

CARSON CITY BOARD OF SUPERVISORS
Minutes of the October 18, 2001, Meeting
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A regularly scheduled meeting of the Carson City Board of Supervisors was held on Thursday, October 18, 2001, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 8:30 a.m.

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

STAFF PRESENT: John Berkich City Manager
 Alan Glover Clerk-Recorder
 Al Kramer Treasurer
 William Naylor Information Services Director
 Cheryl Adams Deputy Purchasing Director
 Neil Rombardo Deputy District Attorney
 Ray Saylo Lieutenant
 Katherine McLaughlin Recording Secretary
 (B.O.S. 10/18/01 Tape 1-0001)

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 8:33 a.m. Roll call was taken. A quorum of the Board was present although Supervisor Plank was absent. Rev. Ken Haskins of the First Christian Church gave the Invocation. Mayor Masayko lead the Pledge of Allegiance.

CITIZEN COMMENTS (1-0025) - None.

1. APPROVAL OF MINUTES - September 6 and 20, 2001 (1-0030) - Mayor Masayko noted the corrected pages 1 and 19 for the September 6th meeting which had been distributed to the Board prior to the meeting. He also corrected "TH" on Page 3 to be "THE". Supervisor Livermore moved to approve the Minutes of September 6, 2001, and September 20, 2001, with the referenced corrections. Supervisor Williamson seconded the motion. Motion carried 4-0.

2. AGENDA MODIFICATIONS (1-0058) - None.

3. SPECIAL PRESENTATION - PROCLAMATION FOR "CARSON CITY APPRECIATION DAY", OCTOBER 18, 2001 (1-0061) - Mayor Masayko introduced the item by noting Supervisor Williamson's development of the recognition program. Supervisor Williamson pointed out the Board and staff's support for the program. A luncheon will be held at noon for the volunteers who serve on the various Boards, Committees, and Commissions. Examples of their service were cited. Mayor Masayko described the full page ad which had appeared in today's Nevada Appeal listing all of the volunteers. Supervisor Williamson then read the proclamation into the record and moved to approve it. Supervisor Livermore seconded the motion. Supervisor Staub felt it was a great day for Carson City residents although several volunteers had not been included in the list. He apologized to anyone who had been missed and expressed the Board's appreciation for their service and dedication. Mayor Masayko also apologized for any oversights. He and Supervisor Williamson explained the need to set a cutoff date for service and that the listing had included those individuals who were serving in January. Transitions and changes had been made since that date. Everyone who is serving was invited to come. Mayor Masayko suggested that the timeframe be revised to include those appointments. The objective is to recognize their service, time, talents, and expertise. The motion to adopt the proclamation was voted and carried 4-0.

LIQUOR AND ENTERTAINMENT BOARD (1-0150) - Mayor Masayko recessed the Board of Supervisors session and immediately convened the Liquor and Entertainment Board. A quorum of the Board was present, including Sheriff's Representative Ray Saylo. Member Plank was absent.

4. TREASURER - Al Kramer

A. ACTION TO APPROVE A PACKAGED LIQUOR LICENSE FOR QUIK STOP MARKETS, INC., DOING BUSINESS AS QUIK STOP MARKET, LOCATED AT 3005 NORTH ROOP STREET WITH VAN TARVER AND JAMES BRADSHAW AS LIQUOR MANAGERS (1-0155) - Mr. Bradshaw explained Mr. Tarver's absence and his function in the firm. Discussion noted the new location and thanked Mr. Tarver for his investment in the community. Chairperson Masayko explained that a liquor license is a privilege in Carson City and stressed the importance of adhering to the City and State Liquor Laws. Mr. Bradshaw agreed to make sure that his employees were adequately trained in the liquor laws and to adhere to these laws himself. Member Saylo noted the favorable Sheriff's Investigative Report. He also explained that an investigation would be conducted on the liquor manager who will be operating the store when he/she is hired. This application allows construction of the building and licensing to commence. Mr. Bradshaw indicated that this is the firm's third Nevada store and that he understood the need for the Board to approve the on-site liquor manager. Discussion described the location and that the store should be open in 90 days. Member Williamson thanked him for his investment and the employment opportunities the business will provide. She cautioned him to adhere to the liquor laws. Member Williamson moved to approve a packaged liquor license for Quik Stop Markets, Inc., doing business as Quik Stop Market, located at 3005 North Roop Street, Carson City, with Van Tarver and James Bradshaw as Liquor Managers; fiscal impact is \$1,000 original new fee, \$575 investigation fee, and \$200 per quarter. Member Livermore seconded the motion. Motion carried 5-0.

B. ACTION TO APPROVE AN ON-PREMISE BEER AND WINE LICENSE FOR THOMAS AND ANGELA ODNEAL, DOING BUSINESS AS GODFATHERS PIZZA LOCATED AT 2329 NORTH CARSON STREET (1-0242) - Chairperson Masayko admonished them to refrain from serving the minors who would frequent the establishment and any intoxicated individuals. Mr. and Mrs. Odneal indicated they would adhere to the State and City Liquor Laws and provide appropriate training for their employees. Member Saylo noted the favorable Sheriff's Investigative Report. Member Livermore emphasized the importance of adhering to the liquor laws and, specifically, having individuals who are over 21 sell/manage liquor. He also described the sting operations which are conducted by the Sheriff's office. Member Livermore moved to approve an on-premise beer and wine license for Thomas and Angela Odneal, doing business as Godfathers Pizza located at 2329 North Carson Street under CCMC 4.13, fiscal impact is \$500 Original New Fee, \$575 Investigation Fee, and \$150 per quarter. Member Williamson seconded the motion. Comments noted that the previous owner was on the delinquent liquor license list. The motion to approve the liquor license was voted and carried 5-0.

C. ACTION TO REVOKE ALL DELINQUENT LIQUOR LICENSES NOT PAID BY OCTOBER 17, 2001, FOR NON-PAYMENT OF QUARTERLY FEE (1-0322) - Mr. Kramer explained that the previous applicants had been operating Godfathers under a management agreement. If their license had not been approved, the previous license would have been revoked under this process. All of the other delinquencies had been brought current. Reasons some of the licenses were on the delinquent list were limned. No action was required or taken.

BOARD OF SUPERVISORS (1-0345) - Chairperson Masayko adjourned the Liquor and Entertainment Board and immediately reconvened the Board of Supervisors session. A quorum of the Board was present although Supervisor Plank was absent.

5. CONSENT AGENDA (1-0351)

5-1. DEVELOPMENT SERVICES - ENGINEERING - ACTION TO ACCEPT AN IMPROVEMENT AGREEMENT BETWEEN CARSON CITY AND BERNHARD FAMILY TRUST REGARDING THE CONSTRUCTION OF PUBLIC IMPROVEMENTS RELATED TO PARCEL MAP - CARSON RIVER ROAD CONTRACT NO. 1567, KNOWN AS A PORTION OF ASSESSOR'S PARCEL

NO. 010-071-28

5-2. PURCHASING AND CONTRACTS

A. ACTION TO AUTHORIZE THE INFORMATION SERVICES DEPARTMENT TO UTILIZE RFP 90-00151 FOR THE PURCHASE OF COMPUTER EQUIPMENT WITH PERIPHERALS, MAINTENANCE, SUPPORT AND SOFTWARE THROUGH SEPTEMBER 2, 2002, WHICH RFP WAS APPROVED BY THE STATE OF NEVADA THROUGH THE WESTERN STATES CONTRACTING ALLIANCE AND WHICH IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO NRS 332.195

B. ACTION ON CONTRACT NO. 0102-070, A REQUEST TO ENTER INTO A PRICE AGREEMENT WITH COMARK GOVERNMENT EDUCATION SALES, INC., THROUGH OCTOBER 14, 2002, FOR THE PURCHASE OF HARDWARE AND SOFTWARE WHICH IS EXEMPT FROM COMPETITIVE BIDDING PURSUANT TO NRS 332.115 - Supervisor Livermore moved to approve the Consent Agenda with the three items as presented, one from Development Services and two from Purchasing and Contracts. Supervisors Williamson and Staub seconded the motion. Motion carried 4-0.

6. BOARD OF SUPERVISORS

A. UPDATE ON NEW LEGISLATION RELATING TO THE NEVADA OPEN MEETING LAW (1-0365) - Deputy District Attorney Neil Rombaro distributed a memo to the Board. (A copy was not given to the Clerk.) He then reviewed his opinions regarding AB 225, AB 60 and SB 329. Comments indicated that serial meetings should be avoided if at all possible. Informational meetings can be held and do not violate the Open Meeting Law as no deliberation occurs. An example of such a meeting was cited as being the informational meeting with the consultant regarding his findings on the Public Safety Master Plan. The bills exempted social functions and when receiving information from the Board's attorney(s). The Carson River Advisory Board has requested an opinion from the Attorney General's office regarding SB 329 and whether the "super majority vote" requirement is restricted to elected boards. The Planning Commission's approval of tentative maps is addressed in another bill which also requires a super majority vote. Comments also noted that there are special requirements for the eminent domain process. Questions regarding the V&T Railway Commission, the Subconservancy, and other boards whose membership is primarily comprised of elected officials were to be held until the AG's opinion is received although Mr. Rombaro felt that the requirement only applied if all of the members or a majority of the members are elected officials. Mayor Masayko disclosed his testimony at the legislative hearings on this bill and the reasons the restriction was imposed. He also felt that the courts will have to make a decision regarding periods when members must reclude themselves and a super majority is lost for this reason. This could prohibit action from being taken on such issues/items. He expressed his intent to reschedule such items/issues until a full Board is present. The Board's decision regarding the need to take legal action at the last meeting was cited as an item which could have been stalled if more than one Board member had reclused him/herself or if anyone had opposed the proposed action. Mr. Rombaro felt that the Legislature had not proposed to stymie Board actions. The intent was to be sure that the action is taken in public.

Mr. Rombaro then explained noticing requirements for eminent domain in AB 225 and the posting to the website requirements in AB 60. The website requirement is effective in 2003. Discussion noted the need to include this item in the budget process. A website is not mandated by the bill. Mayor Masayko explained that to the best of his knowledge the Board had never violated the Open Meeting Law and encouraged the Board to continue to maintain open meetings. He complimented the District Attorney's office and the elected officials on their efforts to maintain this record. He encouraged the Board to avoid "walking too close to the line and to avoid pushing the envelope". Supervisor Williamson explained the role Recording Secretaries McLaughlin and King play in attempting to keep the Committees and Commissions from violating the Open Meeting Law and complimented the District Attorney's office on their efforts to educate them. Mayor Masayko explained his personal knowledge of the Recording Secretaries' efforts. He also complimented them on their efforts. No formal action was required or taken.

B. NON-ACTION ITEMS - INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0735) - Supervisor reports included the following meetings/activities: Supervisor Staub - an informational meeting on the Public Safety Master Plan; Regional Transportation Commission; Airport Authority; a discussion with Mr. Berkich about security needs in the Sierra Room; his hunting trip; his representation of a

client at a Lyon County Commission hearing and its hearing process; and a briefing by Charlie Long on Fuji Park. Supervisor Livermore - Hospital Board of Trustees meetings; the joint Hospital Board of Trustees and Senior Center Advisory Board regarding future plans for the Senior Center site; the Tom Metcalf retirement reception which Mayor Masayko and Supervisor Williamson had also attended; Mental Health Coalition including the resignation of Coordinator Pat Hardy and the appointment of MaryEllen Waltz to that position; Subconservancy District and a vineyard tour in Churchill County. Mayor Masayko - his vacation and his appreciation for the other Board members' coverage of his duties; Carson High School Boosters Club's fundraiser for the Boys and Girls Club; Tom Metcalf's retirement reception; Firefighters Memorial Services; Salsa y Salsa Festival; One Region assignments for himself, Assessor Kit Weaver, and Deputy Finance Director Tom Minton; Carson City Advisory Board to Manage Wildlife recognition and retirement activities for Chris MacKenzie who had been promoted to the State Advisory Board to Manage Wildlife; Carson City Humane Society's art program and sign dedication; Carson City Republican Women's Club; Carson City Reflections; and the Second Annual Human Services Fair. Supervisor Williamson - her vacation; the Public Safety Master Plan briefing; Health Smart; Western Nevada Home Consortium and the status of its down payment assistance program; Redevelopment Authority Citizens Committee including the escrow closing on St. Teresa's Catholic Church; a walking tour of Clear Creek with an NDOT consultant illustrating the erosion problems along Highway 50; and the Carson City Carillon and Chimes Committee.

Supervisor Livermore disclosed that he had provided the other Board members with information about the Hospital's planning for terrorist attacks, which including responses to Anthrax, and its Code "Yellow" response program. Discussion indicated that Supervisor Livermore's appointment to the State Land Use Committee had not been consummated. Mayor Masayko disclosed his receipt of an invitation to a Regional Emergency Management Services seminar to be held on Monday. He had requested support from the City's Emergency Management staff from Mr. Berkich. His support of a regional approach to these issues was provided. He also announced that Todd Westergaard's appointment to the Truckee-Carson Water Subconservancy expires on December 31st. The notification requested submittal of two suggested appointee names to the Governor. Discussion questioned whether the vacancy should be advertised and feedback was requested by Mayor Masayko on the selection process. Supervisor Williamson announced the Ghost Walk through the historical section of the City scheduled for this weekend; the Kiwanis breakfast scheduled for Saturday; the meeting she and Douglas County Commissioner Kelly Kite were hosting on Clear creek on November 8 at 6 p.m. at the Fuji Park exhibit hall and invited the public to attend; and the volunteer recognition luncheon. She then explained the decision to donate the funds which in the past had been used to give each volunteer a plaque or souvenir to the "C" Hill flag project. Previous discussions had indicated an intent to donate the money to the New York City Red Cross, however, City ordinances restricts the donation of funds to those agencies, etc., which benefit City residents. She then explained Dan Mooney, Gil Ayarbe, and Josh Buscay's efforts to develop and install a huge flag on "C" Hill. The flag will be dedicated at 1 p.m. on Sunday, October 21. The public was invited to attend. Volunteers, including the Nevada prison crew, who had worked to install the flag were complimented and their efforts described. No action was required or taken on any of these items/issues.

C. STAFF COMMENTS AND STATUS REPORT (1-1358) - City Manager John Berkich expanded on Supervisor Livermore's comments regarding the Mental Health Coalition and the launching of its strategic planning process. He invited "everyone" to attend the conference. Its date had not yet been set.

BREAK: A recess was declared at 9:55 a.m. A quorum of the Board was present when Mayor Masayko reconvened the meeting at 10:08 p.m. although Supervisor Plank was absent as previously indicated.

7. CLERK-RECORDER - Alan Glover - PRESENTATION OF THE CARSON CITY RECORDER'S ANNUAL REPORT PURSUANT TO NRS 247.305 (1-1380) - Board comments complimented Mr. Glover on his efforts to update the equipment and processes in the Recorder's office. Mr. Glover explained that the Statutes require microfilming of all permanent records which will serve to backup the computerized documents. Technology now allows scanned documents to be converted to microfilm for pennies. This information will be stored at Lake Tahoe. Justification for using the Lake Tahoe area for storage was provided. The standard for scanning the material will be uniform throughout the City. The program is a major step forward. Discussion noted the reasons the Legislature had imposed the surcharge. These funds are to be held in a separate account and not

mixed with other General Fund monies. Mayor Masayko requested the budget process include an indication of how these funds are to be used next year. Mr. Glover indicated that the funds should assist the SPAN program as his automation funding would not be competing with other programs. The purchasing process will follow established City policies including obtaining approval from the Data Processing Committee. His older/replaced equipment will be transferred to other Departments. Mayor Masayko suggested that the Legislature be approached regarding this mandated accounting system to see if this requirement could be removed. The program will provide better access to the public records while funding it with monies from the users. Mr. Glover indicated that there is no intent to access a fee for internet access. Mayor Masayko agreed. Comments were solicited, however, none were given. No formal action was required or taken.

8. COMMUNITY DEVELOPMENT - Senior Planner Lee Plemel - ORDINANCES - SECOND READING

A. ACTION ON BILL NO. 115 - AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM GENERAL INDUSTRIAL (GI) AND SINGLE FAMILY 21,000 (SF21000) TO PUBLIC (P) ON PROPERTY LOCATED AT 741 NORTH EDMONDS DRIVE, APN 10-032-31, AND OTHER MATTERS PROPERLY RELATED (1-1589) - Supervisor Williamson moved to approve Z-01/02-15 and adopt Bill No. 115, Ordinance No. 2001-14, on second reading, AN ORDINANCE EFFECTING A CHANGE OF LAND USE FROM GENERAL INDUSTRIAL (GI) AND SINGLE FAMILY 21,000 (SF21000) TO PUBLIC (P) ON PROPERTY LOCATED AT 741 NORTH EDMONDS DRIVE, APN 10-032-31, AND OTHER MATTERS PROPERLY RELATED; no fiscal impact. Supervisor Livermore seconded the motion. Mayor Masayko noted that the site is known as the Moffat property and that it had been purchased by Open Space. The motion carried 4-0.

B. ACTION ON BILL NO. 116 - AN ORDINANCE AMENDING TITLE 17, SUBDIVISIONS, BY DELETING THE CURRENT CODIFIED ORDINANCE IN ITS ENTIRETY, RENAMING THE TITLE TO TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, ADOPTING NEW TEXT IN ITS ENTIRETY, AND OTHER MATTERS PROPERLY RELATED THERETO (1-1635) - Discussion indicated that the Board had not received any comments on the revisions and complimented Community Development on its working with the public and users. Supervisor Livermore moved that the Board of Supervisors approve A-00/01-4(a) and adopt Bill No. 116, Ordinance No. 2001-15, on second reading of AN ORDINANCE AMENDING TITLE 17, SUBDIVISIONS, BY DELETING THE CURRENT CODIFIED ORDINANCE IN ITS ENTIRETY, RENAMING THE TITLE TO TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, ADOPTING NEW TEXT IN ITS ENTIRETY, AND OTHER MATTERS PROPERLY RELATED THERETO; no fiscal impact. Supervisor Staub seconded the motion. Motion carried 4-0.

9. FINANCE - Director David Heath

A. ACTION ON CONTRACT NO. 0102-068, A REQUEST FOR PROFESSIONAL SERVICES TO BE PROVIDED BY HOBBS, ONG AND ASSOCIATES, INC., AND PUBLIC FINANCIAL MANAGEMENT FOR THE WATER AND SEWER RATE STUDY THROUGH MARCH 31, 2002, FOR A COST OF \$45,000 PLUS \$4,000 FOR EXPENSES AND AUTHORIZE PURCHASING AND CONTRACTS TO ISSUE AMENDMENTS TO THE CONTRACT UP TO \$11,000 FOR A NOT TO EXCEED TOTAL COST OF \$60,000 (1-1690) - Development Services Director Andrew Burnham, City Manager John Berkich - The last study was done in 1989. The last rate adjustment was in 1995. The consultant's background was described. If the contract is approved, a citizens advisory committee will be established with Board approval in November. Its objectives will be presented to the Board in February. The rate design will be developed in March. Public meetings will be conducted in April and May. A recommendation will be submitted to the Board in June. The new rates will be implemented in October. Objectives developed by staff were limned including those relating to buildout and the connection fees, the lack of a water capitalization charge for replacement of the plant, adequacy of the current user rates, funding for future expansion, etc.

Mayor Masayko supported having a citizens advisory committee but felt there should be a sunset date for it. He did not want to see a report requiring implementation of a significant rate increase. The rate should be phased over

time. Users placing a demand on the system should pay their fair share. Depreciation should be included in the fees. The level of peak day delivery service and the watering periods should also be considered by the committee. This may require additional funding for improvements to the delivery system and could impact the fee structure. Mr. Heath indicated that there is a healthy fund balance at this time. He questioned whether a portion of the fund balance should be used to reduce the impact of the rate study. Mayor Masayko pointed out the impact energy rates will have on the service fees. Clarification indicated that Mayor Masayko was suggesting that the committee's scope of work be broadened. Mayor Masayko also suggested that the committee's resources not be restricted.

Supervisor Livermore requested more information on the concept. The rate and watering issues are very emotional and could be divisive. Mr. Burnham indicated that staff was developing the water and sewer master plans which will be coupled to the proposed study. Committee input would be welcomed. Supervisor Livermore requested more information before contracts are issued in November and a list of the stakeholders. Mr. Burnham suggested that a presentation be made at the next meeting.

Mayor Masayko felt that the Board should approve the committee's charter before the appointments are made. The discussion should also include the goals and objectives, the costs to force behavior modifications, as well as the rates issues. Mayor Masayko reminded the Board of the watering restrictions imposed during the summer.

Supervisor Livermore recalled the heated debates conducted 10 to 12 years ago on the rates. Mr. Burnham reiterated his intent to make a presentation at the November 1 meeting. Justification for having a consultant conduct the study was discussed. A second phase was suggested by Mr. Heath which would address issues related to the cost of service relative to potential expansion of services to the Stewart facility, the Pinion Hills area, the Highway 50 corridor, for neighboring counties, and a wheeling charge associated with the use of Carson City's utility by other utilities, etc. This is the reason for the \$11,000 contingency.

Supervisor Williamson supported Supervisor Livermore's request for more information as the request was for a rate study and had not included any information on the establishment of a committee. Mr. Heath indicated that the committee will not be established until the Board is comfortable with the proposal. The Board will also approve the committee's objectives. Staff had brought the concept forward in an effort to get started. Mr. Berkich acknowledged that it is complex concept. There are a lot of issues involved. The proposal will create a model for future rate studies. The Board will appoint the members, establish the charter, and organize the process. The committee concept will be similar to that established for the Storm Water Advisory Committee.

Mayor Masayko stated for the record, although he under the need for the advisory committee and had expanded its role, he felt that the Board wanted to see the strategic plans before the implementation occurs. He objected to doing it "piecemeal". He felt that the request for a \$60,000 contract for a rate study consultant and a verbal request for a citizen's advisory committee were piecemealing the project/program. He requested a "white paper" delineating how the process would be accomplished. Mr. Berkich reiterated the intent to bring the "comprehensive game plan" to the Board on November 1. Mayor Masayko reiterated that this should have been the first picture. Supervisor Livermore explained his concerns about having staff work on a project without any reports to the Board related to it. This has not been the normal process. He supported having a "white paper" on the proposal. Staff has always furnished an abundance of information. This program should be adhered to and continued. Discussion indicated that the contract could be deferred or staff will defer the consultant until the Board is comfortable with the concept. The consultant is to be in Carson City in March. Public comments were solicited but none given. Following discussion on when the report and contract should be submitted, Supervisor Livermore moved to defer action on Agenda Item 9A, action on Contract No. 0102-068, a request for professional services and that it come back to the Board in 30 to 45 days, depending upon staff's ability to develop the information requested by the Board of Supervisors. Supervisor Williamson seconded the motion. Motion carried 4-0.

B. ACTION ON A MOTION FINDING THAT THE RESOLUTION ESTABLISHING BUSINESS LICENSE FEES DOES IMPOSE A DIRECT AND SIGNIFICANT ECONOMIC BURDEN ON A BUSINESS OR DIRECTLY RESTRICTS THE FORMATION, OPERATION OR EXPANSION OF A BUSINESS, THAT A BUSINESS IMPACT STATEMENT HAS BEEN PREPARED, ACCEPTED AND IS ON FILE WITH THE BOARD OF SUPERVISORS AND THAT THE REQUIREMENTS OF THE ACT HAVE BEEN MET BY STAFF'S ACTIONS; AND C. ACTION TO APPROVE A RESOLUTION

ESTABLISHING BUSINESS LICENSE FEES FOR THE CONSOLIDATED MUNICIPALITY OF CARSON CITY FOR CALENDAR YEAR 2002 (1-2225) - Deputy District Attorney Neil Rombardo, Chamber of Commerce Chief Executive Officer Larry Osborne, Don Langson, Steve Reynolds, Builders Association of Western Nevada Executive Officer Rick Demar - Discussion noted the requirement to show that there is a impact to businesses. The impact is 3.7 percent, which is the CPI. Supervisor Williamson moved to find that the increase in the business license fees of 3.7 percent does have a direct impact on businesses. Supervisor Livermore seconded the motion. Motion carried 4-0.

Mr. Heath explained the requirement to bring the fee increase to the Board annually. The statutory formula used to develop the increase was limned. The Code requires the City to use either that formula or the CPI, whichever is lesser of the two. The increase will generate \$27,700. The fee increase must be established before November 1. Reasons for the deadline were noted. Mr. Heath felt that the Statutes provide the ceiling for the increase whereas the Municipal Code requires the City to use either the CPI or the formula found in the Statutes. Clarification indicated the CPI timeframe is the calendar year 1999. The categories and classifications had been evaluated several years ago and were developed in an effort to be fair and consistent while addressing the demand for services generated by each operation. The Code indicates that the Board "shall" increase the fees, therefore, the Board may not have a choice. If the resolution is not adopted, it cannot be added to the next fee increase. Discussion indicated that the economy may not be able to afford the increase due to the economic impact of the September 11th terrorist acts. The City's service level is based upon the revenue stream. Mayor Masayko noted the media reports indicating that other areas are beginning to tighten their spending practices and encouraged City staff to begin this process in Carson City. He also suggested that, based upon the current economic situation, it may be prudent to forego the increase. The Board had foregone an ad valorem increase in June to illustrate the Board's sensitivity to the economic situation and the impact created by fee increases. He also pointed out the costs created by calling out the Hazmat team which is the result of more recent acts of terrorism. Government must provide for the health, safety and welfare of the public. This includes Hazmat services. Clarification by Mr. Rombardo pointed out the need to act on the proposal on or before November 1. The next Board meeting is November 1, therefore, the matter could be deferred if the Board desired. Mayor Masayko disclosed his discussion with Mr. Heath regarding the need to discuss the matter in public. A decision should be made today.

Mr. Osborne explained the Chamber's representation of local businesses. He acknowledged that the Chamber should have worked with Mr. Heath and that Mr. Heath's job requires him to make such proposals. State law allows the fee increase. He questioned the need for such an increase during the current economic times. Although the increase is small, when all of the categories are added, it can have an impact on a firm. He agreed that governmental agencies had incurred a lot of additional expenses as a result of the acts of terrorism. The Hazmat responses impact both the City's budget and businesses, shopping malls, etc. A City report had indicated unanticipated revenues totalling \$1.5 million had been received by the end of the last fiscal year and that staff had saved an estimated \$550,000. He commended the City on its resourceful efforts. In view of the current economic times, he asked the Board reject the proposed increase. He also pointed out that the City is encountering more competition from businesses located just south of the City limits. That County purportedly does not have a business license fee in effect at this time. Defeating the proposal will serve as a "business appreciation day" the same as the luncheon scheduled today for the volunteers does.

Mr. Langson also felt that the economic times did not warrant a fee increase. Small businesses "take up the slack" when large businesses cut costs and reduce the number of their employees. The fee increase will discourage small businesses. He suggested the business license fees be deferred/eliminated for all new businesses just starting in Carson City. At the very least a fifty percent discount should be offered to encourage them to open their businesses. This would be similar to the automobile dealers' offers of zero percent interest on their loans. Mayor Masayko indicated that this option may be considered discrimination against the established businesses.

Mr. Reynolds agreed that the overall impact on each business is not a lot, however, the message that would be sent to established businesses could be considered onerous. The changing economic times indicate that the fee should not be imposed at this time. He suggested that business license increases be considered every three to five years rather than annually. He also suggested that a rebate to all businesses of five to ten percent on all business license fees be considered. This will send a message that the City cares about businesses and is interested in the small

businesses located in the community. Mayor Masayko pointed out that a certain amount of City services are provided to businesses. The fee helps pay for those services.

Mr. Demar supported Mr. Osborne's comments. He also pointed to the City's good business management practices that had been indicated by the savings discussed previously. His experience in government tells him that it is not always necessary to increase fees as indicated in the Statutes. He urged the Board to continue its good business and fiduciary management practices.

Mayor Masayko pointed out that, although the City had received unanticipated revenue, it would not be spent without careful thought. The City is dependent upon business conditions for its revenue. The City is willing to be prudent and wait for the economic conditions to materialize. Sixty percent of the City's entire income is from sales taxes. The need for services, as indicated by his examples, emphasized the need to maintain the current

service levels and operate like a business. He did not feel that there were too many businesses who pay \$1,000 for the annual business license. The fee increase is at the same levy as that for doing business in previous years. The record should indicate that if the fees are not increased to keep pace with the cost of living index, the business license fees are less of a burden than in previous years. This will create a de facto reduction in business license fees.

Supervisor Staub explained his feeling that the entities who generate the service needs should pay for the services provided; however, his own experience indicated that when economic times warrant, he does not increase his lease fees. This allows the bigger picture to continue, i.e., the business continues to operate. He also analyzes the business' ability to pay the increase and his need for that increase. Raising fees because an ambiguous and arbitrary Statutes allows it may not be an adequate reason for governmental bodies to justify the increase. The necessity for government to continue to operate should be the justification for a fee increase. He could not support a fee increase based on a Statute allowing it to be increased.

Supervisor Livermore pointed out the impact "Lake Livermore" at Lompa and Highway 50 has on his business and the shopping center's waiver of rents during such periods. September 11th is, in his view, a disaster. Businesses are struggling to meet their obligations. The higher utility rates had helped the City obtain its "windfall". These franchise fees had been paid by businesses and residents. This is an opportunity to indicate such an increase is not appropriate. Next year it can be reconsidered if the economy has rebounded.

Discussion noted that the fee consideration is conducted annually in accordance with the Municipal Code as an attempt to keep the revenue stream even with inflation. Mayor Masayko felt that it had not been done consistently throughout the years. Mr. Osborne felt that it had been considered annually but the increase not always adopted. Mayor Masayko suggested that the Code be modified to allow discretion in implementing the increase. He recommended the term be "up to". He also suggested consideration be given to granting six months relief from the increase and then imposing half of the CIP/formula for the remaining six months. The City costs increase the same as businesses'.

Supervisor Staub stated that the motion should be to deny Resolution 2001-R-55, A RESOLUTION ESTABLISHING BUSINESS LICENSE FEES FOR THE CONSOLIDATED MUNICIPALITY OF CARSON CITY FOR THE CALENDAR YEAR 2002. Supervisor Livermore seconded the motion. Discussion ensued concerning whether to move to adopt and vote against the motion or to proceed with Supervisor Staub's motion. The motion to deny approving Resolution 2001-R-55 was voted and carried 4-0.

10. PARKS AND RECREATION - Director Steve Kastens

A. PRESENTATION AND ACCEPTANCE OF THE 2001 AMERICAN PLANNING ASSOCIATION, NEVADA CHAPTER, DE BOERS AWARD FOR OUTSTANDING CULTURAL/ENVIRONMENTAL PLAN CONDUCTED AS PART OF THE QUALITY OF LIFE INITIATIVE FOR CARSON CITY (1-3080) - Mr. Kastens displayed the plaque and described the purpose of the award. Carson City had received the only award given to Northern Nevada. Certificates of appreciation

illustrating the Moffat property were distributed to the Board and will be given to the other individuals listed in the Board packet who had been instrumental in creating the plan. Mayor Masayko acknowledged the difficulty in obtaining the award and expressed the community's pride in being a recipient. Supervisor Williamson pointed out that a record had been developed on how the initiative had been created, the development of an action plan, implementation of the open space plan, and the acquisitions which have been made. Mr. Kastens explained that this information is contained in a binder at Mr. Guzman's office. Additional examples of the information contained in it were limned. No formal action was required or taken.

B. ACTION TO ALLOCATE THE 2000-01 RESIDENTIAL CONSTRUCTION TAX FUNDS AS RECOMMENDED BY THE PARKS AND RECREATION COMMISSION AS FOLLOWS: AQUATIC FACILITY (PACE CLOCKS) - \$2,400; VARIOUS PARK SITES (PORTABLE PICNIC TABLES) - \$11,500; COMMUNITY CENTER (WIRELESS MICROPHONES) - \$6,452; COMMUNITY CENTER (PROJECTION SCREEN) - \$3,089; COMMUNITY CENTER (PORTABLE SOUND SYSTEM) - \$3,103; PONY EXPRESS MODEL AIR PARK (RUNWAY EXTENSION) - \$9,000; MILLS PARK - EAST END (VOLLEYBALL COURTS) - \$14,202; AQUATIC FACILITY (TREADMILL FOR WEIGHT ROOM) - \$5,995; AND RONALD D. WILSON PARK - \$20,947 - FOR A TOTAL AMOUNT OF \$76,506 (1-3256) - Mr. Kastens complimented the organizations who had participated in the process on their willingness to compromise due to lack of funds and the inability to fund all of the applications. Mayor Masayko explained the concerns about the lack of activity at the Ron Wilson Park. The \$75,000 in funds from this year and last will provide for the establishment of a park. Mr. Kastens limned a recreational conference that he, Parks Superintendent Scott Fahrenbruch, and Parks Planner Verne Krahn had attended and the discovery of some new style playground equipment. This equipment may make the park a unique area. The park will be constructed over time under a phased master plan. The estimated cost for the park remains at \$443,000. Discussion noted that a majority of the parks have been constructed under a phased program and applauded Mr. Kastens on his ability to make something out of nothing. All of the improvements are to be completed within one year. Supervisor Livermore moved to allocate the 2000-2001 Residential Construction Tax funds as recommended by the Parks and Recreation Commission as follows: Aquatic Facility Pace Clocks - \$2,400; Various Park Sites Portable Picnic Tables - \$11,500; Community Center Wireless Microphones - \$6,452; Community Center Projection Screen - \$3,089; Community Center Portable Sound System - \$3,103; Pony Express Model Air Park Runway Extension - \$9,000; Mills Park - East End Volleyball Courts - \$14,202; Aquatic Facility Treadmill for the Weight Room - \$5,995; and the Ron D. Wilson Park for \$20,947; for a total amount of \$76,506; and the funding source is the Residential Construction Tax account. Supervisor Williamson seconded the motion. Motion carried 4-0.

11. DISTRICT ATTORNEY - Deputy District Attorney Neil Rombardo - ACTION ON APPROVAL OF TWO USER AGREEMENTS FOR THE NEVADA CRIMINAL JUSTICE INFORMATION SYSTEM AND THE STATE'S LAW ENFORCEMENT MESSAGE SWITCH (HEREINAFTER REFERRED TO AS "NCJIS") BETWEEN CARSON CITY DISTRICT ATTORNEY, THE CARSON CITY SHERIFF'S DEPARTMENT, AND THE STATE OF NEVADA DEPARTMENT OF PUBLIC SAFETY NEVADA HIGHWAY PATROL RECORDS AND IDENTIFICATION SERVICES FOR COMPUTERIZED INFORMATION AND ELECTRONIC MESSAGE SWITCHING TO ALL LOCAL, STATE AND FEDERAL CRIMINAL JUSTICE AND PUBLIC SAFETY AGENCIES (1-3475) - Supervisor Williamson moved to approve the two user agreements for the Nevada Criminal Justice Information system and the State's Law Enforcement Message Switch, hereinafter referred to as "NCJIS", between Carson City District Attorney, the Carson City Sheriff's Department, and the State of Nevada Department of Public Safety Nevada Highway Patrol Records and Identification Services for computerized information and electronic message switching to all local, state, and federal criminal justice and public safety agencies; there is no fiscal impact. Supervisor Livermore seconded the motion. Motion carried 4-0. (Supervisor Livermore stepped from the room--11:42 a.m. A quorum was still present.)

13. BOARD OF SUPERVISORS - CONTINUATION OF NON-ACTION ITEMS - STAFF REPORTS (1-3559) - Mr. Berkich briefed the Board on the mail handling procedures and safety program implemented as a result of the Anthrax terrorism acts. (Supervisor Livermore returned during his comments--11:45 a.m. A quorum of the Board was present although Supervisor Plank was absent as previously indicated.) Telephone calls were to go to the Environmental Health Department at 745-8539 and not to 911's Emergency Dispatch. The number will

be staffed 24 hours a day, seven days a week. The State Emergency Management Office had been inundated with telephone questions since the Reno Anthrax scare. Mr. Berkich then explained that the Emergency Management Team is meeting bi-weekly and is now developing a program for a safe Halloween. Staff will be on duty Halloween evening to respond to parents questions or help check candy. Press releases on these activities will be given to the media. No formal action was required or taken.

12. CITY MANAGER - John Berkich - STATUS REPORT ON THE FAIRGROUNDS DEVELOPMENT CONCEPT (2-0084) - Consultant Charlie Long, Mike Hoffman, Development Services Director Andrew Burnham, Tina "Dini" French, John Nowlin - Mr. Berkich reviewed the Board's direction at the last meeting and described the team effort which had been going on since that date. Informational packets were distributed to the Board, Clerk, and audience. Mr. Long indicated he was working as an economic development consultant for the City and summarized the report. Action items are to be submitted in November. A conceptual site plan was distributed to the Board and Clerk. Mr. Long felt that these improvements would cost the City approximately \$2 million. A budget and scope involved with this project will be presented to the Board at a future meeting. The concept included the private property located on the corner of Clear Creek and Highway 395. Development costs for the creekbed will reduce the net proceeds from the sale. Significant grading requirements were also noted and will further reduce the net proceeds. A gap in funding will be created between the net proceeds and the funds needed for relocation. The economic value must be recognized in determining whether to proceed with the sale. The economic value is projected at \$1.2 million a year which could be used to provide vital public services. Extraordinary development costs were noted that will impact the net proceeds. This gap is estimated as being between \$200,000 and \$1.2 million. The generated additional tax will more than offset this gap. Market conditions have changed due to the current economic conditions. This will allow additional time for analyzing and addressing the site issues. Marketing alternatives were then limned. Mr. Long strongly recommended using the Redevelopment process as it will allow additional control over the type of development which will occur. A public auction could also be used if the Board desired.

Mr. Berkich corrected Page 4 of the report to show financing for the remaining costs to be \$1.2 million instead of the \$1.7 million shown. Mr. Long indicated that corrected copies will be distributed later. Mr. Berkich then explained that the document entitled Carson City Fairgrounds Development Guidelines had been created by Consultant David Gates. Mr. Gates had attempted to establish criteria for an upscale shopping center at the site. This "planning document" will be submitted to the development community as the project moves forward. Page 11 of the report was a conceptual design for the site. It was followed by a development plan for both the Park and the fairgrounds site. This was followed by an opinion of probable construction costs for the Fuji Park development and the estimated fairground relocation costs at six different sites which are being studied. The last document in the packet was a staff briefing memo to the Parks and Recreation Commission on those six sites and the Commission's ranking of those sites.

Mayor Masayko noted for the record that he had just received the informational packet for Agenda Item 12. He had not had an opportunity to read it. He had seen drafts of it. He expressed an intent to bring forward later in the meeting items which he felt had been agreed to during the August 2nd meeting regarding the information that was to be presented at this time.

Mr. Long explained that the recommendation to place the site in the Redevelopment District had been generated at a staff meeting with the Economic Development Team. The composition of the Economic Development Team was limned. Staff and Mr. Long had been actively pursuing an alternative which would have taken the site to public auction which the Economic Development Team had rigorously opposed.

(2-0407) Mr. Long indicated for Mr. Hoffman that the parking lot design had addressed the flood plain by channeling it. There will be some flooding of the site during the 100 year event. Buildings adjacent to the creek will not be flooded. The figures in the packet do not include income generated by the Bodine site. The issues related to it will have to be addressed at some future time. The figures do, however, include the sales tax generation associated with the square footage for the Bodine site. Mayor Masayko clarified that that sales tax figures include Bodine's but the property taxes do not include Bodine's. Mr. Long clarified that the restaurant area of the property owned by Bodine's was not included in the figures. The other portion(s) of the parcel(s), however,

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were included in the valuation. The real estate values do not include the Bodine property. Mr. Burnham also clarified that the plan is only a concept and may not be what is ultimately constructed on the site. Mayor Masayko reiterated that the Board had just received this conceptual plan. A site plan has not been approved. Mr. Burnham explained that the conceptual site plan had been developed in order to provide needed assumptions.

Mr. Hoffman urged the Board to remember the flood plain and the steep slope on the south side of the parcel.

Mayor Masayko explained to Ms. French that the Open Space Advisory Committee (OSAC) may not have a role in the process. Mr. Berkich indicated that the plan had not been submitted to OSAC as it is only a concept that was developed as directed by the Board on August 2nd. Mayor Masayko felt that the decision regarding Open Space may or may not be made at a future date. The property has not yet been divided.

Mr. Nowlin requested that all future meetings on Fuji Park be conducted in the evening so that more of the public could attend. Mayor Masayko explained that, as this is only a status report, he had agendized it as listed. Mr. Nowlin complimented Mr. Long and staff on the comprehensive plan which had been developed on rather short notice, however, the cost for the 2.5 acre parcel owned by the Forest Service had not been included in the estimates. Mr. Berkich indicated that staff is pursuing acquiring this parcel and that its current value is unknown. Mr. Nowlin reminded the Board that the use of the Redevelopment process would reduce the property taxes and asked that this impact also be included in the analysis. Mayor Masayko acknowledged that this is good advice.

Mayor Masayko then expressed his feeling that two parallel tasks had been directed at the August 2nd meeting. The location of a suitable site for the fairgrounds appears to be behind this process. Each of the suggested sites have problems/drawbacks. A final decision on the location has yet to be made. He had committed to the community that the development of the current fairgrounds was not to proceed without that decision. The new location needs to be "firmed up" in the next two weeks. He recommended that a committed site ranking be at the top of the list and that the additional logistical and legal work begun.

Mr. Berkich indicated that this work is underway on the priority as established by the Parks and Recreation Commission. This information will be submitted to the Board in November. Mayor Masayko indicated that that date is November 1. Mr. Berkich agreed. Mayor Masayko was willing to consider a two week extension, if necessary, to that date. Reasons for establishing this deadline were noted. He also indicated that the City was not to continue "wrangling" with the State. A decision must be made. A deadline must be established and the effort turned to the second priority. He then questioned who had placed the requirement on the concept that the channel be kept open. This requirement could be detrimental to the site development. He also pointed out that the Creek becomes a pipe under 395. Therefore, it is possible to pipe it. This may have some legal or design requirements. Assurances that the regulatory agencies were aware of the desire to pipe it was requested. Mr. Berkich indicated that this issue had been raised with those agencies. The direction to date has been that this is the preferred alternative. Staff is waiting for a definite response. Mayor Masayko understood and pointed out that this would change some of the logistics and economics factors and issues. In difference to Mr. Long's report, he wished to have it known that he did not feel that the only funding available for replacement of the fairgrounds had to come from the sale of the property. The Board had previously indicated a willingness to consider those other alternatives. He did not wish for the funding to be so hamstrung that it forced decisions to be made that were not in the best interest of the long-term future development of a replacement site. He emphasized that the cash flow should not hamstring the type of development, the type of sales process, or the replacement of the fairgrounds because it is stuck to the one property. He was certain that there are alternatives and urged staff to include them. He then indicated that the funding should also include the upgrades for Fuji Park. He urged Mr. Berkich to have flexibility in the funding. Mr. Berkich agreed. Mayor Masayko then expressed his expectations that something will be provided for the November 1 meeting. Mr. Berkich indicated that the entire park issue will be considered on November 1. The project, itself, will be considered on November 15th. Mayor Masayko agreed. This will create a bifurcated process which appears to be parallel. He urged staff to stop spinning its wheels if additional time is needed. It is important that the decision on the fairgrounds relocation be addressed. Discussion reiterated that the fairgrounds issue will be considered on November 1 and the development issue on November 15. A commitment had been made that a decision would be made in the near future and not 120 days later. Supervisor Williamson asked to be excused due to the volunteer recognition luncheon if a decision is not going to be made. Mayor Masayko apologized for delaying the luncheon. No formal action was required or taken.

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Supervisor Williamson moved to adjourn. Mayor Masayko seconded the motion. Motion carried unanimously. Mayor Masayko adjourned the meeting at 12:20 p.m.

The Minutes of the October 18, 2001, Carson City Board of Supervisors meeting

2001. ARE SO APPROVED ON ____December_6____,

_____/s/_____

Ray Masayko, Mayor

ATTEST:

_____/s/_____
Alan Glover, Clerk-Recorder