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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, May 6, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

PRESENT:	Ray Masayko	Mayor
	Pete Livermore	Supervisor, Ward 3
	Robin Williamson	Supervisor, Ward 1
	Shelly Aldean	Supervisor, Ward 2
	Richard S. Staub	Supervisor, Ward 4

STAFF PRESENT:	Linda Ritter	City Manager
	Alan Glover	Clerk-Recorder
	Ken Furlong	Sheriff
	Al Kramer	Treasurer
	Mark Forsberg	Chief Deputy District Attorney
	Larry Werner	City Engineer
	Ken Arnold	Environmental Manager
	Raymont Saylo	Lieutenant
	Katherine McLaughlin	Recording Secretary
	Debbie Wiggins	Environmental & Training Specialist

(B.O.S. 5/6/04 Tape 1-0007)

NOTE: Unless otherwise indicated, each item was introduced by staff's reading/outlining/clarifying the Board Action Request and/or supporting documentation. Staff members present for each Department are listed under that Department's heading. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

CALL TO ORDER, ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE - Mayor Masayko convened the meeting at 8:30 a.m. Roll call was taken. The entire Board was present, constituting a quorum. Youth Pastor Pat McConville of the Capital Assembly of God gave the Invocation. Mayor Masayko led the Pledge.

CITIZEN COMMENTS (1-0036) - None.

- 1. APPROVAL OF MINUTES FOR 2/19 AND 3/4/04 (1-0040)** - Supervisor Livermore moved to approve the Minutes of the Carson City Board of Supervisors meetings of February 19 and March 4, 2004, as presented. Supervisor Williamson seconded the motion. Motion carried 5-0.
- 2. AGENDA MODIFICATIONS (1-0052)** - Item 4B was pulled as the Corporate Officer in charge of liquor sales could not attend today's meeting. The Item will be rescheduled for a future meeting. Item 6-5B was pulled as the easement needed to be expanded. It will be brought back to the Board at a future meeting.
- 3. SPECIAL PRESENTATIONS - PRESENTATION OF AWARDS FOR THE 2004 EARTH DAY RECYCLED ART CONTEST FOR KINDERGARTEN THROUGH EIGHTH GRADE STUDENTS SPONSORED BY CARSON CITY AND ENERGY NEVADA (1-0064)** - Environmental

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Manager Ken Arnold, Energy Nevada Representative Steve Tabor - Mayor Masayko welcomed Mr. Tabor and complimented Mr. Tabor, Mr. Arnold, and Environmental Specialist Debbie Wiggins on the program. Mr. Tabor explained awards, including the \$100, \$50, and \$25 saving bonds, and the schools who had participated in the program. Mr. Tabor introduced and complimented the recipients on their efforts. Mayor Masayko explained that the art work had been displayed at City Hall and congratulated the recipients. No formal action was required or taken.

LIQUOR AND ENTERTAINMENT BOARD (1-0184) - Mayor Masayko recessed the Board of Supervisors session and immediately convened the session as the Liquor and Entertainment Board. The entire Board was present including Sheriff Furlong, constituting a quorum.

4. BUSINESS LICENSES - Treasurer Al Kramer

A. ACTION TO APPROVE AN UPGRADE OF AN EXISTING PACKAGED BEER AND WINE LICENSE TO A PACKAGED AND ON-PREMISE BEER AND WINE LICENSE FOR CARNICERIA DOS AMIGOS II, INC., DOING BUSINESS AS CARNICERIA DOS AMIGO NO. 4 LOCATED AT 1621 HIGHWAY 50 EAST SUITE H, WITH FIDEL AND MAGDA SALAS AS LIQUOR MANAGERS (1-0188) - Both applicants were present. Chairperson Masayko emphasized the fact that having a Liquor License is considered a privilege in Carson City and reminded them not to serve minors. They committed as owners and managers to insuring that their employees will be aware of the Liquor Laws and will enforce those laws. Chairperson Masayko briefly explained the Sheriff's sting operations that are conducted to insure that the Liquor License Holders comply with the laws. He also explained the ordinance requiring them to allow the Sheriff's Officers to have access to their establishment at all reasonable hours when in the pursuit of their duties. They agreed to allow access. Member Furlong noted the favorable Sheriff's Investigative Report. Member Staub moved to approve an upgrade of an existing packaged beer and wine license to a packaged and on premise beer and wine license to Carniceria Dos Amigos II, Inc., DBA Carniceria Dos Amigo's No. 4 located at 1621 Highway 50 East No. H, with Fidel and Magda Salas as Liquor Managers; fiscal impact is \$25 application fee and \$200 quarterly fee. Member Livermore seconded the motion. Motion carried 6-0.

B. ACTION TO APPROVE A CHANGE IN LIQUOR LICENSE MANAGER FROM PATRICIA KUEHNAU TO MICHAEL WHITE FOR LJS RESTAURANTS, INC., DOING BUSINESS AS LONG JOHN SILVER SEAFOOD LOCATED AT 1250 SOUTH CARSON STREET (1-0052 AND 1-0260) - Continued.

C. ACTION TO APPROVE A FULL BAR LIQUOR LICENSE AND MICRO-BREWERY FOR STEW'S CORPORATION, LLC, DOING BUSINESS AS STEW'S SPORTATORIUM LOCATED AT 302 NORTH CARSON STREET WITH ROBERT, MICHAEL, AND JAMES STEWART AND SCOTT JOHNSON AS LIQUOR MANAGERS (1-0262) - All four of the applicants were present. Chairperson Masayko indicated that he had met each of the applicants. He explained the need for them to attend the meeting. They committed to training their employees about the Liquor Laws and to not serve minors. They also agreed to allow the Sheriff's Officers access at all reasonable times when in the pursuit of their duties. Member Furlong noted the favorable Sheriff's Investigative Report. Discussion noted that the City does not have a micro-brewery license, therefore, a full bar license is being issued. The plan is for the business to conduct retail beer sales and not to be a wholesaler. If they decide to become a wholesaler,

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another license will be required. Board comments welcomed them to the community. Their desire to help improve the downtown area was described. They were unsure when the establishment will open. They hoped to have it open in August, however, it may be Nevada Day. The building and signage rehabilitation efforts were limned. Member Staub disclosed that he is legal counsel for the Builders Association of Western Nevada (BAWN) and that Robert Stewart is a member of BAWN and its Board. BAWN provides Workmen's Compensation coverage for its numerous members throughout Nevada. He did not have a fiscal interest in the proposed business. Member Williamson moved to approve a full bar and liquor license and micro-brewery for Stew's Corporation, LLC, doing business as Stew's Sportatorium located at 302 North Carson Street with Robert, Michael, and James Stewart and Scott Johnson as liquor managers under Carson City Municipal Code 4.13 and the fiscal impact is \$1,000 original new fee, \$725 investigation fee, and \$200 quarterly fee. Members Aldean and Livermore seconded the motion. Motion carried 6-0.

5. BOARD OF SUPERVISORS - There being no other items for consideration as the Liquor and Entertainment Board, Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the session as the Board of Supervisors. The entire Board was present, constituting a quorum.

A. NON-ACTION ITEM - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0395) - Supervisor Staub reported on his participation in the following activities: meetings on Walmart, economic issues, and the auto mall; the High School Senior Projects program; and the budget sessions. Board comments noted the economic challenges now facing Mineral County. Supervisor Livermore reported on the V&T fund raiser held at the Carson City Nugget which Mayor Masayko had also attended and his participation in the following activities: a round table at Clip Bond on economic development; Carson-Tahoe Hospital meetings; Carson Water Subconservancy meeting which Supervisor Williamson also attended; a Mental Health Steering Committee meeting including the status of the mental health court and compliments to City Manager Ritter and Supervisor Aldean on their participation; a meeting with a Carmine Street property owner and Community Development, his hope that the misunderstanding has been addressed, and his belief that as additional development occurs in that area more problems of this sort will arise; a meeting with Redevelopment/Economic Development Manager Joe McCarthy and a potential developer who may locate in Carson City; Youth Sports Association meeting including safety concerns when storms occur that requires the closure of Governor's Field and his hope that this problem can be addressed and closures are not required in the future; Arbor Day activities including the announcement that this is the tenth year that the City has received recognition as a Tree City USA and distribution to the Board of a copy of Megan's (last name unknown - a copy of Mariah West's poster was given to the Clerk and is in the file) Tree City USA winning poster; Parks and Recreation Commission meeting, the need for swim lesson scholarships, and distributed flyers on "Water (H2O) Adventure Camp" and "Action Sports Camp 2004" to the Board and Clerk. (Copies are in the file.) He then invited the Mayor, Board, and public to attend and participate in the signing of a Hospital wall at the new regional building on Monday, May 17, between 3:30 p.m. and 6:30 p.m. Mayor Masayko reported on his participation in the following activities: welcoming of the General Consul for the People's Republic of China and a contingency of individuals from the Trade and Counselor's Office in San Francisco and the Lion's Club breakfast fund raiser for the "Meals on Wheels" program. He announced the arrival of the future Highway 50 bridge for the V&T Railroad crossing. He thanked the Nugget and the Comstock Cowboys for their V&T fund raiser, which he believed was most successful. His attendance at the opening of the Bordewich-Bray expansion project was limned. He complimented the School District on it and announced its open house scheduled on May 19 at 5 p.m. He then reported on the Nevada Commission to Reconstruct the V&T Railway Board meeting including the status

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of the reconstruction project; the Bordewich-Bray Third Grade students' tour of City Hall; the Community Access Television Foundation's annual meeting including its election of officers; his participation in the dedication of the memorial to children who were victims of violence; a meeting of veterans' groups and announced their plans to dedicate the Veterans' Memorial on May 29 and a commemoration ceremony on the Thursday before that date; and the dedication of the Joe Dini Library at Western Nevada Community College (WNCC) which Supervisor Aldean had also attended. He thanked the community for its turnout for the CASA fund raiser. He felt that the budget sessions were positive and a reasonable effort. This afternoon's discussion will complete the budget sessions. He then reported on his participation as a judge in the High School Senior Projects program; the Arbor Day tree planting at WNCC and noted City Manager Ritter's attendance at this function; the March of Dimes "Walk America" fund raiser; the Retired Public Employees of Nevada meeting; and the Nevada Law Enforcement Officers Memorial ceremony. He announced that today is National Day of Prayer and his intent to attend the ceremony on the Capital Steps at noon. Supervisor Aldean reported on her vacation and her participation in Mental Health Steering Committee meetings; the WNCC Foundation meeting and its tour of WNCC library; the WNCC library and student center grand opening; the neighborhood cleanup of Goni Canyon; meetings with Redevelopment/Economic Development Manager Joe McCarthy on the corridor and economic issues; the Chamber of Commerce Transportation Committee meeting; TRPW Board meeting; the TRPA meeting; the Planning Commission meeting; BLM's open house on the Cinderlite expansion plan for its Goni extraction pit and urged the public to quickly submit comments on the plan; and a meeting with staff and Supervisor Staub regarding the use of RTC funds for Walmart's road improvements. Supervisor Williamson reported on meetings regarding the new proposed redevelopment area, a public meeting with the property owners on their issues, and the Planning Commission's consideration of this pilot project; the Board's budget meetings and complimented City Manager Ritter and staff on the new process; a meeting with Supervisor Livermore, City Manager Ritter, Utility Operations Manager Hoffert, and Development Services Director Burnham on the Subconservancy District and potential partnerships with it; her participation in the High School Senior Projects program; and the success of the Comstock Soccer Shootout Tournament. She announced that Planning Commissioners Wipfli and Christianson's terms will be ending soon and complimented them on their service to the community. She then announced that this is the last year she and her husband will be involved with the Comstock Soccer Shootout Tournament. She complimented the City Parks staff on its support of the event and indicated that it will continue to need City staff's support in the future. No formal action was required or taken.

B. NON-ACTION ITEM - STAFF COMMENTS AND STATUS REPORTS (1-1074) - City Manager Linda Ritter explained that Sue Buskey and her group will be working with the City and Carson Access Television Foundation to develop bylaws and procedural changes and assist with develop of ideas for future growth of its programming. No formal action was required or taken.

6. CONSENT AGENDA (1-1084)

6-1. SHERIFF - ACTION TO APPROVE THE ACCEPTANCE OF THE OFFICE OF TRAFFIC SAFETY GRANT, CARSON CITY SPEED AND SAFETY PROJECT, #24-P5-5, IN THE AMOUNT OF \$17,850

6-2. TREASURER

A. AFFIDAVIT OF DELINQUENT NOTICE MAILING FOR REAL PROPERTY TAXES

B. ACTION TO APPROVE THE PARTIAL REMOVAL AND PARTIAL

REFUND OF THE TAXES TO THE 2003-2004 REAL PROPERTY TAX ROLL ON EIGHT PARCELS DUE TO DONATION OF VETERAN'S EXEMPTION TO THE VETERAN'S HOME

6-3. DEVELOPMENT SERVICES - CONTRACTS

A. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE CARSON CITY WATER SYSTEM MASTER PLAN PROJECT, CONTRACT 2001-076, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO BROWN AND CALDWELL, 3264 GONI ROAD, SUITE 153, CARSON CITY, NV 89706 FOR AN AMENDMENT NO. 5 AMOUNT OF \$42,900 AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$7,100

B. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND AWARD THE 2004 ASPHALT MAINTENANCE PROJECT, CONTRACT NO. 2003-085, TO (BIDDER NO. 3) INTERMOUNTAIN SLURRY SEAL, INC., P.O. BOX 50085, WATSONVILLE, CA 95077-5085, FOR A CONTRACT AMOUNT OF \$177,402.60 AND A CONTINGENCY AMOUNT OF \$17,740.26

C. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION AND ACCEPT THE CONTRACT ISSUED BY DEVELOPMENT SERVICES FOR THE AIRPORT ROAD EMERGENCY SEWER REPAIR PROJECT, CONTRACT NO. 2003-094, TO INSITUFORM TECHNOLOGIES, INC., 702 SPIRIT 40 PARK DRIVE, CHESTERFIELD, MO 63005, FOR AN ORIGINAL CONTRACT AMOUNT OF \$37,031 AND TO APPROVE AMENDMENT NO. 1 FOR AN INCREASE TO THE CONTRACT OF \$80,598 AND AUTHORIZE A CONTINGENCY AMOUNT OF \$2,371

D. ACTION TO ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON FAIRVIEW DRIVE RETRACEMENT SURVEY PROJECT, CONTRACT NO. 2003-091, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO PIEDMONT SURVEYING COMPANY, P.O. BOX 1, SILVER CITY, NV 89428, FOR A CONTRACT AMOUNT OF \$53,400, AND AUTHORIZE THE CONTRACTS DIVISION TO ISSUE AMENDMENTS FOR A NOT TO EXCEED AMOUNT OF \$2,650

E. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THIS RELEASE OF FINAL PAYMENT ON ENERGY CONSERVATION RETROFIT AGREEMENT, CONTRACT 2002-001, AS SUBMITTED BY DEVELOPMENT SERVICES TO CHEVRON U.S.A., INC., 345 CALIFORNIA STREET, 32ND FLOOR, SAN FRANCISCO, CA 94104, FOR A FINAL PAYMENT AMOUNT OF \$81,667.60 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED

F. ACTION TO ACCEPT THE WORK AS COMPLETE AND APPROVE THE RELEASE OF FINAL PAYMENT ON 2003 SEWER REHABILITATION PROJECT, CONTRACT NO. 2003-012, AS SUBMITTED BY DEVELOPMENT SERVICES TO INSITUFORM TECHNOLOGIES, INC., 702 SPIRIT 40 PARK DRIVE, CHESTERFIELD, MO 63005, FOR A FINAL PAYMENT AMOUNT OF \$7,134 AND ACCEPT THE CONTRACT SUMMARY AS PRESENTED

6-4. PURCHASING AND CONTRACTS

A. ACTION TO APPROVE THE AWARD OF CONTRACT NO. 0304-91 CHEMICAL AGENT DETECTOR TO THE CENTECH GROUP INC., AS LOWEST RESPONSIVE AND RESPONSIBLE BIDDER PURSUANT TO NRS CHAPTER 332 AND PURSUANT TO THE BOARD'S FINDINGS THAT IT IS IN THE PUBLIC'S BEST INTEREST TO ACCEPT THE BID EXCEPTION TO PROVIDE TWO (2) PROENGIN INC. UC AP2C CHEMICAL DETECTOR KITS

FOR A TOTAL COST OF \$30,000

B. ACTION TO APPROVE CONTRACT NO. 0304-098 JOINDER CONTRACT WITH NEVADA BELL TELEPHONE COMPANY (DBA SBC NEVADA) TO PROVIDE TELECOMMUNICATION SERVICES THROUGH DECEMBER 31, 2004, PROVIDING THAT CARSON CITY'S APPROVED FUNDING AND PURCHASING PROCEDURES ARE FOLLOWED

C. ACTION TO APPROVE CONTRACT NO. 0304-099A, A REQUEST TO HAVE THE BOARD OF SUPERVISORS DETERMINE THAT THE LISTED CITY PROPERTY IS NO LONGER REQUIRED FOR PUBLIC USE AND DEEM ITS SALE BY PUBLIC AUCTION DESIRABLE AND IN THE BEST INTEREST OF CARSON CITY

D. ACTION TO APPROVE CONTRACT NO. 0304-099B, A REQUEST TO HAVE THE BOARD OF SUPERVISORS DETERMINE THAT THE LISTED CITY PROPERTY IS NO LONGER REQUIRED FOR PUBLIC USE AND DEEM ITS SALE BY PUBLIC AUCTION DESIRABLE AND IN THE BEST INTEREST OF CARSON CITY

E. ACTION TO AUTHORIZE THE FIRE DEPARTMENT AND SHERIFF'S OFFICE TO UTILIZE THE FALCON'S NEST PROGRAM WHICH IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO PARAGRAPH (M) OF SUBSECTION 1 OF NRS 332.115 PROVIDING THEY HAVE APPROVED FUNDING AND FOLLOW APPROVED CARSON CITY PURCHASING PROCEDURES (FILE NO. 0304-105)

F. ACTION TO ADOPT A RESOLUTION AUTHORIZING THE BOARD OF SUPERVISORS TO DETERMINE THAT THE SEVERAL BOXES OF ROBERT SHAW HVAC CONTROL EQUIPMENT WHICH HAVE BEEN REMOVED FROM THE PUBLIC SAFETY COMPLEX, COMMUNITY CENTER, AND LIBRARY HAVE REACHED THE END OF THEIR USEFUL LIVES AND ARE THEREBY DONATED TO THE CARSON CITY SCHOOL DISTRICT, A GOVERNMENTAL ENTITY (FILE NO. 0304-108)

6-5. DEVELOPMENT SERVICES - ENGINEERING

A. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A COOPERATIVE AGREEMENT PRESENTED TO CARSON CITY BY THE NEVADA DEPT. OF TRANSPORTATION FOR THE PURPOSE OF EXCHANGING A PERPETUAL EASEMENT AND RIGHT-OF-WAY ACROSS THE EAST SIDE LINEAR PARK GRANTED TO LOMPA RANCH ESTATES BY CARSON CITY AND NOW LYING WITHIN THE PROPOSED CARSON CITY FREEWAY CORRIDOR FOR AN EASEMENT AND RIGHT-OF-WAY LOCATED WESTERLY OF THE FREEWAY CORRIDOR

B. ACTION TO APPROVE: 1. AN AGREEMENT BETWEEN GEORGE SOETJE, TRUSTEE OF THE GEORGE SOETJE FAMILY TRUST DATED FEBRUARY 3, 1995, AND CARSON CITY WHEREBY GEORGE SOETJE AGREES TO GRANT A TEMPORARY CONSTRUCTION EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NO. 002-141-11, AND 2. AN AGREEMENT BETWEEN GEORGE SOETJE, TRUSTEE OF THE GEORGE SOETJE FAMILY TRUST DATED FEBRUARY 3, 1995, AND CARSON CITY WHEREBY GEORGE SOETJE AGREES TO GRANT A TEMPORARY CONSTRUCTION EASEMENT UPON, OVER, AND ACROSS CERTAIN REAL PROPERTY DESCRIBED AS ASSESSOR'S PARCEL NO. 002-141-12 FOR THE PURPOSE OF ROADWAY CONSTRUCTION RELATED TO THE WIDENING OF A PORTION OF ROOP STREET

C. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A LETTER OF AGREEMENT WITH SIERRA PACIFIC POWER COMPANY WHEREBY CARSON

CITY AGREES TO PAY FOR THE RELOCATION OF SIERRA PACIFIC POWER COMPANY'S UTILITIES FROM WILLIAM STREET TO WINNIE LANE FOR THE PURPOSE OF ROADWAY CONSTRUCTION RELATED TO THE WIDENING OF A PORTION OF ROOP STREET

D. ACTION ON GRANTEE'S AGREEMENT BETWEEN CARSON CITY AND NEVADA DEPT. OF TRANSPORTATION TO PROVIDE TWO VEHICLES FOR CARSON CITY COMMUNITY TRANSPORTATION - Discussion pointed out that Item 6-5B had been continued to a future meeting. Supervisor Staub pulled Items 6-3D, 6-5C, and 6-5D for discussion. Supervisor Livermore moved to approve the Consent Agenda with 15 items, one from the Sheriff's Office, two from the Treasurer's Office, five from Development Services - Contracts, six from Purchasing and Contracts which includes a resolution that is to be number 2004-R-10, and one from Development Services - Engineering. Supervisor Aldean seconded the motion. Motion carried 5-0.

6-3D; 6-5C; AND 6-5D. (1-1105) Supervisor Staub questioned whether CAMPO and RTC had the authority to approve the items without Board consideration. A District Attorney's opinion had purportedly been requested on this matter. Mayor Masayko disclosed that he had discussed this issue with Supervisor Staub. It was his belief that a resolution had been adopted by the Board authorizing CAMPO and RTC to have final authority over these items. He also questioned the reasons these items were agenzized for Board action without prior consideration by either CAMPO or the RTC. Written clarification of this policy should be developed and adopted by the Board. Supervisor Aldean explained that RTC had approved Item 6-3D last year. The Board is the contracting authority. The RTC is the funding authority. Chief Deputy District Attorney Mark Forsberg explained that he had been asked by Development Services Director Burnham to provide an opinion regarding the process. Several drafts have been prepared. They have, however, created additional questions which have caused a delay in responding to the request. These questions are raised as Carson City is a consolidated municipality and functions as both a city and a county. Until all of the issues have been resolved, he suggested that the Board follow the safe path and have RTC/CAMPO approve the items and then act on them. Discussion explained for the record that when the RTC composition was modified in 1999, it was envisioned that Carson City's RTC and CAMPO boundaries would be the same. RTC's composition in other areas includes several entities. Carson City, as a consolidated municipality, is the only entity represented on its RTC. The Census Bureau established the CAMPO boundary which included areas outside Carson City. CAMPO, therefore, has representatives from several other entities on its Board. It may be necessary to have two separate policies and procedures for them. Mr. Burnham explained the reasons the District Attorney was asked to give an opinion was due to the Board's resolution authorizing the RTC to allocate federal funds without Board oversight. He supported the policy to have RTC/CAMPO consider items before the Board considers them. All three of the items were ones that RTC had considered. It was felt that the record on this discussion was warranted. Supervisor Staub moved to approve Items 6-3D, 6-5C, and 6-5D on the Consent Agenda. Supervisor Livermore seconded the motion. Motion carried 5-0.

7. WESTERN NEVADA DEVELOPMENT DISTRICT (WNDD) - DISCUSSION AND PUBLIC INPUT REGARDING THE 2004-2005 WESTERN NEVADA HOME CONSORTIUM (WNHC) ANNUAL ACTION PLAN (1-1368) - WNDD Housing Specialist Diane Pettitt - Discussion indicated that public input could be provided during the meeting or in writing to WNDD before May 14. The funding resources were the best estimates possible at this time. Ms. Pettitt indicated for the record that each of the priorities has a funding commitment for the next fiscal year. She reviewed each of the programs. Comments indicated that it may be difficult to get the rental assistance and deposit funds returned. The Nevada Rural

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Housing Authority administers and monitors the rental program. The Authority provides WNDD with a report before being reimbursed for the program. Some of the housing units must include accommodations for disabled or handicapped individuals. It is not mandated that all of the units have these amenities. It was felt that Carson City is not interested at this time in the program to acquire private property and demolishing buildings in order to construct additional affordable housing units. It is possible for a private property owner to access these funds by the creation of a partnership with a municipality. Additional clarification was needed for this program to be understandable. It may be possible for Nevada Hispanic Services (NHS) to utilize this program. Ms. Pettitt was willing to consider NHS for the program. They must have a viable program in order to qualify for the funding. The program is in the initial startup phase. Until a history is created, its success is unknown. HUD allows them to take up to ten percent of the funds for program administration. Public comments were solicited. None were given. Mayor Masayko reiterated that written and verbal testimony is allowed until May 14. No formal action was required or taken.

8. DEVELOPMENT SERVICES - PLANNING AND COMMUNITY DEVELOPMENT - Director Walter Sullivan - ACTION TO ADOPT BILL NO. 105 ON SECOND READING, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM MOBILE HOME 12000 (MH12) TO MOBILE HOME 6000 (MH6) ON PROPERTY LOCATED SOUTH OF CARMINE STREET AND APPROXIMATELY 330 FEET EAST OF DORI WAY, CARSON CITY, NEVADA, APN 008-161-19 AND APN 008-161-20, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1805) - Discussion indicated that a change of land use does not require a subdivision or plot plan to be filed at this time. Supervisor Livermore and staff had met with Mrs. Baldwin regarding her concerns. The change of land use does not negatively impact her property rights and the ability for her to voice her concerns at the Planning Commission level. The Board cannot condition the change of land use. Supervisor Livermore disclosed his discussions with Ms. Baldwin's engineer and staff. The property owner will determine the use and layout. The Planning Commission will exercise its oversight at that time. Mayor Masayko indicated that he had not received any comments during the two-week period between the first and second readings. Public comments were solicited. Supervisor Aldean moved to adopt on second reading Bill No. 114, Ordinance No. 2004-7, AN ORDINANCE EFFECTING A ZONE CHANGE FROM MOBILE HOME 12000, MH12, TO MOBILE HOME 6000, MH6, ON PROPERTY LOCATED SOUTH OF CARMINE STREET AND APPROXIMATELY 330 FEET EAST OF DORI WAY, APN 008-161-19 AND 008-161-20, ZMA 04-030, AND OTHER MATTERS PROPERLY RELATED THERETO. Supervisor Williamson seconded the motion. Motion carried 5-0.

9. REDEVELOPMENT/ECONOMIC DEVELOPMENT - Manager Joe McCarthy - ACTION TO OPEN A FOUR-WEEK PUBLIC COMMENT PERIOD FROM MAY 7, 2004, TO JUNE 9, 2004, TO REVIEW THE CARSON CITY 2004 CONSOLIDATED PLAN TO IMPLEMENT DEPT. OF HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAMS ASSOCIATED WITH THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM, HOME, AND OTHER GRANT PROGRAMS (1-1908) - Mr. McCarthy reviewed the history of the program which included a listing of various items that had been funded and the application criteria and allocation process used to develop the proposed priorities. Next week the initial five-year draft of the program will be made public. Comments will be solicited on it. Its final draft will be presented to the Board for approval at the July 1 meeting. Notification requirements were limned. Consultant Rex Massey helped write the program. Mr. McCarthy asked the Board to initiate the public comment period commencing May 10 and ending on June 30. Mayor Masayko pointed out that, as the City is now an entitlement city, it will annually receive approximately

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\$536,000 under this program. It requires multi-year commitments, an annual review, and public participation. Mr. McCarthy agreed that the City has more responsibilities as an entitlement city than it did under the former program. Supervisor Williamson attested to the need for Mr. McCarthy to be more actively involved with the program. She felt that Carson City will earn its 20 percent administrative fee as there are a lot of compliance issues and deadlines. Mr. McCarthy distributed a listing of the programs recommended for funding. (A copy is in the file.) Mayor Masayko asked that the Board be given a list of the advisory committee members, how they were selected, the terms, etc. Mr. McCarthy indicated that the two grant applications that were received by the City were included in the list. Mayor Masayko felt that once public comments are solicited, the applicants should be told what is on the list and who the members of the committee are. If other applications are received, they may be added to the program. Mr. McCarthy indicated that housing needs were considered. The only application that was not originally funded was RSVP's request for free legal services. It has been added to this year's list of public service projects. Clarification indicated that the public comments were being solicited on the entire five year plan including housing needs and issues for low and moderate income levels. Mayor Masayko indicated that it is a preliminary five year plan. Public comments were solicited but none were given. Supervisor Williamson moved to open a 45-day public comment period from May 10, 2004, to June 30, 2004, to review the Carson City 2004 Consolidated Plan to implement Dept. of Housing and Urban development programs associated with the Community Development Block Grant Program, HOME and other grant programs. Supervisor Livermore seconded the motion. Motion carried 5-0. Mayor Masayko encouraged Mr. McCarthy to create media reports on the program, the advisory committee, and how to apply for positions on the advisory committee.

RECESS: A recess was declared at 10:35 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 10:46 a.m., constituting a quorum.

10. HEALTH - Director Daren Winkelman

A. DISCUSSION REGARDING THE IMPLEMENTATION PLAN, WHICH WAS DEVELOPED BY MCDONELL CONSULTING AND THE CARSON CITY HEALTH DEPT.'S DIRECTOR, TO GUIDE THE IMPLEMENTATION PROCESS OF THE BOARD OF HEALTH (1-2280) - Mr. Winkelman briefly summarized the public meetings held on the plan. Mayor Masayko indicated that the goal is to provide a higher level of and additional services for public health at a minimal cost or, idealistically, no additional cost. Contracts with the State may provide additional funding which may include Homeland funds. Supervisor Livermore explained that they had not anticipated having the City fund a substantial amount of the program as there are other agencies, organizations and nonprofit groups who may help, e.g., HealthSmart. They obtain State and Federal grants that are available for the promotion of public health. There may be funding requests in the future. The Board can decide whether or not to fund those requests the same as it does the applications for community service groups. Clarification indicated that the current funding level may continue to be provided. Mr. Winkelman indicated that the proposal is for the City to have more control over the service level and how it is provided. Discussion indicated that July 1 target date for Mr. Winkelman to take over the Public Nursing Clinic may not be realistic. The City currently provides \$116,000 to the State Health Division for the Clinic's funding. The budget/funding is still in negotiations. The State has indicated that there is funding available for the City or another entity/contractor to take over the clinic. Mr. Winkelman indicated that his Department will be responsible for overseeing the program, however, at this time they are hoping to have a contractor provide the services. Supervisor Williamson explained Mr. Winkelman's commitment that the Board of Health will not be the service provider. The

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services will be contracted to other agencies/entities. There is a need for an immunization clinic which is currently not being met by the private or nonprofit entities. When such a crisis occurs, government steps in to fill the void. She did not want to be on the receiving end of such telephone calls. The State should receive them. She asked that a proactive plan be developed to handle such crises. Mr. Winkelman indicated that the program will create coordination between providers and indicate where gaps are that need to be addressed. At this time the type and amount of services that are available are unknown. The CDBG grant application was not successful. Another application will be submitted next year. Mr. Winkelman then introduced Consultant Marsha McDonell and briefly explained her efforts to keep the process on track. The proposed plan is a "living" document and can be revised as needed in the future. Discussion indicated that the program and its implementation is on track. Mr. Winkelman indicated that there will be a public health steering committee meeting on May 25 to review and approve the program. Mayor Masayko indicated that the Board will consider the establishment of a Board of Health under the following item. It will have implementation objectives and measureables. The public may experience some trepidation about the process as is normal whenever government takes over a service. Mr. Winkelman indicated that "small steps" were being taken to overcome the concerns.

Mr. Winkelman then explained the status of the risk communication analysis plan. It had emphasized the need to keep the hospital, stakeholders, and the public/media informed. A draft of the plan will be given to the Board in the near future. Discussion indicated that the State had provided \$50,000 for the development of the Board of Health and that a grant of \$40,000 is being applied for the development of the risk communication analysis plan. A lot of assistance has been received from the Nevada Foundation for Public Health. An example of this assistance is the media campaign. Mr. Winkelman then briefly explained the network board and its role. It is developing a pamphlet describing the services that are available.

Supervisor Livermore then explained an immunization clinic that was held on a Saturday approximately two weeks ago at the Carson Mall. One hundred and nine children were vaccinated. Mr. Winkelman explained that the Public Health Board is the link to complete the loop between bioterrorism and preparedness. FEMA training was crucial in developing the City program for emergency planning and preparedness. Items which are being developed as a result of the training were limned. Supervisor Livermore explained his belief that the State does not currently recognize the City when funding is considered by Homeland Security. He felt that the Public Health Board will help the State recognize the City's role as the capitol city and the need for connectivity between the two.

Mr. Winkelman then indicated that staff has been meeting on a regular basis with the State. The State has been providing guidance on how to proceed. The State has been a stakeholder throughout the process and a key player in development of the program. He complimented them on their participation. When the budget is refined, a copy will be given to the Board. Additional comments were solicited but none were given. No formal action was required or taken on this item.

B. ACTION TO INTRODUCE ON FIRST READING AN ORDINANCE ADDING CHAPTER 9.01, CARSON CITY BOARD OF HEALTH, TO THE CARSON CITY MUNICIPAL CODE AND OTHER MATTERS PROPERLY RELATED THERETO (1-2757) - State Health Division Representative Doug Banghart - Discussion explained that the Ordinance will mirror the Statutes in some respects, however, Carson City has unique local situations which should be included in the Municipal Code but are not covered by the Statutes. When the Code references the Health Division, it is talking about the

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State agency. Supervisor Aldean suggested that the term be clarified in Section 9.01.080 which references Health Division in two places. She then questioned whether Section 9.01.060 should require the City's Health Officer to be "a Carson City physician". Mr. Winkelman indicated that the cite was taken from the Statutes and agreed to "customize" it. Supervisor Aldean suggested that Section 9.01.100(4) end with "medical attention" rather than "medical attendance". Mayor Masayko suggested that she meet with Mr. Winkelman and wordsmith the ordinance and that action be deferred on the ordinance until the next meeting. He also indicated that the Code did not have to mirror the Statute. It should be a model for the City. Mr. Winkelman indicated that the Codes he had checked had established a District Health Board rather than a Health Authority. Supervisor Staub encouraged him to look at other communities' ordinances instead of mirroring the Statutes. Discussion indicated that the fees contained in Section 9.01.100(5) are currently being assessed. The clinic fees may need to be added to the listing. Supervisor Staub suggested that the Deputy Public Health Officer's salary also be limited. Supervisor Aldean pointed out that if the Public Health Officer is not appointed by the City within a specified period, the State Health Office can appoint an individual to the position and change the salary. Therefore, she recommended 9.01.050 be amended to read: "...and fix the compensation *pursuant to 9.01.040...*" Mayor Masayko reiterated his belief that Mr. Winkelman and Supervisor Aldean should meet and wordsmith the ordinance. He also expressed his desire to include definitions in the ordinance. Discussion indicated that the State Health Division provides oversight of the program. Mr. Winkelman felt that additional control is spelled out within "subgrants" and was uncertain whether it is in addition to the Division's control. He did not believe that the State could mandate actions by the City/Board of Health which it does not fund. He also felt that the Statutes do not mandate any programs which it does not currently provide.

Mr. Banghart complimented the City for taking the step to become a Health Authority. The Division has supported Mr. Winkelman and Ms. McDonall both technically and financially. The State Health Board administers and modifies the State Advisory Code and the Nevada Administrative Codes. Local health boards and districts must comply with these Codes as well as the Statutes. Mr. Winkelman indicated that they had not referred to those Codes but had used NRS 439. Discussion indicated that these Codes may create additional unfunded mandates as indicated by the example of the inoculations required before a student is allowed to attend a school. Mr. Banghart was not aware of an occasion when funding had been withheld due to a community's failure to adhere to the Code. Supervisors Aldean and Staub suggested that the word "supervision" be replaced with "comply with", "compliance" or "adhered to". Mayor Masayko felt that it would be necessary to have the Legislature revise the Statute before the change could be made. He encouraged staff to add a definition of "supervision" to the ordinance. Mr. Banghart also indicated that to his knowledge no one had ever been sanctioned. He expressed a willingness to check the State records and report to the Board on sanctions. Mayor Masayko felt that the State will maintain oversight of the programs if it provides funding for them.

Supervisor Livermore expressed his confidence in City staff's ability to implement the plan once it is presented to the Board for adoption. He also indicated that before the State turns over the program to the City, a comprehensive plan on how, when, where, etc., must be adopted. Public comments were then solicited but none were given. Mr. Winkelman indicated his intent to have the ordinance ready for the next Board meeting. Mayor Masayko directed for the record that the ordinance be done correctly the first time. There is no anxiety regarding the date when the ordinance must be adopted. It is something that the City/Board felt needed to be done. No formal action was taken.

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11. PARKS AND RECREATION DEPARTMENT - Parks Planner Verne Krahn - ACTION TO APPROVE THE PARKS AND RECREATION COMMISSION'S RECOMMENDATION TO THE BOARD OF SUPERVISORS TO APPROVE THE MEMORANDUM OF UNDERSTANDING CONCERNING THE CAPITAL TO CAPITAL REGIONAL TRAIL (2-0007) - Placer County Dept. of Facility Services Deputy Director Albert Richey, Placer County Parks Administrator John Rameriz, Carson City Parks and Recreation Commission Chairperson Tom Keeton - Mayor Masayko indicated that he would have to leave the meeting at 11:50 a.m. Mr. Krahn introduced Mr. Richey and Mr. Rameriz. Discussion indicated that the paved section of Kings Canyon Road belongs to NDOT. The dirt road belongs to and is maintained by the Forest Service. Mr. Krahn's understanding is that the City is not responsible for its maintenance. Kings Canyon is the preferred route for the proposed trail. Discussions are occurring regarding Ash Canyon Road. The MOU considered several different routes including Kings Canyon, Clear Creek, Ash Canyon, Lakeview and Timberline. The ultimate route will be determined in the future. The trail design and terrain will determine whether motorized vehicles will be allowed on it. Carson City will be able to determine the type of usage allowed later in the process. At this time Mr. Krahn was not prepared to determine the type of usage allowed on it. The intent is to have an interconnected trail. Conflicts could be created by allowing some usage at one segment but not at another. Enforcement, liability, and maintenance concerns were voiced. Mr. Krahn acknowledged the concerns and reiterated the request for direction from the Board regarding whether the City was interested in the program and if staff should dedicate time and energy to it. He explained that the trail was developed in Sacramento, therefore, he believed that it would be possible for Carson City to do the same. Supervisor Livermore explained that the Parks and Recreation Commission had discussed the program on two separate occasions. The trails and pathways are important to the residents. There is a lot of public interest in them. The proposal is a concept. He complimented staff and the representatives on their efforts to develop the Capital to Capital trail. The details will be developed in the future. The principles will meet the residents' desire. Everyone should be able to use it. He pointed to the reaction that had occurred when BLM closed a segment of the Pinenuts. He felt certain a similar reaction would occur if the City closed the trail. The program is in its conceptual phase at this time. More details will be worked out as time goes on. The Commission had endorsed the concept. The Commission Minutes show some of the concerns and details. The trail must be identified before the uses can be established. They need to move forward with the MOU and conceptual ideas before the trail can be identified.

Mr. Richey explained the concept developed three or four years ago. A similar concept, that was called the "Dome to Dome Trail", was started in the 1960s. Meetings on this concept were briefly noted. The MOU is an attempt to formalize the concept. It develops the framework for the development of the trail. Examples of similar California programs were cited. The MOU does not dictate nor influence the use of the trails. The local residents and jurisdictions will determine the use and enforcement policies. Connectivity should occur as the trail is constructed. The Pioneer Trail and the North Fork of the American River were described to illustrate the concept. The MOU is modeled after the Tahoe Rim Trail's MOU. It has different uses. The local jurisdictions are responsible for verifying compliance with the Federal funding requirements, the environmental documents, and local Codes. MOUs and letters of support are used to persuade Congress and Washington, D.C., agencies to fund the project. Federal and local funds have been used on the trails. Discussion indicated that the Forest Service cannot be overridden by local jurisdictions although Mr. Richey indicated that he would have to check the Federal regulations on this matter. Mr. Krahn explained that the Forest Service is working with the City/his Department on Kings Canyon, Clear Creek, etc., and is a partner on the trails. They know about the Capital to Capital concept and are considered a partner. He will continue

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the discussions with them on the concept.

Mayor Masayko explained that he had an appointment and must leave. He supported the program. He passed the gavel to Mayor Pro-Tem Livermore and left the meeting at 11:53 a.m. (A quorum of the Board was still present.)

Mr. Ramirez gave a computerized slide presentation outlining the goals, objectives, accomplishments, partnerships that have been created and ones needed to complete the project, and potential funding sources. Construction should start in July on Phase 1. The trail development process was limned. Challenges were noted. The map illustrated the proposed location and alternatives if problems are encountered. The trail is approximately 200 miles long. Discussion indicated that existing trails are used whenever possible. Roadways have not been used but could be if necessary. Currently there are no restrictions on the use of motorized vehicles. No motorized vehicles are using the trail at this time. The proposal is for multiple use. Local jurisdictions will have control over the types of usage. Supervisor Staub pointed out that the MOU indicates that the uses are for hikers, bikers, and equestrian. He was concerned about the closure of areas currently open for other uses which had occurred on a portion of BLM land in the Pinenuts. A majority of the proposed Nevada thoroughfares that are conceptually part of the trail currently allow motorized use. The MOU does not include motorized uses. The Tahoe Rim Trail and the Pacific Crest Trail do not allow bikes or motorized uses. This issue must be addressed. Mr. Ramirez reiterated that at this time motorized use is not allowed on their portion of the trail. The local jurisdictions will dictate the usage. Mayor Pro-Tem Livermore pointed out that the conceptual plan follows Kings Canyon Road. Motorized vehicles are currently allowed on it. The trail may not be located on the roadway. If the trail is adjacent to it, the need to stop motorized vehicles would be eliminated. The roadway will continue the usage. This is the reason he had supported the concept. The cost, funding, and land availability will determine the ultimate route. Supervisor Aldean pointed out the need to involve TRPA in the discussions. Mr. Ramirez indicated that the concept is for the trail to be all inclusive, however, it is not at this time. Supervisor Williamson moved to approve the Parks and Recreation Commission's recommendation to the Board of Supervisors to approve the Memorandum of Understanding concerning the Capital to Capital Regional Trail. Supervisor Aldean seconded the motion. Public comments were solicited. Commission Chairperson Keeton indicated his comments were already on the record. The motion was voted and carried 4-0-1 with Mayor Masayko absent.

RECESS: A recess was declared at 12:07 a.m. The entire Board was present when Mayor Masayko reconvened the meeting at 1:35 p.m., constituting a quorum.

12. DEVELOPMENT SERVICES - ENGINEERING

A. ACTION TO APPROVE AND AUTHORIZE THE MAYOR TO SIGN A PUBLIC IMPROVEMENT CONSTRUCTION, COST SHARING AND REIMBURSEMENT AGREEMENT BY AND BETWEEN WALMART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST, ALEXANDER K. BERNHARD AND LENORE J. BERNHARD, AS TRUSTEES OF THE BERNHARD FAMILY TRUST DATED SEPTEMBER 12, 1994, R. L. SHAHEEN BUSINESS PARKS, LLC, A NEVADA LIMITED LIABILITY COMPANY, G&D STOKES COMPANY, LP, A CALIFORNIA LIMITED PARTNERSHIP, AND THE CITY OF CARSON CITY, A POLITICAL SUBDIVISION OF THE STATE OF NEVADA, FOR IMPROVEMENTS TO COLLEGE PARKWAY AT HOT SPRINGS ROAD, ROOP STREET, AND

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TABLE ROCK DRIVE (2-0610) - Deputy City Engineer John Flansberg - Street improvements and justification for doing the work were provided. The fiscal impact of the project is restricted to \$200,000. The total cost for all of the improvements is estimated to be \$1.2 million. The City is also responsible for \$135,000 for the multi-purpose trail along the freeway. Supervisor Aldean recommended that the agreement include a designated period for reimbursement. Mr. Flansberg agreed to add it. Mayor Masayko disclosed a discussion with Mr. Sheehan's company and noted his access issues. Discussion indicated that a separate agreement provides accesses for him and spells out the type of usage that will be allowed. Kent Witt, a developer for Mr. Sheehan, had allegedly made this representation to staff yesterday. The agreement was purportedly contingent upon the closing of Walmart's acquisition which occurred last Thursday. Mayor Masayko also indicated for the record that some of the streets/roads are private and others are open for public use. The ones which the public will use may be conveyed to the City in the future. An agreement regarding these roadways may be brought to the Board for acceptance in the future. Mayor Masayko felt that the use of RTC funds/gas taxes is appropriate for this project if it is truly a public conveyance. Mr. Flansberg indicated that RTC has funds for this purpose although the Commission has not yet considered the agreement. For this reason the agreement should be contingent upon RTC approval. Mayor Masayko indicated that, if necessary, a special meeting with RTC could be held. He felt that RTC should consider items before the Board acts on them. He also acknowledged the timing issues related to the project which had prevent this from occurring. Discussion also indicated that the \$135,000 for the multi-purpose path could have been from the General Fund rather than RTC funds. Supervisor Staub indicated that RTC will consider the item at its regular meeting on Wednesday. RTC should have considered it before the Board did. He also indicated for the record that RTC funding is "strapped" at this time. It is expected that the Roop Street widening project bids will be substantially over its budget and all of the discretionary funds have been allocated to it. He had held a meeting with Supervisor Aldean, Mr. Flansberg, Development Services Director Burnham, and City Manager Ritter regarding the purpose of the agreement. He believed it is an economic development incentive package. Therefore, he had asked that the RTC agenda include an agreement which will reimburse RTC for these funds from future sales taxes. Mayor Masayko indicated that the argument could go both ways. RTC funds/gas taxes are for public conveyance purposes. The Board can discuss this philosophical issue later. RTC should have discussed it first. The Board should be consistent in its approach specifically when dealing with public conveyances and economic development situations. Supervisor Staub pointed out that storm drainage is another issue which has been historically paid by RTC. Roop Street included storm drainage facilities. RTC had assumed this burden. As a storm drain utility has been established, RTC will be making requests of it in the future. This request is consistent and legitimate for RTC to make. Mayor Masayko agreed and indicated that in some cases the utility should pay for the improvements while in other areas RTC should be responsible for them. RTC will still be in the storm drainage business as it streets and highways generate storm water runoff. Supervisor Aldean pointed out that it is difficult to differentiate between street improvements and economic development. For example, additional stop lights will be needed on South Carson Street in the future. The signal could meet traffic warrants and would provide ancillary benefits to the adjacent businesses. Mayor Masayko reiterated the need to discuss this issue in a joint meeting. Discussion indicated that the item should be acted upon by the Board today due to timing concerns and understood RTC's request for reimbursement which will be submitted in the future. Action should be contingent upon RTC's approval. Discussion explained the RTC Transportation Improvement Program (TIP) funding allocations. It allows some flexibility but use of these funds will require reconsideration of its priorities. Supervisor Livermore expressed his concern that the process has an established level playing field which will allow consideration of economic development programs that enhance and benefit the entire community. Mayor Masayko pointed out that the more gas tax money generated, the more flexibility that

is possible. He indicated that additional discussion on this issue will occur in the future as it relates to "indexing" and the final payment of the \$19 million committed to the first phase of the freeway. MPO requirements mandate that the program be fiscally restrained. Discussion also indicated that the portion of Hot Springs Road that had been abandoned remains abandoned under the agreements. Public comments were solicited but none were given. Supervisor Aldean moved to approve and authorize the Mayor to sign a Public Improvement Construction, Cost Sharing and Reimbursement Agreement by and between Walmart Real Estate Business Trust, a Delaware statutory trust, Alexander K. Bernhard and Lenore J. Bernhard, as Trustees of the Bernhard Family Trust dated September 12, 1994, R. L. Sheehan Business Parks, LLC, a Nevada limited liability company, G&D Stokes Company, LP, a California limited partnership, and the City of Carson City, a political subdivision of the State of Nevada, for improvements to College Parkway at Hot Springs Road, Roop Street, and Table Rock Drive, subject to requiring that the developers reimburse the City for their portion of said improvements within 60 days of being invoiced; fiscal impact is \$200,000 from RTC Road Construction - 250-3035-431-7825 upon approval by the Regional Transportation Commission. Supervisor Livermore seconded the motion. Supervisor Livermore complimented Mr. Flansberg for handling some emails regarding the intersection, accesses, warrants, etc. The motion was voted and carried 5-0.

B. ACTION TO ACCEPT THE SHERIFF'S BUILDING FEASIBILITY SPACE NEEDS ASSESSMENT AND SITE SELECTION EVALUATION REPORTS FOR THE PROPOSED SHERIFF'S ADMINISTRATION BUILDING AND ACCEPT DEVELOPMENT SERVICES RECOMMENDATION ON THE SHERIFF'S OFFICE ADMINISTRATION BUILDING - ARCHITECTURAL SERVICES PROJECT, CONTRACT NO. 2003-029, AND AUTHORIZE DEVELOPMENT SERVICES TO ISSUE PAYMENTS TO GANTHNER MELBY LLC, 5190 NEIL ROAD, SUITE 231, RENO, NV 89502, FOR AMENDMENT NO. 1 IN THE AMOUNT OF \$135,800 WITH A CONTINGENCY OF \$14,200 TO PROVIDE SCHEMATIC DESIGN FOR THE SHERIFF'S ADMINISTRATION BUILDING (2-1140) - Sheriff Ken Furlong, Chief Deputy Bev Moltz, Dan Smith, John Ganthner. City Manager Linda Ritter, Finance Director Tom Minton - Sheriff Furlong indicated that a "briefing" memo had been given to the Board during the lunch recess. (A copy was not given to the Clerk.) Chief Deputy Moltz gave a computerized slide presentation on the current administrative structure and its uses illustrating the need for a larger facility. Mr. Smith highlighted the building's failure to meet ADA and Code requirements, the need to determine the uses and amount of space required in 20 years, and a comparison to similar public safety facilities. Discussion pointed out that the ratio of officers to the population in Carson City had never been at the level of 1.45. Reno's level is 1.1. Sheriff Furlong explained that the City's ratio is currently just under one per 1,000. The ratio included the two positions recently authorized by the Board. Sparks' ratio is 1.34. Carson City has three or four other policing agencies in the community. A historical study of the ratio had not been conducted. Sheriff Furlong indicated that he was "comfortable" with the current staffing level and did not perceive a change at this time. The 1.45 ratio would increase the staffing level to 116 officers. There are currently 63 on patrol and detectives. Mr. Smith explained the space requirements for patrol officers and indicated that they do not have an overall impact on the facility. He then indicated that a major item that provides some impact on the building size is the non-sworn officers which are basically clerical positions. It was felt that their ratio will remain fairly static. He also indicated that coroner, records, and human resources for the jail are not normally found in law enforcement facilities. Staffing in 20 years was projected to total 172 individuals. Criteria used to develop the space needs were listed. Mayor Masayko noted that the amount of space that is currently needed is 30,000 square feet. Space required in 20 years is 35,000 square feet. The current facility contains 23,000 square feet. Mr. Ganthner reviewed his history with the Sheriff's facility, described the criteria used to develop the five

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options, and the options. Discussion pointed out that Option 2 eliminates parking and is a single story structure. Option 5 is a two-story structure and has a parking garage. Supervisor Staub also requested that the record show that the Clerk-Recorder is occupying the first floor of the Courthouse. Mr. Ganther indicated that an option to use this space had not been considered using this space due to the Clerk-Recorder's need for office space somewhere. The cost for his relocation plus remodeling is more than construction of a new Sheriff's administrative facility. This area would not meet the current spacial needs for the Sheriff nor be one contiguous building and would still have to be remodeled. A new facility should not be constructed unless it meets the needs. Mr. Ganther then explained Option 5. It demolishes the current facility, construct a two-story facility, relocates/removes the current detox center, and constructs a parking facility. Sheriff Furlong indicated the cost to relocate the detox center was not included in the study. The need for the detox center to be close to the jail was noted. Ms. Ritter indicated that a preliminary search for a location has begun. Mayor Masayko pointed out that the cost estimate was incomplete. Mr. Ganther indicated that site mediation was included in the estimate. Diversion of the groundwater is part the preliminary figures. The design process will refine the estimates. Comments noted underground fuel/oil contamination was found in the vicinity and hoped that this problem had been resolved. Discussion pointed out that the cost of a new detox center increases Option 5's costs. Supervisor Williamson felt that the Board recognized the need for a new Sheriff's facility. Her frustration with the use of Reno/Washoe County numbers was indicated. She pointed out that the Sheriff uses grants, efficiency investments, and modern technology which could reduce/mitigate future staffing needs. Records management may not need as much space as projected. Waiting will make the building even more expensive. Discussion indicated that the detox center had been moved to the current site and remodeled. The timeline for the project was reviewed. The cost per square foot of Option 5 was discussed. Mr. Ganther felt that the average cost is \$160 per square foot even though it is a two-story building. Carson City projects he had done were limned. The report was compared to the last study. Mr. Smith explained his experience in developing law enforcement facilities. He also emphasized that the numbers are "planning numbers" developed by use of a standard template meeting space requirements and industry standards. Comments also pointed out that building material costs are fluctuating dramatically at this time. Additional refinement must occur before the project is put out to bid.

Mr. Minton then explained that a \$10.25 million bond for a 23-year period at five percent could be issued without increasing the ad valorem rate. The Fire Station 1 and the Park bonds will be paid off shortly. Discussion pointed out that the interest rate may increase in the coming months. Mr. Minton did not believe that the increase will create a problem for the City. He suggested that the Board commence the process to issue the bonds. The sale could be stopped if the Board elects not to proceed with the building. The charges for bond counsel will be incurred even if the bonds are not sold. He also indicated that if \$10.25 million is inadequate, the bond period could be extended to 30 years. Discussion indicated that it would be necessary to commence the process today. Mayor Masayko felt that additional time should be taken to weigh the options and gauge public sentiment. Supervisor Livermore felt that the proposal should be placed on the ballot. Supervisor Williamson felt that tours had been given of the facility by both the current and former Sheriffs. Public hearings may be needed to discuss the options. A decision on the bond should not be made today. Mr. Minton then explained the ad valorem and bond limits and that issuance of the bond may impact future bonding proposals. Mayor Masayko cautioned against issuing a blank check and allowing the builder to run with it. A comparison should be made of the options before a decision on the funding is made.

Ms. Ritter explained the need for the Board to approve the contract. It will allow the Consultant to refine the figures and develop a cost estimate for relocating the detox center. The three-month delay will also allow staff

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time to analyze the options. Mayor Masayko supported her request as he did not believe that the bond costs will be that much higher than they currently are if the Board decides to move forward with the project. Mr. Minton indicated that it may be possible to structure the bond debt without incurring an increase in the interest rate. Mr. Minton agreed that the public safety complex bond could be refinanced. Its final payment is currently scheduled for 2022. Supervisor Staub supported conducting a more thorough analysis. He also asked that the analysis include the impact on other bond projects including economic development items. Mr. Minton agreed to provide this information. Mayor Masayko felt that the \$1 million could be used for a preliminary start to the project once the final decision on bonding is made. Public comments were solicited. None were given. Mr. Ganther requested Board action to approve the contract to authorize the schematic design and select Option 5. Mayor Masayko indicated that this would cost \$150,000, which he could support. Mr. Ganther described the elements of the final design that would be provided. He also indicated that it would be possible for a contractor to look at the plans and estimate the cost. Mayor Masayko indicated that the Board should not restrict the size of the building to \$10 million when a larger building is required. If the costs do not hold throughout the process, the Board is to be advised immediately. Supervisor Livermore supported his comments. He also reiterated that he was not willing to support the project without electorate approval. Supervisor Staub hoped that the proposed building could be integrated and consistent with the current facility rather than something that is totally different. Mr. Ganther indicated that this is the intent. Mayor Masayko indicated that it should be cost effective and that the massive amount of glass contained in the current building is not put into the proposed plans. The glass looks pretty but is not functional. Supervisor Aldean agreed. She also felt that, if the Board feels it is important and necessary, it should not abrogate its rights. It is not necessary for the Board to seek approval from the electorate. Three surveys have always shown that crime is the number one concern. Although the building does not provide for additional police officers, it will improve their efficiency. The Board should, however, perform its due diligence. Public comments were again solicited but none were given. Mr. Ganther indicated that the report should be completed in 120 days. Supervisor Williamson moved to accept the Sheriff's Building Feasibility Space Needs Assessment and Site Selection Evaluation Reports for the proposed Sheriff's Administration Building and accept Development Services recommendation on the Sheriff's Office Administration Building - Architectural Services Project, Contract No. 2003-029, which states that Option 5 is the desired option, and authorize Development Services to issue payments to Ganthner Melby LLC, 5190 Neil Road, Suite 231, Reno, NV 89502, for Amendment No. 1 in the amount of \$135,800 with a contingency of \$14,200 to provide schematic design for the Sheriff's Administrative Building; and that the fiscal impact is not to exceed \$150,000. Supervisor Aldean seconded the motion. Supervisor Livermore indicated that the Board needs to define and know the costs; therefore, he supported the motion. The financing and arrangements will be handled later. The motion carried 5-0.

RECESS: A recess was declared at 3:15 p.m. The entire Board was present when Mayor Masayko reconvened the meeting at 3:26 p.m., constituting a quorum.

13. FINANCE - Director Tom Minton - ACTION TO DIRECT STAFF TO PREPARE THE FINAL BUDGET FOR CARSON CITY'S ENTERPRISE FUNDS FOR FISCAL YEAR 2004-2005 FOR FINAL CONSIDERATION AND ACTION BY THE BOARD OF SUPERVISORS ON MAY 17, 2004 (2-2789) - EMS Battalion Chief Vince Pirozzi, City Manager Linda Ritter, Fire Chief Louis Buckley, Building Official Phil Herrington, Development Services Director Andrew Burnham - Consensus indicated that the budgets for the Storm Water Drainage, the Cemetery and the Landfill Funds were satisfactory as indicated. Discussion was needed on the Ambulance Service, the Building Permit, the Sewer and Water

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Funds. Battalion Chief Pirozzi indicated that the proposed Ambulance rate increase is 7.5%. It will create an overall two percent increase after the Medicare discount is taken. The Medicare reimbursement policy and the new requirement that the ambulance service be billed at the level of care required for the patient were explained. This restriction becomes effective in 2006. Medicare will then reimburse at the base rate and mileage but not provide anything for supplies. This decision will impact all of the ambulance providers and, specifically, municipal providers as it shifts the cost from the Federal level to the local level. Congress has indicated an intent to address this policy. He hoped that the hit will not be as bad as predicted. The proposed rate increase will cover the Medicare reduction for next year. Discussion indicated that the City's Medicare service is 56% of the service provided. REMSA's service in Reno is only 20% Medicare patients. Medicare establishes the rates based on patient load demographics. It is possible to reduce the service level to ALS or basic. He was uncertain whether this move would save money. The City currently does not offer a multi-tiered service but may have to consider this option in the future. He felt certain that other ambulance services will commence providing multi-tiered service in the future. Medicare had only recently allowed the change from one level to multi-tiered. Mayor Masayko pointed out that it may come to a point of diminishing return for the City to continue to provide the service, however, no one will bid for the service without a subsidy. It is important that lobbying efforts on Medicare issues be undertaken and that the City look at multi-tiered service. He also suggested consideration be given to offering a program similar to CCCares or combining the two programs. Battalion Chief Pirozzi explained that the rates for CCCares were increased last year to \$75 for a family and \$50 for a single person. Discussion indicated that it is good insurance and a profitable program. Mayor Masayko suggested that it be used to offset the Medicare costs although he was unsure of the usage and if more marketing would expand the use. Battalion Chief Pirozzi indicated that the registration period is during May and June. They currently have 4,000 members. They do a lot of advertising on the program. Mayor Masayko urged them to do more advertising which could include advertising professionals. Ms. Ritter indicated that she understood the Board's direction. Discussion indicated that Battalion Chief Pirozzi supported leasing ambulance vehicles but had been directed to purchase them. The two ambulances that were to be replaced had 120,000 miles on them. The City policy is to cycle ambulances every six years even though the industry standard is five years. The two acquisitions will not increase the number of ambulances the City has on the streets. Ms. Ritter indicated that she would check into the program. Fire Chief Buckley explained that acquisition had penciled out when originally analyzed. He also questioned the value of keeping the ambulance a sixth year if it is in for repair the majority of the time. Mayor Masayko directed staff to look at the figures again. Supervisor Livermore explained that the Hospital and the physicians are facing the same Medicare reductions. He felt that additional Medicare reductions will be coming and that the municipalities will eventually have to decide whether to stay in this business. It is a tough decision to have to make, however, they cannot afford to continue losing money. Chief Buckley briefly explained his understanding of why the City got into the ambulance service. The community needs to determine what it wants. Supervisor Livermore explained the history of the ambulance service and indicated that if the City wants a first class service, the resources for it must be dedicated to it. Chief Buckley indicated that staff has been analyzing the options and will provide them to the Board in the future. Mayor Masayko indicated that the Board will make its decision but the cost must be known before that happens. Discussion explained the decrease in internal charges. Thirty cents of every dollar is either uncollectible or a Medicare allowance. Accounts are sent to an outside collection agency after 75 days. Mayor Masayko suggested that bad debts be separated from the Medicare allowance. Mr. Minton indicated that staff has these figures already separated, however, they have not been given to the Board in the past. Mayor Masayko reiterated his request that the figures be separated and that copies be given to the Board. Battalion Chief Pirozzi felt that the number of Medicare patients may have dropped to 50 % from 56 %. The Medicare writeoff is

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mandatory. Mr. Minton explained that the financing charge to purchase the ambulance is less than that required for a lease. He also indicated that paying cash is more fiducially prudent. Discussion indicated that, if funding is available, some of the Ambulance write-offs may qualify for payment from the indigent tax funds. The write-off should be included in the indigent funding. The public should be made aware of the tax required for this purpose. It is also possible to fund the write-off with General Fund monies, however, these funds should be tracked. Discussion also indicated that the number of transports for CCCares members is not limited. Battalion Chief Pirozzi indicated that a majority of the CCCares members are seniors/elderly persons. They are well aware of the program's benefits. He also felt that 3/4ths of the members are Medicare patients. Comments indicated that as only 10% of the residents have signed up for the service, the message is not reaching the majority of the community. Comments also pointed out that the amount collected for CCCares is small when compared to the total cost of the service. The original purpose of CCCares was to provide a service for individuals on fixed incomes. Chief Buckley explained his original request to market the program, his research on the program in other areas and their marketing programs. He had been directed to not spend any funds to market the program. Consensus indicated that the Board was satisfied with the current program and the proposed 7.5% increase in fees.

(3-0275) Mr. Herrington explained the consolidation of staff which had moved three employees to the Enterprise Fund from the General Fund. Mr. Burnham explained that the individuals' time is now being charged to the correct fund as the work they perform is part of the Building Department and paid by the Enterprise Fund. They were originally allocating the cost through a journal entry back to the General Fund. The change eliminates this step. Mayor Masayko indicated that the budget should remain as written.

Mayor Masayko thanked Ms. Ritter and staff for recognizing the sensitivity of the proposal to increase water and sewer rates when originally discussed four or five weeks ago. The program now allows a one year period to gather information and check the results before implementing a rate increase. He noted that the working capital ending fund balance is decreasing for both funds. He did not feel that the funds will be in trouble next year but the slide needs to be stopped. It will require the Board to make hard decisions in the future. He was not satisfied with the proposal to increase the water fund across the board. The model should not have a "tail block rate for summer usage". The current program equalizes the usage. High users should be hit harder. Individuals on fixed incomes and those living on small lots and in mobile homes who use less water should not be hit so hard. He did not believe that the City would be "out of the woods" if the policy continues to defer action. The rates will have to be increased sometime. If the rates are not increased incrementally, a huge increase will be required at some point in the future when a crisis occurs. He also felt that the program needed to place a higher cost on the individuals who put the largest demand on the service. Next year they should know the validity of the models, the cost impacts created on the users, and the amount of revenue that would be generated by a proposed increase. Mr. Burnham indicated that staff had analyzed the working capital balance and felt that the funds would be okay during the initial year. Therefore, they had delayed the rate increase. This also deferred some of the capital programs. These programs drive the rate increase. He urged the Board to review the figures which should be coming to them shortly. Justification for spreading the capital programs over several years was indicated. Mayor Masayko recognized the need for a significant expansion program, mitigation of the reservoir problems, as well as addressing the arsenic program and the Marlette and Hobart problems. Mr. Burnham indicated that these issues will be addressed next year. Mayor Masayko appreciated the consideration. He did not want to see the plants driven into the ground, however, they should continue to do what they could. He reiterated his proposal to shift the cost to the higher users. Supervisor Livermore pointed out that there are more small users than large users. Increasing the costs for

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the high users may not provide the revenue needed. Mayor Masayko felt that one year will provide an analysis and a better picture than the current one. Consensus indicated satisfaction with the water and sewer budgets. Public comments were solicited but none were given. Supervisor Williamson moved to direct staff to prepare the final budget for Carson City's Enterprise Funds for Fiscal Year 04-05 for final consideration and action by the Board of Supervisors on May 17, 2004. Supervisor Aldean seconded the motion. Motion carried 5-0.

There being no other matters for consideration, Supervisor Aldean moved to adjourn. Supervisor Williamson seconded the motion. Motion carried 5-0. Mayor Masayko adjourned the meeting at 4:12 p.m.

The Minutes of the Carson City Board of Supervisors May 6, 2004, meeting

ATTEST: ARE SO APPROVED ON September 16, 2004.

/s/
Alan Glover, Clerk-Recorder

/s/
Ray Masayko, Mayor