 miles, at 5033 Austin Highway)	\$ 23.75/per ton*
	* plus \$5.00 scale charge per truck	

City of Reno:

BIDDER

Huck Salt Company

BID	ITEMS	COST
#2	De-icing Salt Delivered	\$ 33.09/per ton
#2A	De-icing Salt Total	\$33,090.00
#2B	De-icing Salt F.O.B. Plant (25 miles east of Fallon)	\$ 21.00/per ton
#2B	De-icing Salt F.O.B. (5 miles, at 5033 Austin Highway)	\$ 23.75/per ton*
	* plus \$5.00 scale charge per truck	

It was further ordered that the Purchasing and Contracts Administrator be authorized to procure the following in the open market on an as-needed basis as no bids were received on these items: Bid Item #1C road de-icing salt mixed with phosphate of soda delivered to Washoe County, Bid Item #1D, road de-icing salt mixed with phosphate of soda F.O.B. plant, Bid Item 2C, road de-icing salt mixed with phosphate of soda delivered to the City of Reno, Bid Item #2D, road de-icing salt mixed with phosphate of soda F.O.B. plant.

It was noted that the award shall be for an approximate two-year period September 1, 1998 to August 31, 2000 with the provision for a one-year extension; that this is a road maintenance item which will be purchased on an as-needed basis during the term of the agreement; and that the initial procurement for Washoe County is \$61,216.50 and for the City of Reno is \$33,090.00.

98-887 CORRECTION OF FACTUAL & CLERICAL ERRORS - 1997-98 & 1998-99 SECURED TAX ROLLS

Upon recommendation of Jean Tacchino and Tom Sokol, Assistant Chief Deputy Assessors, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, it was ordered that the following Roll Change Requests, correcting factual and clerical errors on tax bills already mailed, be approved for the reasons stated thereon and mailed to the affected property owners, a copy of which has been placed on file with the Clerk. It was further ordered that the Order on each roll change directing the Treasurer to correct the error be approved and Chairman Bond be authorized to execute on behalf of the Commission:

Bair Limited Partnership	APN 013-411-10	(1998/99 Secured Roll)
NH6 LR V Ltd.	APN 032-012-08	(1998/99 Secured Roll)
Sagebrush Oil Co., Inc.	Parcel No. 008-334-16	(1998/99 Secured Roll)
Guillermo Ibaibarriaga, et al.	Parcel No. 012-382-18	(1998/99 Secured Roll)
Eagle Hardware & Garden, Inc.	Parcel No. 026-284-32	(1998/99 Secured Roll)
David Mayer, et al.	Parcel No. 031-213-39	(1998/99 Secured Roll)
Robert G. O'Brien	Parcel No. 039-141-13	(1998/99 Secured Roll)
James W. Hite	Parcel No. 125-181-18	(1998/99 Secured Roll)
Richard A. Schmitter	Parcel No. 128-060-11	(1998/99 Secured Roll)
Alan F. & Iris O. Bennett	Parcel No. 050-434-02	(1997/98 Secured Roll)

Alan F. & Iris O. Bennett	Parcel No. 050-434-02	(1998/99 Secured Roll)
Nevada Bell	Parcel No. 046-080-19	(1998/99 Secured Roll)
Nevada Bell	Parcel No. 160-090-19	(1998/99 Secured Roll)
Gena M. Forsberg	Parcel No. 036-131-05	(1998/99 Secured Roll)
Barbara Ann Humphrey	Parcel No. 130-180-27	(1998/99 Secured Roll)
Donato L. & Mildred Mastrantuono	Parcel No. 033-072-31	(1998/99 Secured Roll)
Ronald J. & Sherill A. Janssen	Parcel No. 038-360-40	(1998/99 Secured Roll)
Charles W. Murdaugh	Parcel No. 038-360-41	(1998/99 Secured Roll)
Peter Marshall, et al.	Parcel No. 038-370-11	(1998/99 Secured Roll)

98-888 CANVASS OF THE VOTE - 1998 PRIMARY ELECTION

Pursuant to NRS 293.387, Laura Dancer, Registrar of Voters, presented to the Board the abstract of the votes cast for all candidates in all precincts in Washoe County in the Primary Election conducted on Tuesday, September 1, 1998, and certified the same to be true and correct as certified by the Accuracy Certification Board pursuant to NRS 293B.390 for canvass. Duly executed Submission of Abstract and Certificate of Accuracy Certification Board were placed on file with the Clerk.

Ms. Dancer reviewed the statistics and results of the 1998 primary election and answered questions of the Board. She stated that voter turnout was 34.24 per cent or 56,770 voters; that there were some discrepancies which have been accounted for; that most of those were clerical or mathematical errors; and that they will be focusing on additional training for the poll workers. Ms. Dancer also stated that the computer was slower than it should have been processing results, which they are working on with the vendor so that the General Election results in November will not be slow coming in.

After conducting the canvass, the Board declared the abstract, as presented, to be a true vote cast and, on motion by Commissioner Galloway, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the members present execute the Certification of the Official Canvass for the 1998 Primary Election, as presented, and the Clerk be directed to enter upon the record of the Board an abstract of the results, which shall contain the number of votes cast for each candidate and question. It was further ordered that the Registrar of Voters submit a certified copy of the abstract to the Secretary of State.

[abstract set forth in full in the permanent minutes]

98-889 GALENA TRAIL EASEMENT AND AGREEMENT - MONTREUX - PARKS DEPARTMENT (continued from May 26 and August 25, 1998)

Karen Mullen, Parks and Recreation Director, provided brief background information and updated the Board concerning the proposed alignment for the Galena Trail easement. She stated that she feels the best approach is to stake the trail off so that everyone can clearly see what is going to occur and then have the Nevada Division of Forestry (NDF) inspect it to be sure it meets their requirements and get their approval on the final alignment. Ms. Mullen further stated that she would also like the County water experts and the Army Corps of Engineers to determine exactly where the bridge should be, within a specified range. She then answered questions of the Board.

Chairman Bond asked if there was anyone in the audience that wished to speak.

Howard Putnam stated that he was speaking on behalf of the Galena Land Use Steering Committee which represents numerous area homeowners. He had a written statement which he reviewed and placed on file with the Clerk, and stated that this is just another chapter in the continuing saga and the battle the residents have had with Montreux since construction started. Mr. Putnam also stated that there is a FEMA (Federal Emergency Management Agency) report due out soon regarding Galena Creek; that he does not understand why the County does not wait until that report is available to decide where the trail should go, alleging that the

reason the original trail flooded was because of poor design and construction by Montreux; and that their main concern is future flooding and the impact it will have on homes in the area.

Michael Morrison, Attorney, representing Joan Rivet and the Colfer family, stated that, once again, the County is having a hearing on this matter without providing proper notification to all the affected residents; that Condition No. 26 of the final approval of this project required that Montreux dedicate a 25-foot-wide easement for a multi-use equestrian/pedestrian trail; and that all he and his clients are requesting is that the County enforce the conditions they imposed on this project.

Michael Howden, Joy Lake Road resident, urged the Board to wait until all the information is in regarding the total trail before making its decision. Dennis Callahan, Mt. Rose Highway resident, stated that he thought the emergency access issue had been resolved.

Robert Sader, Attorney, representing Montreux, stated that Montreux has made some really huge compromises in this agreement; that while the trail is not the whole 25 feet in one area, there are other areas where it is much larger than the 25 feet; and that a decision needs to be made. He further stated that he will stipulate, on the record, that the Nevada Division of Forestry will look at the fire/emergency access issue on Mr. Obermeyer's driveway and determine whether it fits their requirements. Commissioner Galloway explained his understanding of the NDF requirements and stated that what Mr. Sader needs to stipulate to is that if it is necessary to go outside the 25-foot easement to satisfy NDF, they will do so. Mr. Sader agreed that they could stipulate to that.

Commissioner Mouliot asked Mr. Sader about their culverts pointing out that they have been put in sideways and are going to wash out again and asked Mr. Sader and the County Engineers to check on that.

In response to Commissioner Shaw, Leonard Crowe, Water Resources Planning Manager, stated that he does not know when the FEMA report will be out. Mr. Crowe and Commissioner Galloway discussed engineering and design of a bridge that would not increase flooding. Mr. Crowe also stated that staff will be working with the Army Corps of Engineers and the National Resources Conservation Service on Galena Creek and the trail.

Commissioner Camp asked if the original condition was for an exact 25 feet and whether this kind of negotiating with developers is common. Don Young, Department of Community Development, stated that the original condition stated `...a minimum 25-foot easement...' and that negotiating with developers and impacted residents is becoming quite common. He further stated that he felt this was a good compromise because of the additional trail width in many areas and the access to the creek the County and the public will get; that Montreux is still offering the full 25 feet to satisfy the condition of approval, but the problem is that that full 25 feet overlaps onto Mr. Obermeyer's driveway; and that staff is recommending that the Board recognize the offer but accept only the 10 feet in that location.

Joan Rivet, adjacent property owner, stated that the way this is proposed, there would be no emergency access to her property on the north side of Galena Creek; that because of all the grading that was done for fairways and trails by Montreux without permits, her property was totally washed out; and that her property will suffer further if Montreux does not comply with the conditions.

Don Wilkerson, one of the managers of the homeowners association at Montreux, urged the Board to support the trail.

Diane Oney, Philoree Lane resident, stated that she personally spoke with the consultants from Northwest Hydraulics Specialists who are performing the study on Galena Creek when they were on her property; that they told her the report will be done in 2 to 3 weeks; that the consultant said this was a very unstable area of Galena Creek; and that there are several hazards they will be pointing out. Ms. Oney further stated that is why it is critical that the Board not make any decisions until this information is available. She also stated that a bridge does affect flow and can even become the blockage in a flood event.

Mr. Sader stated that he also needed to put a stipulation on the record concerning the bridge since the agreement specifies a location for the bridge and it appears there is now a desire to have the bridge in some other location. He stated that Montreux does not have a vested interest in any particular location but that he would like to reserve the right to review and approve any other location for the bridge. Commissioner Galloway confirmed that what Mr. Sader is saying is that Montreux would not

unreasonably object to another location.

Carl Obermeyer, adjacent property owner, stated that the trail either needs to be built or be closed; that he has to deal with an average of 20 to 30 people every weekend who are trying to use a trail that does not exist; that they are trespassing all over private property; and that they blame him for closing the trail. He stressed that this issue needs closure one way or the other.

Chairman Bond brought the discussion back to the Board stating no more public comment would be accepted.

Commissioner Galloway stated that he has visited the site and talked with Ms. Rivet, NDF, and County water and engineering staffs; that he does not believe that noticing is an issue; and that he does believe the trail and a bridge can be engineered and built so that flooding potential would not be increased. He further stated that he feels the agreement should be approved with the stipulations made by Mr. Sader, as that will allow the public the access they have long been waiting for.

Madelyn Shipman, Assistant District Attorney, stated that the approval and execution of an agreement is not subject to any statutory noticing requirements.

On motion by Commissioner Galloway, seconded by Commissioner Mouliot, which motion duly carried, it was ordered that the "Galena Trail Easement and Agreement" between Washoe County and Montreux Joint Venture, Montreux Golf Club, Ltd., Kenneth Reimers, Bonnie Reimers, Dannie L. Jasmine and Lynn C. Jasmine be approved subject to the two stipulations made by Mr. Sader on behalf of Montreux, which are:

1. that after the trail is staked off, the Nevada Division of Forestry will look at the access to be sure it meets their needs; and that if it does not in some places, Montreux will go outside the easement to satisfy NDF requirements; and
2. that Montreux will not unreasonably object to an alternate location for the bridge; and subject to Montreux and County staff examining the culverts that have been installed and realigning and/or replacing them properly. It was further ordered that Chairman Bond be authorized to execute subject documents upon completion of the trail construction by Montreux.

#### 98-890 AGREEMENT - CAMPUS SECURITY - UNIVERSITY OF NEVADA RENO POLICE DEPARTMENT - SHERIFF

Sgt. Rob Davis was present to respond to questions of the Board and stated that this is the same agreement as in previous years. Upon recommendation of Sheriff Richard Kirkland, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, it was ordered that an agreement between Washoe County (Sheriff's Office) and the Board of Regents of the University and Community College System of Nevada on behalf of the University of Nevada, Reno, (UNR Police Department) concerning use of Washoe County Sheriff's Office off-duty personnel for the purpose of assisting the UNR Police Department in providing security services at major events such as football games and concerts for the period of September 1, 1998 through August 31, 1999, be approved and Chairman Bond be authorized to execute.

#### 98-891 REAPPOINTMENT - BOARD OF MASSAGE EXAMINERS

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Jim Bemis be reappointed to his second two-year term to the Board of Massage Examiners with the term expiring June 30, 2000.

#### 98-892 ACCEPTANCE OF RESIGNATION & APPOINTMENT - TRUCKEE RIVER ADVISORY BOARD

On motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that the resignation of Richard A. Hill from the Truckee River Advisory Board be accepted. On the same motion, it was also ordered that Don Vetter be appointed to fill the vacancy with the term expiring June 1, 1999.

#### 98-893 REQUEST FOR ADDITIONAL FLOOD RELIEF - JEROME J. PRECIADO - PUBLIC WORKS DEPARTMENT



Dave Roundtree, Public Works Director, reviewed background information concerning a request from Jerome Preciado for additional flood relief funds, and explained that staff does not believe there is any basis for providing public funds and is recommending that the request be denied.

Ernest Nielsen, attorney with the Senior Law Program, representing Mr. Preciado, stated that except for the requirement that he own the home for 180 days, Mr. Preciado would have received approximately twice as much in flood relief funds; that they have resolved the title issue and all the other requirements were met; and that it would only be fair and equitable to grant the additional relief. Mr. Nielsen then answered several questions of Board members.

Commissioner Galloway expressed a concern that there might be others who also did not meet the 180-day requirement, but did not pursue additional relief as Mr. Preciado is doing. Mr. Roundtree further pointed out that this FEMA location program has been closed out, therefore, there is no chance for FEMA to review this request.

Madelyn Shipman, Assistant District Attorney, advised that if the Board does have an appetite to grant additional funds to Mr. Preciado they need to make a finding that would suggest that doing so would be just and equitable to all persons.

Commissioner Mouliot stated that no matter how long someone has owned their home, their loss is the same and moved that an additional \$1,000 be granted to Mr. Preciado in order to equalize his reimbursement for the loss of his home during the 1997 New Year's Flood with that of the other homeowners. Chairman Bond seconded the motion. Upon call for the question, the motion carried 3 to 2 with Commissioners Galloway and Shaw voting "no."

98-894 REQUEST TO EXCLUDE PYRAMID LAKE INDIAN RESERVATION FROM ELECTRIC SERVICE FRANCHISE AREA (continued from August 18, 1998)

Madelyn Shipman, Assistant District Attorney, updated the Board stating that she has corresponded with the Pyramid Lake Paiute Tribal Council and is waiting for their reply. She further advised that Sierra Pacific Power Company has verified that they have not been imposing this fee on the reservation or collecting any funds from the Tribe and that unless other information is forthcoming from the Tribe, she does not feel any action is necessary.

98-895 ORDINANCE NO. 1037, BILL NO. 1213 - AMENDING ORDINANCE NO 954 - SANITARY SEWER SERVICE RATES - LEMMON VALLEY

7:00 p.m. This was the time set in a Notice of Public Hearing published in the Reno Gazette-Journal on August 8, and 16, and September 2, 1998, in a display ad, to consider second reading and adoption of Bill No. 1213. Proof was made that due and legal Notice had been given.

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

On motion by Commissioner Camp, seconded by Commissioner Mouliot, which motion duly carried, Chairman Bond ordered that Ordinance No. 1037, Bill No. 1213, entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 954 BY REVISING A SCHEDULE OF RATES, CHARGES AND CONNECTION FEES FOR PROVISION OF SANITARY SEWER SERVICE BY WASHOE COUNTY WITHIN THE VALLEY VILLAGE AREA OF LEMMON VALLEY IN WASHOE COUNTY; REQUIRING THE DEPARTMENT OF WATER RESOURCES, UTILITY SERVICES DIVISION, TO SUBMIT BILLINGS TO ALL UNSEWERED USERS WITHIN THE VALLEY VILLAGE AREA, REQUIRING PAYMENT THEREOF; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO," be approved, adopted and published in accordance with NRS 244.100.

98-896 ABANDONMENT CASE NO. AB6-8-98 - ROBERT H. COLLINS, JR. (APN: 126-560-36)

7:00 p.m. This was the time set in a Notice of Public Hearing mailed by certified mail to affected property owners on August 26, 1998, and published in the Reno Gazette-Journal on August 28, 1998, to consider the Washoe County Planning Commission recommendation to approve, subject to conditions, Abandonment Case No. AB6-8-98, as requested by Applicant Robert H. Collins, Jr., to abandon a portion of Tirol Drive, a triangular area with legs of 9.68, 25.27 and 27.06 feet and a total area of 126 square feet to facilitate the construction of an attached garage. The closest point of the garage to the edge of pavement is 12 feet. The

property is located at 1449 Tirol Drive, Lot C-172A, Tyrolian Village Subdivision, Unit No. 4. The 2,000-square-foot pad has been reconfigured to provide the footprint for the proposed addition by Record of Survey in support of a Boundary Line Adjustment. Tyrolian Village is designated Medium Density Suburban (MDS) as a Planned Unit Development, in the Tahoe Area Plan and situated in a portion of Section 14, T16N, R18E, MDM, Washoe County, Nevada.

Sharon Kvas, Department of Community Development, provided background information and answered questions from Board members.

Chairman Bond opened the public hearing by calling on anyone wishing to speak regarding this abandonment. There being no response, the hearing was closed.

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Galloway, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that Abandonment Case No. AB6-8-98 be approved subject to the following conditions:

1. Prior to the recordation of the Resolution and Order of Abandonment, the applicant shall submit to the County Engineer for review and approval a legal description prepared by a registered professional for the area of abandonment.
2. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
3. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.
4. The applicant shall provide to Incline Village General Improvement District (IVGID) staff the location of the adjacent water line relative to the proposed structure to determine impact to the water main and mitigate any impacts to the satisfaction of IVGID staff prior to the issuance of a building permit.

98-897 ABANDONMENT CASE NO. AB5-7-98 - DARLENE LECKIE

(APN: 85-043-65 through 69) (Continued from August 18, 1998) 7:00 p.m. This was the time set for continuation of the Public Hearing concerning the recommendation of the Washoe County Planning Commission to approve, with conditions, Abandonment Case No. AB5-7-98 for Darlene Leckie to abandon a total of 2,809 square feet of La Crisha Court to increase the usable lot area of five contiguous parcels immediately to the east of Sun Valley Boulevard. The parcels are designated High Density Suburban (HDS) within the Sun Valley Area Plan and situated in a portion of Section 19, T20N, R20E, MDM, Washoe County, Nevada. It was noted that this was continued from August 18, 1998, so that the applicant could get additional information from the Truckee Meadows Fire Protection District.

Mike Boster, Department of Community Development, provided background information and stated that Fire Marshal Roy Slate has sent a letter indicating the Fire District's approval of the proposal.

George Georgeson, CSA Engineers, representing applicant, indicated their agreement with the conditions.

Chairman Bond asked if there was anyone else wishing to speak. There being no response, the public hearing was closed.

It being the consensus of the Board that NRS 278.840 is being complied with and that the abandonment described in the aforesaid Notice appears to be in the best interest of the public and that no person would be materially injured thereby, on motion by Commissioner Shaw, seconded by Commissioner Camp, which motion duly carried, Chairman Bond ordered that Abandonment Case No.

AB5-7-98 be approved subject to the following conditions:

1. Prior to recordation of the Resolution and Order of Abandonment, the applicant shall submit legal descriptions to the County Engineer for review and approval. The legal descriptions shall be prepared by a registered professional and shall be for the area of abandonment, the portion of the abandonment reverting to each abutting property owner, and any required replacement easements. The north 10 feet of the 30 foot access may be abandoned, however, only the north 10 feet of the 20 foot access that serves Parcels B-1 and C-1 may be abandoned. This condition shall be satisfied to the satisfaction of the Engineering Division.
2. Retention of all public utility easements or relocation of all public utility easements to the satisfaction of and at no expense to Washoe County or the existing public utilities which originally accepted and approved said easements as well as any other public utilities now in existence which currently utilize said easements. Said relocations shall be evidenced by the recordation of properly executed documents reflecting the grant of the new easements to said public utilities and the relinquishment by said public utilities of their former easements.
3. The applicant shall comply with all conditions necessary to effect the Resolution and Order of Abandonment within two years from the date of the action by the Board of County Commissioners or this conditional abandonment will be null and void.
4. The Truckee Meadows Fire Protection District will require proper easement replacement on the south side of the property.

98-898 PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT - PUBLIC HEARING - STATUS REPORT (continued from June 9, 1998)

7:00 p.m. This was the time set for the Board to receive a status report and to continue the public hearing concerning issues raised by Palomino Valley residents regarding the General Improvement District and maintenance of the roads. Madelyn Shipman, Assistant District Attorney, reported that she talked with Louis Test, legal counsel for the Palomino Valley General Improvement District, who advised that the PVGID is having its own meeting this same evening. She further stated that it is her understanding that the District will be writing a letter to the County regarding what assistance, if any, they will be seeking.

Chairman Bond stated that since there has been a change on the PVGID Board and no one is in attendance tonight, it would be appropriate to wait until the District residents contact the County again.

On motion by Commissioner Camp, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that this item be continued until more information is received from the Palomino Valley General Improvement District and residents thereof.

98-899 CANVASS OF THE VOTE - 1998 SPECIAL RECALL ELECTION - TRUSTEE OF PALOMINO VALLEY GENERAL IMPROVEMENT DISTRICT

This was declared an emergency item on today's agenda.

Pursuant to NRS 293.387, Laura Dancer, Registrar of Voters, presented to the Board the abstract of the votes cast in the special recall election for a Trustee of the Palomino Valley General Improvement District in Washoe County conducted on Tuesday, September 1, 1998, and certified the same to be true and correct as certified by the Accuracy Certification Board pursuant to NRS 293B.390 for canvass. Duly executed Submission of Abstract and Certificate of Accuracy Certification Board were placed on file with the Clerk.

After conducting the canvass, the Board declared the abstract, as presented, to be a true vote cast and, on motion by Commissioner Mouliot, seconded by Commissioner Shaw, which motion duly carried, Chairman Bond ordered that the members present execute the Certification of the Official Canvass for special recall election for a Trustee of the Palomino Valley General Improvement District, as presented, and the Clerk be directed to enter upon the record of the Board an abstract of the results, which shall contain the number of votes cast for each candidate and question. It was further ordered that the Registrar of Voters submit a certified copy of the abstract to the Secretary of State.

[abstract set forth in full in the permanent minutes]

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There being no further business to come before the Board, the meeting adjourned at 7:25 p.m.

JOANNE BOND, Chairman  
Washoe County Commission

ATTEST: BETTY J. LEWIS, County Clerk